

OCCUPATIONAL CODE (EXCERPT)
Act 299 of 1980

***** 339.1809a.added THIS ADDED SECTION IS EFFECTIVE JULY 1, 2010 *****

339.1809a.added Disposition of unclaimed cremated remains; immunity from liability; definitions.

Sec. 1809a. (1) A person licensed in the practice of mortuary science is immune from civil liability for the proper disposition of unclaimed cremated remains if the proper disposition was made 6 months or longer after the date of cremation and at least 30 days after the date the notice required under this subsection is sent. A funeral director claiming immunity under this section shall make reasonable efforts to provide written notice of intent to make proper disposition of the unclaimed cremated remains to the persons having the right to make decisions relating to the disposition of a decedent's body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206. Reasonable efforts include, but are not limited to, mailing the notice to the last known address of that person. If unclaimed cremated remains are removed from or transferred to a cemetery, the mortuary science licensee shall present a written statement to the cemetery certifying compliance with the requirements imposed in this subsection at the time the unclaimed cremated remains are removed or presented for proper disposition.

(2) In the case of unclaimed cremated remains determined to belong to a veteran, a cemetery relying upon a written statement presented by a person licensed in the practice of mortuary science under subsection (1) is immune from civil liability against a claim for damages by the persons having the right to make decisions related to the disposition of a decedent's body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, for having interred, entombed, or inurned cremated remains without their authorization.

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

(4) As used in this section:

(a) "Proper disposition" means interment, entombment, or inurnment of unclaimed cremated remains in a cemetery in this state. In the case of the unclaimed cremated remains of a veteran of the United States armed forces, proper disposition includes the interment, entombment, or inurnment in a cemetery designated solely for veterans by the United States department of veterans affairs or by the Michigan department of veterans affairs.

(b) "Unclaimed cremated remains" means the cremated remains of a dead human body that has not been picked up or delivered to a person having the right to make decisions relating to the disposition of a decedent's body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206.

History: Add. 2009, Act 149, Eff. July 1, 2010.

Popular name: Act 299