

**SENATE 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 1809 as
amended by 2020 PA 138, section 1806 as amended by 2013 PA 80,
section 1809a as added by 2009 PA 149, and section 1810 as amended
by 2006 PA 300, 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.



1 **(b)** ~~(a)~~—"Funeral establishment" means a place of business used
2 in the care and preparation for burial or transportation of a dead
3 human body or a place where an individual represents that he or she
4 is engaged in the profession of undertaking or the practice of
5 mortuary science.

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

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

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

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

28 **(g)** ~~(f)~~—"Resident trainee" means an individual who is engaged
29 in learning the practice of embalming or funeral directing or the



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

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

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

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

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



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

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

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

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

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

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



1 (e) ~~(d)~~—Is of good moral character.

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

11 (3) A person may only engage in the practice of mortuary
 12 science at a fixed location. A person shall not open or maintain a
 13 place for practice, or hold itself out as engaging in the practice
 14 of mortuary science, without an establishment license issued by the
 15 department. An establishment license under this subsection is
 16 issued for a specific location only. The holder of a license for
 17 the practice of mortuary science may conduct a funeral in another
 18 licensed funeral establishment ~~;~~ at a church, home, public hall,
 19 lodge room, or other fixed place ~~;~~ or at another establishment that
 20 is owned by the person and that meets the requirements of section
 21 1809.

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

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

29 (b) The applicant has a contract with a registrant under which



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

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

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

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

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

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

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

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

28 **(6)** ~~(5)~~—If an establishment license is canceled under
29 subsection ~~(7)~~ **(8)** because of a change of ownership of the funeral



1 establishment, the department shall not grant a new license for
 2 that establishment unless the applicant assumes the obligations of
 3 any unperformed prepaid contracts in which the former establishment
 4 was designated as the provider under section 11(1) of the prepaid
 5 funeral and cemetery sales act, 1986 PA 255, MCL 328.221, or
 6 certifies that the unperformed prepaid contracts have been assigned
 7 to another funeral establishment or to a person that has a contract
 8 with a funeral establishment that has agreed to act as the
 9 provider.

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

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

27 (9) ~~(8)~~—~~The~~ **Subject to subsection (10), the** department shall
 28 issue a ~~mortuary science~~ **license for the practice of mortuary**
 29 **science** to an individual who holds a ~~valid license in another state~~



1 ~~that has substantially equal requirements to the requirements under~~
 2 ~~this article or~~ **previously held a valid mortuary science license,**
 3 **or dual licenses as a funeral director and embalmer, in another**
 4 **state** if he or she meets all of the following:

5 (a) Applies for a license to **engage in the practice of**
 6 **mortuary science** in this state.

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

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

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

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

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

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



1 cycle.

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

4 (a) The requirement does not apply to an individual who is the
5 holder of a license for the practice of mortuary science and has
6 continuously held a valid license for the practice of mortuary
7 science since January 1, 1985. This subdivision does not apply to
8 an individual who is designated as the licensed manager of a
9 funeral establishment.

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

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

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

16 (iii) Grief counseling.

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

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

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

22 (vii) Prepaid funeral sales.

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

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

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



1 prorate the number of hours of continuing education the licensee is
 2 required to complete under subsection (1) for the year of the
 3 license cycle in which the license is issued.

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

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

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

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

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



1 ~~for an anatomical purpose.~~ **This section does not apply to any of the**
 2 **following:**

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

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

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

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

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

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

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

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

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

28 (2) The director shall receive and approve or deny requests
 29 for waivers to allow an individual to act as the manager of 2



1 funeral establishments under this subsection. All of the following
2 apply to a request for a waiver under this subsection:

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

5 (i) The prospective manager's name and mortuary science license
6 number.

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

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

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

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

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

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

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

25 (3) An individual whose license is revoked under this article
26 shall not **own or** manage, either directly or indirectly, or hold an
27 interest in, a funeral establishment. This subsection does not
28 prohibit an individual whose license is revoked from leasing
29 property owned by the individual for use as a funeral establishment



1 if the individual does not participate in the control or profit of
 2 the funeral establishment, other than as a lessor of the premises
 3 for a fixed rental that is not dependent on earnings.

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

8 (5) The department and the board may inspect the premises ~~in~~
 9 ~~which~~ **of any location where** funeral directing is conducted,
 10 embalming is practiced, or an applicant intends to **engage in the**
 11 **practice of mortuary science.**

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

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

20 Sec. 1809a. (1) ~~A person~~ **An individual who is** licensed to
 21 **engage** in the practice of mortuary science is immune from civil
 22 liability for the proper disposition of unclaimed cremated remains
 23 ~~if the proper~~ **the funeral establishment maintains and safeguards**
 24 **the unclaimed cremated remains until proper disposition of the**
 25 **remains and any of the following are met:**

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



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

4 (c) The disposition is authorized by a medical examiner under
 5 section 3206(9) (a) of the estates and protected individuals code,
 6 1998 PA 386, MCL 700.3206.

7 (2) ~~A-Except as provided in subsection (3),~~ a funeral director
 8 claiming immunity under ~~this section-subsection (1)~~ shall make
 9 reasonable efforts to provide written notice of intent to make
 10 proper disposition of the unclaimed cremated remains to the ~~persons~~
 11 ~~having individuals who have~~ the right to make decisions relating to
 12 the disposition of a decedent's body under section 3206 of the
 13 estates and protected individuals code, 1998 PA 386, MCL 700.3206.
 14 Reasonable efforts include, but are not limited to, mailing the
 15 notice to the last known ~~address of that person-addresses of those~~
 16 ~~individuals.~~

17 (3) Written notice under subsection (2) is not required for
 18 any of the following:

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

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

24 (4) If unclaimed cremated remains are removed from or
 25 transferred to a cemetery, the mortuary science licensee shall
 26 present a written statement to the cemetery certifying compliance
 27 with the requirements ~~imposed in this subsection-of subsection (1),~~
 28 ~~and subsection (2) if applicable,~~ at the time the unclaimed
 29 cremated remains are removed or presented for proper disposition.



1 (5) ~~(2) In the case of~~ **If** unclaimed cremated remains **are**
 2 determined to belong to a veteran, a cemetery ~~relying upon that~~
 3 **relies on** a written statement presented by ~~a person~~ **an individual**
 4 **who is** licensed in the practice of mortuary science under
 5 subsection ~~(1)~~ **(4)** is immune from civil liability against a claim
 6 for damages by the ~~persons having~~ **individuals who have** the right to
 7 make decisions related to the disposition of a decedent's body
 8 under section 3206 of the estates and protected individuals code,
 9 1998 PA 386, MCL 700.3206, for having interred, entombed, or
 10 inurned cremated remains without their authorization.

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

24 (7) ~~(4)~~ As used in this section:

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

27 (b) ~~(a)~~ "Proper disposition" means ~~interment,~~ **either of the**
 28 **following:**

29 (i) **Interment**, entombment, or inurnment of unclaimed cremated



1 remains in a cemetery in this state. In the case of the unclaimed
 2 cremated remains of a veteran of the ~~United States~~ armed forces,
 3 proper disposition includes the interment, entombment, or inurnment
 4 in a cemetery designated solely for veterans by the United States
 5 ~~department of veterans affairs~~ **Department of Veterans Affairs** or by
 6 the ~~Michigan~~ department of **military and** veterans affairs.

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

10 **(c)** ~~(b)~~ "Unclaimed cremated remains" means the cremated
 11 remains of a dead human body that has not been picked up **by** or
 12 delivered to ~~a person having~~ **an individual who has** the right to
 13 make decisions relating to the disposition of a decedent's body
 14 under section 3206 of the estates and protected individuals code,
 15 1998 PA 386, MCL 700.3206.

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

18 (a) Solicitation of a dead human body by a licensed person or
 19 an agent, assistant, representative, employee, or person acting on
 20 behalf and with the knowledge and consent, express or implied, of
 21 the licensed person, whether the solicitation occurs after death or
 22 while death is impending, ~~+~~ or the procuring or allowing directly
 23 or indirectly of a person to call upon an institution or individual
 24 by whose influence a dead human body may be turned over to the
 25 licensed person or funeral establishment.

26 (b) Procuring a person known as capper, steerer, or solicitor
 27 to obtain funeral directing or embalming, ~~+~~ or allowing or
 28 permitting a capper, steerer, or solicitor to obtain funeral
 29 directing or embalming for a licensed person or funeral



1 establishment.

2 (c) The direct or indirect payment or offer of payment of a
3 commission by a licensed person or an agent, representative,
4 assistant, or employee of the licensed person for the purpose of
5 securing business.

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

8 (e) Using profane, indecent, or obscene language in the
9 presence of a dead human body, or within the immediate hearing of
10 the family or relatives of a deceased, whose body has not yet been
11 interred or otherwise disposed of.

12 (f) Solicitation or acceptance by a licensed person of a
13 commission or bonus or rebate in consideration of recommending or
14 causing a dead human body to be disposed of in a crematory,
15 mausoleum, or cemetery.

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

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

22 (i) **Section 2652, 2653, 2659, 2663, 2836, 2842, 2843, 2848,**
23 **2850, 2851, 2853, or 2854 of the public health code, 1978 PA 368,**
24 **MCL 333.2652, 333.2653, 333.2659, 333.2663, 333.2836, 333.2842,**
25 **333.2843, 333.2848, 333.2850, 333.2851, 333.2853, and 333.2854, or**
26 **the rules promulgated under those sections.**

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

29 (iii) **A municipal or county ordinance or regulation affecting**



1 the handling, custody, care, or transportation of a dead human
2 body.

3 (i) Refusing to promptly surrender the custody of a dead human
4 body, upon the express order of the person lawfully entitled to the
5 custody.

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

8 (k) Obtaining possession **of** or embalming a dead human body
9 without first being expressly directed or authorized to do so by a
10 relative of the ~~deceased person~~ **decedent** or a person entitled to
11 custody. **This subdivision does not apply to the embalming of a dead**
12 **human body if in accordance with sections 3206 to 3209 of the**
13 **estates and protected individuals code, 1998 PA 386, MCL 700.3206**
14 **to 700.3209, reasonable efforts to obtain the authorization**
15 **described in this subdivision have been made but were not**
16 **successful and more than 48 hours have elapsed since the decedent's**
17 **death.**

18 (l) Knowingly making a false statement on a certificate of
19 death.

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

24 (n) If a public officer or employee, an official of a public
25 institution, convalescent home, private nursing home, maternity
26 home, public or private hospital, physician or surgeon, or any
27 other person having a professional relationship with a decedent, or
28 **a county medical examiner or other public official having temporary**
29 **custody of the decedent, sending or causing to be sent to a person**



1 or establishment licensed under this article the remains of a
 2 deceased person without having first made inquiry as to the desires
 3 of the person with authority over the disposal of the remains of
 4 the decedent under section 3206 of the estates and protected
 5 individuals code, 1998 PA 386, MCL 700.3206, and of the person ~~who~~
 6 **that** may be chargeable with the funeral expenses of the decedent.
 7 If a person with authority over the disposal of the remains of the
 8 decedent under section 3206 of the estates and protected
 9 individuals code, 1998 PA 386, MCL 700.3206, is found, the person's
 10 authority and directions shall govern the disposal of the remains
 11 of the decedent.

12 (o) If a licensee, receiving remains in violation of the
 13 requirements of subdivision (n) and making a charge for a service
 14 in connection with the remains before the delivery of the remains
 15 as stipulated by the person with authority over the disposal of the
 16 remains of the decedent under section 3206 of the estates and
 17 protected individuals code, 1998 PA 386, MCL 700.3206. This
 18 subdivision shall not prevent a person or establishment licensed
 19 under this article from charging and being reimbursed for services
 20 rendered in connection with the removal of the remains of a
 21 deceased person in case of accidental or violent death, and
 22 rendering necessary services required until the person with
 23 authority over the disposal of the remains of the decedent under
 24 section 3206 of the estates and protected individuals code, 1998 PA
 25 386, MCL 700.3206, or the person ~~who~~ **that** is chargeable with the
 26 funeral expenses is notified.

27 (p) If a funeral establishment or a licensee, entering upon an
 28 agreement, directly or indirectly, in which the practice of
 29 embalming or funeral directing is to be rendered in consideration



1 for the funeral establishment, licensed person, or an agent,
 2 assistant, or representative of the establishment or licensed
 3 person, being designated as beneficiary in an insurance policy or
 4 certificate. This subdivision does not govern or limit the
 5 authority of a personal representative, trustee, or other person
 6 ~~who~~**that** has a fiduciary relationship with the deceased.

7 (q) Failure to comply with part 138 of the public health code,
 8 1978 PA 368, MCL 333.13801 to ~~333.13831~~**333.13832**.

9 (r) **Failure to comply with the prepaid funeral and cemetery**
 10 **sales act, 1986 PA 255, MCL 328.211 to 328.235.**

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

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

