



HOUSE BILL No. 4456

February 22, 1995, Introduced by Reps. Brackenridge, McBryde, Owen, Kaza, Law and Cropsey and referred to the Committee on Commerce.

A bill to amend sections 1804, 1809, and 1812 of Act No. 299 of the Public Acts of 1980, entitled as amended "Occupational code," being sections 339.1804, 339.1809, and 339.1812 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1804, 1809, and 1812 of Act No. 299 of
2 the Public Acts of 1980, being sections 339.1804, 339.1809, and
3 339.1812 of the Michigan Compiled Laws, are amended to read as
4 follows:

5 Sec. 1804. (1) An individual whose name appears in connec-
6 tion with that of a funeral establishment ~~shall be~~ IS consid-
7 ered as actively engaged in the practice of funeral directing or
8 the practice of mortuary science and ~~shall be~~ IS the holder of
9 a license for the practice of mortuary science. ~~If a funeral~~

~~1 establishment is a corporation or partnership, each active member
2 of the corporation or partnership, together with each individual
3 whose name appears or is used in connection with the name of the
4 corporation or partnership, shall be the holder of a license for
5 the practice of mortuary science.~~

6 (2) This article shall not prevent a funeral establishment
7 from using or continuing to use an otherwise lawful corporate or
8 partnership name after the death or retirement of a member if
9 each active member or employee is properly licensed under this
10 article.

11 Sec. 1809. (1) A funeral establishment shall be operated by
12 a person who is the holder of a license for the practice of mor-
13 tuary science. The FUNERAL establishment shall have conspicu-
14 ously displayed at its entrance the name of the person OR PERSONS
15 licensed to conduct the establishment. The name of the person OR
16 PERSONS owning the funeral establishment shall be registered with
17 the department. Failure to make full and complete disclosure of
18 the owners shall be grounds for the revocation of the FUNERAL
19 establishment license. EACH OWNER, OFFICER, OR PARTNER SHALL BE
20 OF GOOD MORAL CHARACTER. THIS REQUIREMENT APPLIES TO EACH OWNER;
21 EACH OFFICER AND EACH SHAREHOLDER WHO OWNS 10% OR MORE OF THE
22 STOCK IN THE CASE OF A CORPORATION; AND EACH PARTNER IN THE CASE
23 OF A PARTNERSHIP. THE DEPARTMENT SHALL DENY THE APPLICATION FOR
24 OR RENEWAL OF A LICENSE FOR A FUNERAL ESTABLISHMENT UNLESS THE
25 OPERATOR OF THE FUNERAL ESTABLISHMENT IS A HOLDER OF A LICENSE
26 FOR THE PRACTICE OF MORTUARY SCIENCE.

1 (2) A person whose license has been revoked under this
2 article; THE CEMETERY REGULATION ACT, ACT NO. 251 OF THE PUBLIC
3 ACTS OF 1968, BEING SECTIONS 456.521 TO 456.543 OF THE MICHIGAN
4 COMPILED LAWS; OR THE PREPAID FUNERAL CONTRACT FUNDING ACT, ACT
5 NO. 255 OF THE PUBLIC ACTS OF 1986, BEING SECTIONS 328.211 TO
6 328.235 OF THE MICHIGAN COMPILED LAWS, shall not operate either
7 directly or indirectly or hold an interest in a funeral
8 establishment. This subsection ~~shall~~ DOES not prohibit a
9 person whose license has been revoked from leasing property owned
10 by the person for use as a funeral establishment if the person
11 does not participate in the control or profit of the funeral
12 establishment ~~otherwise~~ OTHER than as a lessor of the premises
13 for a fixed rental not dependent upon earnings.

14 (3) A branch establishment shall be operated by a person who
15 is the holder of a license for the practice of mortuary science.

16 (4) The department and the board may inspect the premises in
17 which funeral directing is conducted, ~~or~~ where embalming is
18 practiced, or where an applicant proposes to practice.

19 (5) A funeral establishment shall contain a preparation room
20 equipped with tile, cement, or composition floor and necessary
21 drainage and ventilation, and contain each necessary instrument
22 or supply for the preparation and embalming of a dead human body
23 for burial, transportation, or other disposition.

24 (6) A branch establishment shall comply with each require-
25 ment or rule relating to a funeral establishment.

26 Sec. 1812. ~~(++)~~ An individual, partnership, association,
27 municipal corporation, body politic, or corporation ~~which~~ THAT

1 owns or ~~conducts~~ OPERATES, either directly or indirectly, a
2 cemetery or burial ground in this state ~~shall not~~ MAY
3 ESTABLISH, own, manage, supervise, operate, or maintain, either
4 directly or indirectly, a funeral establishment, or MAY permit an
5 officer, agent, or employee to own, ESTABLISH, MANAGE, SUPERVISE,
6 OPERATE, or maintain a funeral establishment. ~~This subsection~~
7 ~~shall not apply to an elected official of a city, village, town-~~
8 ~~ship, or county who serves as an ex officio member of a local~~
9 ~~cemetery board as a result of holding that office.~~

10 ~~(2) An individual, partnership, association, municipal cor-~~
11 ~~poration, body politic, or corporation which owns or conducts a~~
12 ~~cemetery in this state shall not allow a funeral establishment to~~
13 ~~be owned or conducted on property owned or leased by the cemetery~~
14 ~~and used for cemetery purposes or designated as a cemetery.~~

15 ~~(3) This section shall not prohibit the owner of a private~~
16 ~~burial ground used for the interment of the owner's family or the~~
17 ~~owner's descendants to own or maintain a funeral establishment~~
18 ~~under this article.~~

19 Section 2. This amendatory act shall take effect January 1,
20 1996.