

**SUBSTITUTE FOR
HOUSE BILL NO. 4437**

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 1801, 1804, 1805, 1806, 1807, 1809, 1809a, and
1810 (MCL 339.1801, 339.1804, 339.1805, 339.1806, 339.1807,
339.1809, 339.1809a, and 339.1810), sections 1801 and 1810 as
amended by 2006 PA 300, section 1806 as amended by 2013 PA 80, and
section 1809a as added by 2009 PA 149, and by adding section 1806b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1801. As used in this article:
2 **(a) "Business entity" means a person described in section**
3 **105(5) (b) or (c), except a sole proprietorship or general**
4 **partnership.**
5 **(b) ~~(a)~~"Funeral establishment" means a place of business used**



1 in the care and preparation for burial or transportation of a dead
 2 human body or a place where ~~a person~~ **an individual** represents that
 3 ~~the person~~ **he or she** is engaged in the profession of undertaking or
 4 the practice of mortuary science.

5 (c) ~~(b)~~—"Holder of a license for the practice of mortuary
 6 science" means ~~a person~~ **an individual** who satisfactorily completes
 7 a course in mortuary science, ~~who~~ passes an examination prescribed
 8 in this article, serves the required resident training, and is
 9 issued a license for the practice of mortuary science.

10 (d) ~~(e)~~—"Practice of embalming" means the disinfecting or
 11 preserving of a dead human body, entirely or in part, by the use of
 12 a chemical substance, fluid, or gas in the body or by the
 13 introduction of ~~the~~ **a** chemical substance, fluid, or gas into the
 14 body by a vascular or hypodermic injection, or by direct
 15 application into an organ or cavity.

16 (e) ~~(d)~~—"Practice of funeral directing" means engaging in or
 17 representing oneself as engaging in the supervising of the burial
 18 and disposal of a dead human body, ~~+~~ maintaining a funeral
 19 establishment for the preparation, disposition, and care of a dead
 20 human body, ~~+~~ or using, in connection with the user's name or
 21 funeral establishment, the word "funeral director", "funeral
 22 service professional", "undertaker", or "mortician", or any other
 23 title embodying the words "mortuary science" or otherwise implying
 24 that ~~one~~ **the user** is engaged as a funeral director.

25 (f) ~~(e)~~—"Practice of mortuary science" means the practice of
 26 embalming or the practice of funeral directing, or both.

27 (g) ~~(f)~~—"Resident trainee" means ~~a person~~ **an individual** who is
 28 engaged in learning the practice of embalming or funeral directing
 29 or the practice of mortuary science under the instruction and



1 personal supervision of a holder of a license for the practice of
2 mortuary science in this state.

3 Sec. 1804. (1) An individual whose name appears in ~~connection~~
4 ~~with that~~ **the name** of a funeral establishment shall ~~be~~ **is**
5 considered ~~as~~ **to be** actively engaged in the practice of funeral
6 directing or the practice of mortuary science and ~~shall~~ **must** be ~~the~~
7 **a** holder of a license for the practice of mortuary science. ~~If a~~
8 ~~funeral establishment is a corporation or partnership, each active~~
9 ~~member of the corporation or partnership, together with each~~
10 ~~individual whose name appears or is used in connection with the~~
11 ~~name of the corporation or partnership, shall be the holder of a~~
12 ~~license for the practice of mortuary science.~~

13 ~~(2) This article shall not prevent a funeral establishment~~
14 ~~from using or continuing to use an otherwise lawful corporate or~~
15 ~~partnership name after the death or retirement of a member if each~~
16 ~~active member or employee is properly licensed under this article.~~

17 **(2) A lawfully formed business entity that is licensed as a**
18 **funeral establishment under section 1806(3) may use or continue to**
19 **use the name of the licensed establishment after the death or**
20 **retirement of a member, officer, or director if the death or**
21 **retirement is reported to the department not more than 30 days**
22 **after the death or retirement and if the name of the licensed**
23 **establishment was used prior to the death or retirement of the**
24 **member, officer, or director.**

25 Sec. 1805. ~~A person~~ **An individual** licensed **to engage in the**
26 **practice of mortuary science** under this article may disinfect or
27 preserve a dead human body, entirely or in part, by the use of a
28 chemical substance, fluid, or gas in the body ~~of~~ **or** by the
29 introduction of a chemical, substance, fluid, or gas into the body



1 by a vascular or hypodermic injection, or by direct application
 2 into an organ or cavity in preparation for burial or disposal. The
 3 ~~person~~**individual** may direct the burial or disposal of a dead human
 4 body and may maintain a funeral establishment for the preparation
 5 and disposition, or for the care of a dead human body and may, in
 6 connection with the ~~person's~~**individual's** name or the name of the
 7 funeral establishment use the words "funeral director",
 8 "undertaker", "mortician", "mortuary science", or a word of similar
 9 meaning as approved by the department.

10 Sec. 1806. (1) The department shall issue a license to engage
 11 in the practice of mortuary science to an individual who meets all
 12 of the following:

13 (a) Subject to subsection (2), served as a resident trainee
 14 for 1 year under the personal supervision and instruction of the
 15 holder of a license for the practice of mortuary science.

16 (b) Graduated from a 3-year course in mortuary science ~~in an~~
 17 ~~accredited~~**at a school, college, or university that is accredited**
 18 **by an accrediting agency recognized by the United States Secretary**
 19 **of Education as a specialized accrediting agency in funeral service**
 20 **or mortuary science.**

21 (c) ~~Subject to subsection (2), satisfactorily~~**Satisfactorily**
 22 ~~passes an examination~~**all of the required parts of an examination**
 23 **administered and developed by a national or international**
 24 **association of funeral service licensing boards and approved by the**
 25 **department and the board.**

26 (d) **Satisfactorily passes a Michigan examination developed and**
 27 **administered by or under the authority of the department.**

28 (e) ~~(d)~~ Is of good moral character.

29 (2) ~~An applicant may take the examination described in~~



1 ~~subsection (1) (c) in 2 parts, 1 part after the completion of the~~
 2 ~~prescribed education and 1 part after the completion of the~~
 3 ~~prescribed education and the service of resident training.~~ The
 4 department may waive a portion of the requirement under subsection
 5 (1) (a) of 1 year of resident training if the applicant has a
 6 baccalaureate degree from an accredited school, college, or
 7 university, and the department determines that the degree is a
 8 satisfactory substitute for the resident training.

9 (3) A person may only engage in the practice of mortuary
 10 science at a fixed location. A person shall not open or maintain a
 11 place for practice, or hold itself out as engaging in the practice
 12 of mortuary science, without an establishment license issued by the
 13 department. An establishment license under this subsection is
 14 issued for a specific location only. The holder of a license for
 15 the practice of mortuary science may conduct a funeral in another
 16 licensed funeral establishment ~~;~~ at a church, home, public hall,
 17 lodge room, or other fixed place ~~;~~ or at another establishment that
 18 is owned by the person and that meets the requirements of section
 19 1809.

20 (4) The department shall not issue or renew an establishment
 21 license under subsection (3) unless the applicant certifies that ~~±~~
 22 **either** of the following is met at the time of application:

23 (a) The applicant, or a person that has a controlling interest
 24 in, or that is under common ownership with, the applicant, is
 25 registered with the department under section 6 of the prepaid
 26 funeral and cemetery sales act, 1986 PA 255, MCL 328.216.

27 (b) The applicant has a contract with a registrant under which
 28 the registrant sells, provides, or agrees to sell or provide
 29 merchandise, funeral services, or cemetery services under a prepaid



1 contract on behalf of the funeral establishment. As used in this
2 subdivision and subsection ~~(5)~~, **(6)**, "cemetery services", "funeral
3 services", "merchandise", "prepaid contract", "provider", and
4 "registrant" mean those terms as defined in the prepaid funeral and
5 cemetery sales act, 1986 PA 255, MCL 328.211 to 328.235.

6 **(5) An applicant for an establishment license issued under**
7 **subsection (3) shall disclose the ownership interests in the**
8 **funeral establishment as follows:**

9 (a) If the owner is a trust, the applicant shall disclose the
10 names and addresses of the beneficiaries.

11 (b) If the owner is a privately held corporation, the
12 applicant shall disclose the names and addresses of all
13 shareholders, officers, and directors.

14 (c) If the owner is a publicly held corporation, the applicant
15 shall disclose the names and addresses of the officers and
16 directors and all shareholders holding a direct or indirect
17 interest of greater than 5%.

18 (d) If the owner is a partnership or limited liability
19 partnership, the applicant shall disclose the names and addresses
20 of all partners.

21 (e) If the owner is a limited partnership or limited liability
22 limited partnership, the applicant shall disclose the names and
23 addresses of all partners, both general and limited.

24 (f) If the owner is a limited liability company, the applicant
25 shall disclose the names and addresses of all members and managers.

26 **(6)** ~~(5)~~—If an establishment license is canceled under
27 subsection ~~(7)~~—**(8)** because of a change of ownership of the funeral
28 establishment, the department shall not grant a new license for
29 that establishment unless the applicant assumes the obligations of



1 any unperformed prepaid contracts in which the former establishment
 2 was designated as the provider under section 11(1) of the prepaid
 3 funeral and cemetery sales act, 1986 PA 255, MCL 328.221, or
 4 certifies that the unperformed prepaid contracts have been assigned
 5 to another funeral establishment or to a person that has a contract
 6 with a funeral establishment that has agreed to act as the
 7 provider.

8 (7) ~~(6)~~—The department may inspect a funeral establishment or
 9 a branch of a funeral establishment, and the funeral establishment
 10 or branch must meet the requirements of section 1809 and any other
 11 standards and requirements established by rule of the department
 12 under this act. The department may revoke a license for a failure
 13 to meet any of ~~these~~ **the standards and requirements described in**
 14 **this subsection** under the procedure set forth in this article.

15 (8) ~~(7)~~—A change in ~~the~~ ownership or **change in location of the**
 16 **a funeral establishment, or a change in business entity or change**
 17 **in ownership of a business entity that owns a funeral**
 18 **establishment**, automatically cancels its license. A licensee shall
 19 ~~immediately~~ report a change in ownership or location to the
 20 department **not more than 30 days after the change. As used in this**
 21 **subsection, "change in ownership" means a change of the owners of a**
 22 **majority of shares of stock, a change of a majority of a business**
 23 **entity's members, officers, or directors, or a change in a sole**
 24 **proprietorship's or general partnership's owners.**

25 (9) ~~(8)~~ ~~The~~ **Subject to subsection (10), the** department shall
 26 issue a mortuary science license to an individual who holds a ~~valid~~
 27 ~~license in another state that has substantially equal requirements~~
 28 ~~to the requirements under this article~~ **or previously held a valid**
 29 **mortuary science license, or dual licenses as a funeral director**



1 **and embalmer, in another state** if he or she meets all of the
2 following:

3 (a) Applies for a license to practice in this state.

4 (b) **Held the license or licenses in the other state for a**
5 **period of not less than 5 years.**

6 (c) **Completed a mortuary science program that is accredited by**
7 **an agency recognized by the United States Secretary of Education as**
8 **a specialized accrediting agency in funeral service or mortuary**
9 **science.**

10 (d) **Satisfactorily passed all of the required parts of an**
11 **examination administered and developed by a national or**
12 **international association of funeral service licensing boards and**
13 **approved by the department and the board.**

14 (e) ~~(b)~~ Files with the department a certified statement from
15 the examining board of the state in which the applicant holds a
16 license that shows the basis on which the license was granted, and
17 whether that board has suspended, revoked, or limited that license.

18 (f) ~~(e)~~ Passes an examination approved by the department and
19 the board that tests the individual's knowledge of law relating to
20 the practice of mortuary science in ~~Michigan~~ **this state.**

21 (10) **The department may refuse to issue a mortuary science**
22 **license to an individual described in subsection (9) based on**
23 **evidence that his or her license in the other state was suspended,**
24 **revoked, or limited at any time.**

25 **Sec. 1806b. (1) Beginning the first complete license cycle**
26 **after October 31, 2025, the holder of a license for the practice of**
27 **mortuary science shall successfully complete not less than 4 hours**
28 **of eligible continuing education courses in each year of a license**
29 **cycle.**



1 (2) All of the following apply to the continuing education
2 requirement described in subsection (1):

3 (a) The requirement does not apply to an individual who is the
4 holder of a license for the practice of mortuary science and has
5 continuously held a valid license for the practice of mortuary
6 science for not less than 40 consecutive years. This subdivision
7 does not apply to an individual who is designated as the licensed
8 manager of a funeral establishment.

9 (b) Not less than 2 of the 4 hours of the courses required in
10 each year of a license cycle shall involve 1 or more of the
11 following subjects:

12 (i) Technical skills required for embalming and restorative
13 art.

14 (ii) Funeral ethics and funeral service best practices.

15 (iii) Grief counseling.

16 (iv) Occupational health and safety for funeral home workers.

17 (v) Communicable diseases including transmission and
18 sterilization techniques.

19 (vi) Statutes and rules of this state relating to the practice
20 of funeral directing.

21 (vii) Prepaid funeral sales.

22 (viii) Consumer protection, Federal Trade Commission funeral
23 rules, and fair labor standards requirements.

24 (c) The department shall determine whether a continuing
25 education course is an eligible continuing education course.

26 (d) If an individual receives his or her initial license to
27 engage in the practice of mortuary science after the beginning of
28 the current license cycle for that license, the department may
29 prorate the number of hours of continuing education the licensee is



1 required to complete under subsection (1) for the year of the
2 license cycle in which the license is issued.

3 (e) Compliance with the continuing education requirement
4 described in this section is a condition to further renewal of a
5 license for the practice of mortuary science.

6 Sec. 1807. (1) The holder of a license for the practice of
7 mortuary science shall supervise and be responsible for the
8 transportation and storage of a dead human body. The holder of a
9 license for the practice of mortuary science may designate an
10 employee or other person to transport or store a dead human body.

11 (2) ~~(1)~~ The holder of a license for the practice of mortuary
12 science shall register with the office of the registrar of each
13 city or village in which the ~~owner~~**holder** intends to practice. A
14 transportation permit shall not be issued by the local registrar to
15 a person who has not filed a registration card. A local registrar
16 may grant a transportation permit to the holder of a license for
17 the practice of mortuary science coming from beyond the
18 jurisdiction of the registrar, upon the exhibition of a copy of the
19 **holder's** license to the registrar.

20 (3) ~~(2)~~ A railway agent, express agent, baggage master, or
21 conductor shall not receive ~~the dead body of a person~~**a dead human**
22 **body** for shipment or transportation by railway or other public
23 conveyance, to or from a point in this state or to a point outside
24 of this state, unless the body is accompanied by a removal or
25 shipping permit.

26 (4) ~~(3)~~ This article shall not prevent the shipment of a dead
27 human body intended for use for an anatomical purpose within this
28 state if that body is designated by the shipper as intended for use
29 for an anatomical purpose. **This section does not apply to any of the**



1 following:

2 (a) The transportation or storage of a dead human body that is
3 the subject of an anatomical gift under part 101 of the public
4 health code, 1978 PA 368, MCL 333.10101 to 333.10123.

5 (b) The transportation of a dead human body by a county
6 medical examiner.

7 (c) The removal of a dead human body from the place of death
8 by police, fire, or other emergency personnel.

9 Sec. 1809. (1) A funeral establishment shall be operated by a
10 person who is the holder of a license for the practice of mortuary
11 science. The establishment shall have conspicuously displayed at
12 its entrance the name of the person licensed to conduct the
13 establishment. ~~The name of the person owning the funeral~~
14 ~~establishment shall be registered with the department. Failure to~~
15 ~~make full and complete disclosure of the owners shall be grounds~~
16 ~~for the revocation of the establishment license.~~

17 (2) ~~A person~~ **An individual** whose license has been revoked
18 under this article shall not ~~operate~~ **own or manage**, either directly
19 or indirectly, or hold an interest in a funeral establishment. This
20 subsection shall not prohibit a person whose license has been
21 revoked from leasing property owned by the person for use as a
22 funeral establishment if the person does not participate in the
23 control or profit of the funeral establishment ~~otherwise~~ **other** than
24 as a lessor of the premises for a fixed rental not dependent upon
25 earnings.

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

28 (4) The department and the board may inspect ~~the premises in~~
29 ~~which~~ **any location where** funeral directing is conducted, ~~or~~ where



1 embalming is practiced, or where an applicant proposes to practice.

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

7 (6) A branch establishment ~~shall comply with each requirement~~
8 ~~or rule~~ **is subject to all of the requirements or rules** relating to
9 a funeral establishment.

10 Sec. 1809a. (1) ~~A person~~ **An individual who is** licensed in the
11 practice of mortuary science is immune from civil liability for the
12 proper disposition of unclaimed cremated remains if ~~the proper~~ **the**
13 **funeral establishment maintains and safeguards the unclaimed**
14 **cremated remains until proper disposition of the remains and any of**
15 **the following are met:**

16 (a) ~~The disposition was of the unclaimed cremated remains is~~
17 made 6 months or longer after the date of cremation and, **if notice**
18 **is required under subsection (2)**, at least 30 days after the date
19 the notice ~~required under this subsection~~ is sent.

20 (b) **The disposition is authorized by a special fiduciary or**
21 **special personal representative under section 3206(8) of the**
22 **estates and protected individuals code, 1998 PA 386, MCL 700.3206.**

23 (c) **The disposition is authorized by a medical examiner under**
24 **section 3206(9) (a) of the estates and protected individuals code,**
25 **1998 PA 386, MCL 700.3206.**

26 (2) ~~A~~ **Except as provided in subsection (3), a funeral director**
27 claiming immunity under ~~this section~~ **subsection (1)** shall make
28 reasonable efforts to provide written notice of intent to make
29 proper disposition of the unclaimed cremated remains to the ~~persons~~



1 ~~having~~ **individuals who have** the right to make decisions relating to
 2 the disposition of a decedent's body under section 3206 of the
 3 estates and protected individuals code, 1998 PA 386, MCL 700.3206.
 4 Reasonable efforts include, but are not limited to, mailing the
 5 notice to the last known ~~address of that person.~~ **addresses of those**
 6 **individuals.**

7 (3) **Written notice under subsection (2) is not required for**
 8 **any of the following:**

9 (a) **A proper disposition of unclaimed cremated remains by**
 10 **transfer of the remains to any relative of the decedent that is**
 11 **made more than 1 year after the date of cremation.**

12 (b) **Any proper disposition of unclaimed cremated remains that**
 13 **is made more than 2 years after the date of cremation.**

14 (4) If unclaimed cremated remains are removed from or
 15 transferred to a cemetery, the mortuary science licensee shall
 16 present a written statement to the cemetery certifying compliance
 17 with the requirements ~~imposed in this subsection~~ **of subsection (1),**
 18 **and subsection (2) if applicable,** at the time the unclaimed
 19 cremated remains are removed or presented for proper disposition.

20 (5) ~~(2) In the case of~~ **If** unclaimed cremated remains **are**
 21 determined to belong to a veteran, a cemetery ~~relying upon that~~
 22 **relies on** a written statement presented by ~~a person~~ **an individual**
 23 **who is** licensed in the practice of mortuary science under
 24 subsection ~~(1)~~ **(4)** is immune from civil liability against a claim
 25 for damages by the ~~persons having~~ **individuals who have** the right to
 26 make decisions related to the disposition of a decedent's body
 27 under section 3206 of the estates and protected individuals code,
 28 1998 PA 386, MCL 700.3206, for having interred, entombed, or
 29 inurned cremated remains without their authorization.



1 (6) ~~(3)~~—This section does not supersede the provisions of
 2 section 3206 of the estates and protected individuals code, 1998 PA
 3 386, MCL 700.3206, involving the priority of ~~persons having~~
 4 **individuals who have** the right to make decisions relating to the
 5 disposition of a decedent's body under that section except that if
 6 those ~~persons having~~**individuals who have** the right to make
 7 decisions related to the disposition of a decedent's body claim the
 8 cremated remains after proper disposition under subsection ~~(1)~~,
 9 **(4)**, then any costs associated with disinterring or removing the
 10 cremated remains from the place of interment, entombment, or
 11 inurnment, and other costs associated with their further placement
 12 shall be borne by those persons, **are the responsibility of those**
 13 **individuals**, unless otherwise agreed.

14 (7) ~~(4)~~—As used in this section:

15 (a) **"Armed forces" means that term as defined in section 103**
 16 **of the skilled trades regulation act, 2016 PA 407, MCL 339.5103.**

17 (b) ~~(a)~~—"Proper disposition" means ~~interment~~, **either of the**
 18 **following:**

19 (i) **Interment**, entombment, or inurnment of unclaimed cremated
 20 remains in a cemetery in this state. In the case of the unclaimed
 21 cremated remains of a veteran of the ~~United States~~ armed forces,
 22 proper disposition includes the interment, entombment, or inurnment
 23 in a cemetery designated solely for veterans by the United States
 24 ~~department of veterans affairs~~ **Department of Veterans Affairs** or by
 25 the ~~Michigan~~ department of **military and** veterans affairs.

26 (ii) **A transfer of unclaimed cremated remains to any relative**
 27 **of the decedent that occurs more than 6 months after the date of**
 28 **cremation.**

29 (c) ~~(b)~~—"Unclaimed cremated remains" means the cremated



1 remains of a dead human body that has not been picked up **by** or
2 delivered to ~~a person having~~ **an individual who has** the right to
3 make decisions relating to the disposition of a decedent's body
4 under section 3206 of the estates and protected individuals code,
5 1998 PA 386, MCL 700.3206.

6 Sec. 1810. (1) A person shall be subject to the penalties of
7 article 6 if the person commits 1 of the following:

8 (a) Solicitation of a dead human body by a licensed person or
9 an agent, assistant, representative, employee, or person acting on
10 behalf and with the knowledge and consent, express or implied, of
11 the licensed person, whether the solicitation occurs after death or
12 while death is impending, ~~+~~ or the procuring or allowing directly
13 or indirectly of a person to call upon an institution or individual
14 by whose influence a dead human body may be turned over to the
15 licensed person or funeral establishment.

16 (b) Procuring a person known as capper, steerer, or solicitor
17 to obtain funeral directing or embalming, ~~+~~ or allowing or
18 permitting a capper, steerer, or solicitor to obtain funeral
19 directing or embalming for a licensed person or funeral
20 establishment.

21 (c) The direct or indirect payment or offer of payment of a
22 commission by a licensed person or an agent, representative,
23 assistant, or employee of the licensed person for the purpose of
24 securing business.

25 (d) Aiding or abetting an unlicensed person to engage in the
26 practice of funeral directing or embalming.

27 (e) Using profane, indecent, or obscene language in the
28 presence of a dead human body, or within the immediate hearing of
29 the family or relatives of a deceased, whose body has not yet been



1 interred or otherwise disposed of.

2 (f) Solicitation or acceptance by a licensed person of a
3 commission or bonus or rebate in consideration of recommending or
4 causing a dead human body to be disposed of in a crematory,
5 mausoleum, or cemetery.

6 (g) Using a casket or part of a casket ~~which~~**that** has been
7 previously used as a receptacle for, or in connection with, the
8 burial or other disposition of a dead human body. **This subdivision**
9 **does not apply to a casket or part of a casket that was designed**
10 **and manufactured for more than 1 use.**

11 (h) A violation of ~~a state law or any of the following:~~

12 (i) Section 2652, 2653, 2659, 2663, 2836, 2842, 2843, 2848,
13 2850, 2851, 2853, or 2854 of the public health code, 1978 PA 368,
14 MCL 333.2652, 333.2653, 333.2659, 333.2663, 333.2836, 333.2842,
15 333.2843, 333.2848, 333.2850, 333.2851, 333.2853, and 333.2854, or
16 the rules promulgated under those sections.

17 (ii) Sections 3206 to 3209 of the estates and protected
18 individuals code, 1998 PA 386, MCL 700.3206 to 700.3209.

19 (iii) A municipal or county ordinance or regulation affecting
20 the handling, custody, care, or transportation of a dead human
21 body.

22 (i) Refusing to promptly surrender the custody of a dead human
23 body, upon the express order of the person lawfully entitled to the
24 custody.

25 (j) Failure to secure a permit for removal or burial of a dead
26 human body before interment or disposal.

27 (k) Obtaining possession **of** or embalming a dead human body
28 without first being expressly directed or authorized to do so by a
29 relative of the ~~deceased person~~**decedent** or a person entitled to



1 custody. **This subdivision does not apply to the embalming of a dead**
2 **human body if in accordance with sections 3206 to 3209 of the**
3 **estates and protected individuals code, 1998 PA 386, MCL 700.3206**
4 **to 700.3209, reasonable efforts to obtain the authorization**
5 **described in this subdivision have been made but were not**
6 **successful and more than 48 hours have elapsed since the decedent's**
7 **death.**

8 (l) Knowingly making a false statement on a certificate of
9 death.

10 (m) Removing or embalming a dead human body if there is
11 information indicating **the commission of a crime or an act of**
12 **violence in connection with the cause of death, unless permission**
13 **of the county medical examiner has first been obtained.**

14 (n) If a public officer or employee, an official of a public
15 institution, convalescent home, private nursing home, maternity
16 home, public or private hospital, physician or surgeon, or any
17 other person having a professional relationship with a decedent, or
18 a county medical examiner or other public official having temporary
19 custody of the decedent, sending or causing to be sent to a person
20 or establishment licensed under this article the remains of a
21 deceased person without having first made inquiry as to the desires
22 of the person with authority over the disposal of the remains of
23 the decedent under section 3206 of the estates and protected
24 individuals code, 1998 PA 386, MCL 700.3206, and of the person ~~who~~
25 **that** may be chargeable with the funeral expenses of the decedent.
26 If a person with authority over the disposal of the remains of the
27 decedent under section 3206 of the estates and protected
28 individuals code, 1998 PA 386, MCL 700.3206, is found, the person's
29 authority and directions shall govern the disposal of the remains



1 of the decedent.

2 (o) If a licensee, receiving remains in violation of the
3 requirements of subdivision (n) and making a charge for a service
4 in connection with the remains before the delivery of the remains
5 as stipulated by the person with authority over the disposal of the
6 remains of the decedent under section 3206 of the estates and
7 protected individuals code, 1998 PA 386, MCL 700.3206. This
8 subdivision shall not prevent a person or establishment licensed
9 under this article from charging and being reimbursed for services
10 rendered in connection with the removal of the remains of a
11 deceased person in case of accidental or violent death, and
12 rendering necessary services required until the person with
13 authority over the disposal of the remains of the decedent under
14 section 3206 of the estates and protected individuals code, 1998 PA
15 386, MCL 700.3206, or the person ~~who~~**that** is chargeable with the
16 funeral expenses is notified.

17 (p) If a funeral establishment or a licensee, entering upon an
18 agreement, directly or indirectly, in which the practice of
19 embalming or funeral directing is to be rendered in consideration
20 for the funeral establishment, licensed person, or an agent,
21 assistant, or representative of the establishment or licensed
22 person, being designated as beneficiary in an insurance policy or
23 certificate. This subdivision does not govern or limit the
24 authority of a personal representative, trustee, or other person
25 ~~who~~**that** has a fiduciary relationship with the deceased.

26 (q) Failure to comply with part 138 of the public health code,
27 1978 PA 368, MCL 333.13801 to ~~333.13831~~**333.13832**.

28 **(r) Failure to comply with the prepaid funeral and cemetery**
29 **sales act, 1986 PA 255, MCL 328.211 to 238.235.**



1 (2) The department, in consultation with the director of
2 public health, shall promulgate rules to prescribe training
3 standards for licensees and nonlicensees ~~who~~**that** handle medical
4 waste in a funeral establishment.

5 (3) A licensee ~~who~~**that** owns or operates a funeral
6 establishment shall train ~~his or her~~**its** employees ~~pursuant to~~**in**
7 **accordance with** the rules promulgated under subsection (2).

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.

