

Act No. 138
Public Acts of 2020
Approved by the Governor
July 8, 2020
Filed with the Secretary of State
July 8, 2020
EFFECTIVE DATE: October 6, 2020

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Senator Outman

ENROLLED SENATE BILL No. 696

AN ACT to amend 1980 PA 299, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 1801 and 1809 (MCL 339.1801 and 339.1809), section 1801 as amended by 2006 PA 300.

The People of the State of Michigan enact:

Sec. 1801. As used in this article:

(a) “Funeral establishment” means a place of business used in the care and preparation for burial or transportation of a dead human body or a place where an individual represents that he or she is engaged in the profession of undertaking or the practice of mortuary science.

(b) “Holder of a license for the practice of mortuary science” means an individual who satisfactorily completes a course in mortuary science, passes an examination required under this article, serves the required resident training, and is issued a license for the practice of mortuary science.

(c) “Practice of embalming” means the disinfecting or preserving of a dead human body, entirely or in part, by the use of a chemical substance, fluid, or gas in the body or by the introduction of the chemical substance, fluid, or gas into the body by a vascular or hypodermic injection, or by direct application into an organ or cavity.

(d) “Practice of funeral directing” means engaging in or representing oneself as engaging in the supervising of the burial and disposal of a dead human body, managing a funeral establishment for the preparation, disposition, and care of a dead human body, or using, in connection with the user’s name or funeral establishment, the word “funeral director”, “funeral service professional”, “undertaker”, or “mortician”, or any other title embodying the words “mortuary science” or otherwise implying that the individual is engaged as a funeral director.

(e) “Practice of mortuary science” means the practice of embalming or the practice of funeral directing, or both.

(f) “Resident trainee” means an individual who is engaged in learning the practice of embalming or funeral directing or the practice of mortuary science under the instruction and personal supervision of a holder of a license for the practice of mortuary science in this state.

Sec. 1809. (1) All of the following apply to the ownership and management of a funeral establishment:

(a) A funeral establishment shall be managed by an individual who is the holder of a license for the practice of mortuary science. The manager shall ensure that the funeral establishment complies with all applicable laws.

(b) A funeral establishment shall notify the department in writing of the name of the individual appointed as the manager of the funeral establishment and conspicuously display the name of the manager at the entrance of the funeral establishment.

(c) A manager of a funeral establishment shall not reside more than 75 miles from that funeral establishment.

(d) Except as provided in subsection (2), an individual shall not manage more than 1 funeral establishment.

(e) If a new manager is appointed for a funeral establishment, the funeral establishment shall notify the department in writing of the name of the new manager not more than 30 days after the date of his or her appointment.

(2) The director shall receive and approve or deny requests for waivers to allow an individual to act as the manager of 2 funeral establishments under this subsection. All of the following apply to a request for a waiver under this subsection:

(a) The prospective manager shall request the waiver. The request must include the following:

(i) The prospective manager’s name and mortuary science license number.

(ii) The name and license number of each funeral establishment affected.

(iii) Documentation supporting the existence of the factors listed in subdivision (b).

(b) The director shall not grant a waiver under this subsection unless all of the following factors are met:

(i) The funeral establishments are located in the same county or contiguous counties.

(ii) The population density of the county in which each of the funeral establishments is located is less than the population density for this state, based on data from the most recent decennial census.

(iii) The funeral establishments are located within 90 miles of each other.

(c) If the waiver is denied, the director shall send a written notice of the denial and the reasons for denial to the individual who requested the waiver. The individual may appeal the denial to the board in the manner provided for in section 515.

(3) An individual whose license is revoked under this article shall not manage, either directly or indirectly, or hold an interest in, a funeral establishment. This subsection does not prohibit an individual whose license is revoked from leasing property owned by the individual for use as a funeral establishment if the individual does not participate in the control or profit of the funeral establishment, other than as a lessor of the premises for a fixed rental that is not dependent on earnings.

(4) A branch establishment shall be managed by an individual who is the holder of a license for the practice of mortuary science. The manager shall ensure that the branch establishment complies with all applicable laws.

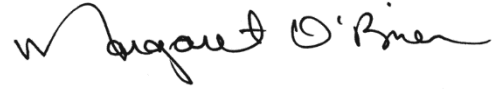
(5) The department and the board may inspect the premises in which funeral directing is conducted, embalming is practiced, or an applicant intends to practice.

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

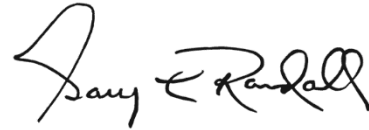
(7) A branch establishment shall comply with each requirement or rule relating to a funeral establishment.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor