

SENATE BILL No. 804

March 17, 1992, Introduced by Senator BOUCHARD and referred to the Committee on Education.

A bill to amend sections 1806 and 1809 of Act No. 299 of the Public Acts of 1980, entitled as amended "Occupational code," section 1806 as amended by Act No. 463 of the Public Acts of 1988, being sections 339.1806 and 339.1809 of the Michigan Compiled Laws; and to add sections 1806a and 1806b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1806 and 1809 of Act No. 299 of the
2 Public Acts of 1980, section 1806 as amended by Act No. 463 of
3 the Public Acts of 1988, being sections 339.1806 and 339.1809 of
4 the Michigan Compiled Laws, are amended and sections 1806a and
5 1806b are added to read as follows:

6 Sec. 1806. (1) The department shall issue a license to
7 engage in the practice of mortuary science to an individual who
8 has ~~served~~ COMPLIED WITH ALL OF THE FOLLOWING REQUIREMENTS:

1 (A) APPLIED FOR LICENSURE BEFORE JULY 1, 1997.

2 (B) SERVED as a resident trainee for 1 year under the per-
3 sonal supervision and instruction of the holder of a license for
4 the practice of mortuary science. ~~—, has—~~

5 (C) HAS graduated from a 3-year course in mortuary science
6 in an accredited school, college, or university ~~—, has—~~ APPROVED
7 BY THE BOARD.

8 (D) HAS satisfactorily passed the examination approved by
9 the department and the board. ~~—, and is—~~

10 (E) IS of good moral character. ~~The applicant may take the~~
11 ~~examination in 2 parts, 1 part after the completion of the pre-~~
12 ~~scribed education and 1 part after the completion of the pre-~~
13 ~~scribed education and the service of resident training.—~~

14 (2) The department may waive ~~a portion~~ 6 MONTHS of the
15 requirement of 1 year of resident training if the applicant has a
16 baccalaureate degree from an accredited school, college, or uni-
17 versity, which the department finds to be a satisfactory substi-
18 tute for the resident training.

19 ~~(2) The practice of mortuary science shall be practiced at~~
20 ~~a fixed place. A person shall not open or maintain a place for~~
21 ~~practice, or hold itself out as engaging in the practice of mor-~~
22 ~~tuary science unless an establishment license is granted by the~~
23 ~~department. The license is issued for a specific location only.~~
24 ~~The holder of a license for the practice of mortuary science may~~
25 ~~conduct a funeral in another licensed funeral establishment, or~~
26 ~~at a church, home, public hall, lodge room, or other fixed place~~
27 ~~or establishment owned by the person conforming to section 1809.—~~

1 (3) ~~A funeral establishment or a branch of a funeral~~
2 ~~establishment may be inspected by the department and shall meet~~
3 ~~and conform to section 1809 and to other lawful standards and~~
4 ~~requirements established by rule of the department in furtherance~~
5 ~~of this act. The department may revoke a license for failure to~~
6 ~~meet those requirements pursuant to the procedure set forth in~~
7 ~~this article. A change in the ownership or location of the~~
8 ~~funeral establishment automatically cancels its license. A~~
9 ~~change in ownership or location shall be immediately reported to~~
10 ~~the department.~~ BEGINNING JULY 1, 1997, THE DEPARTMENT SHALL
11 ISSUE A LICENSE TO ENGAGE IN THE PRACTICE OF MORTUARY SCIENCE TO
12 AN INDIVIDUAL WHO HAS COMPLIED WITH ALL OF THE FOLLOWING
13 REQUIREMENTS:

14 (A) HAS COMPLETED A 4-YEAR BACCALAUREATE DEGREE FROM AN
15 ACCREDITED COLLEGE OR UNIVERSITY APPROVED BY THE BOARD.

16 (B) HAS COMPLETED AN ACCREDITED 3-YEAR COLLEGE OR UNIVERSITY
17 PROGRAM IN MORTUARY SCIENCE APPROVED BY THE BOARD, WHICH MAY BE
18 PART OF THE BACCALAUREATE DEGREE EARNED BY THE APPLICANT.

19 (C) HAS SERVED AS A RESIDENT TRAINEE FOR 1 YEAR UNDER THE
20 PERSONAL SUPERVISION AND INSTRUCTION OF A HOLDER OF A LICENSE FOR
21 THE PRACTICE OF MORTUARY SCIENCE. THE DEPARTMENT MAY WAIVE 6
22 MONTHS OF RESIDENT TRAINING FOR AN APPLICANT WHO HAS COMPLETED AN
23 ADDITIONAL YEAR OF COLLEGE OR UNIVERSITY INSTRUCTION BEYOND THE
24 4-YEAR BACCALAUREATE DEGREE.

25 (D) HAS SATISFACTORILY PASSED THE EXAMINATION APPROVED BY
26 THE BOARD AND THE DEPARTMENT.

1 (E) IS OF GOOD MORAL CHARACTER.

2 (4) THE APPLICANT MAY TAKE THE EXAMINATION IN 2 PARTS, 1
3 PART AFTER THE COMPLETION OF THE PRESCRIBED EDUCATION AND 1 PART
4 AFTER THE COMPLETION OF THE PRESCRIBED EDUCATION AND THE SERVICE
5 OF RESIDENT TRAINING.

6 (5) ~~-(4)-~~ The department shall issue a mortuary science
7 license to an individual holding a valid license in another state
8 having substantially equal requirements to those existing in this
9 state who has fulfilled all of the following:

10 (a) Applied for a license to practice in this state.

11 (b) Filed with the department a certified statement from the
12 examining board of the state in which the applicant holds a
13 license, showing the basis upon which the license was granted,
14 and whether the license has been suspended, revoked, or limited
15 by ~~-a-~~ THAT state board.

16 (c) Passed an examination approved by the department and the
17 board which tests the individual's knowledge of law relating to
18 the practice of mortuary science in Michigan.

19 (6) AN INDIVIDUAL WHO APPLIES FOR RELICENSURE AS A HOLDER OF
20 A LICENSE FOR THE PRACTICE OF MORTUARY SCIENCE 3 OR MORE YEARS
21 AFTER THE EXPIRATION DATE OF THE INDIVIDUAL'S LAST LICENSE TO
22 PRACTICE MORTUARY SCIENCE SHALL FULFILL THE REQUIREMENTS OF
23 SECTION 411(3)(A) TO (C) AS WELL AS THE FOLLOWING:

24 (A) FOR AN APPLICANT WHO HAS NOT HELD A LICENSE TO PRACTICE
25 MORTUARY SCIENCE FOR LESS THAN 5 YEARS AFTER THE EXPIRATION DATE
26 OF HIS OR HER LAST LICENSE, COMPLETION OF THE EQUIVALENT OF 2

1 YEARS OF CONTINUING EDUCATION CONFORMING TO THE STANDARDS OF
2 SECTION 1806B.

3 (B) FOR AN APPLICANT WHO HAS NOT HELD A LICENSE TO PRACTICE
4 MORTUARY SCIENCE FOR 5 OR MORE YEARS AFTER THE EXPIRATION DATE OF
5 HIS OR HER LAST LICENSE, COMPLETION OF THE EQUIVALENT OF 3 YEARS
6 OF CONTINUING EDUCATION CONFORMING TO THE STANDARDS OF
7 SECTION 1806B AND PASSAGE OF THE EXAMINATION REQUIRED IN THIS
8 SECTION.

9 SEC. 1806A. (1) THE DEPARTMENT SHALL NOT RENEW THE LICENSE
10 OF A HOLDER OF A LICENSE FOR THE PRACTICE OF MORTUARY SCIENCE
11 UNLESS THE INDIVIDUAL HAS SUCCESSFULLY COMPLETED A TOTAL OF 8
12 CLOCK HOURS OF CONTINUING EDUCATION FOR EACH FULL YEAR AFTER THE
13 EFFECTIVE DATE OF THE 1992 AMENDATORY ACT THAT ADDED THIS
14 SECTION. THE DEPARTMENT SHALL NOT CREDIT CLOCK HOURS EARNED
15 DURING A PREVIOUS LICENSE PERIOD TOWARD CLOCK HOUR REQUIREMENTS
16 OF THE CURRENT LICENSE PERIOD. THE LICENSEE SHALL SUBMIT A LIST
17 OF THE CONTINUING EDUCATION COURSES COMPLETED DURING THE LICENSE
18 PERIOD UPON APPLICATION FOR RENEWAL OF A LICENSE.

19 (2) THE CONTINUING EDUCATION COMPLETED BY A LICENSEE SHALL
20 CONFORM TO THE STANDARDS SET FORTH IN SECTION 1806B AND SHALL
21 PERTAIN TO THE PRACTICE OF FUNERAL DIRECTING, EMBALMING, MORTUARY
22 SCIENCE, OR FUNERAL HOME MANAGEMENT. ALL COURSES SHALL BE
23 DESIGNED TO EXPAND UPON AND IMPROVE THE KNOWLEDGE OF AN INDIVID-
24 UAL HOLDING A LICENSE FOR THE PRACTICE OF MORTUARY SCIENCE BEYOND
25 THE KNOWLEDGE REQUIRED FOR INITIAL LICENSURE. THE DEPARTMENT
26 SHALL NOT GRANT CREDIT AS CONTINUING EDUCATION ANY COURSE WHICH

1 IS PART OF THE EDUCATIONAL REQUIREMENTS FOR INITIAL LICENSURE
2 UNDER SECTION 1806.

3 (3) SUBSECTIONS (1) AND (2) DO NOT APPLY TO ANY OF THE FOL-
4 LOWING INDIVIDUALS:

5 (A) AN INDIVIDUAL WHO, WITHIN THE PRECEDING LICENSE PERIOD,
6 BECAME THE HOLDER OF A LICENSE FOR THE PRACTICE OF MORTUARY
7 SCIENCE IN THIS STATE FOR THE FIRST TIME.

8 (B) AN INDIVIDUAL HOLDER OF A LICENSE FOR THE PRACTICE OF
9 MORTUARY SCIENCE WHO IS 70 YEARS OF AGE OR OLDER.

10 (C) A PERSON SEEKING LICENSURE UNDER SECTION 1806(5),
11 SUBJECT TO SECTION 1806(6).

12 (4) AN INSTRUCTOR OF A COURSE OF CONTINUING EDUCATION MAY
13 RECEIVE CONTINUING EDUCATION CLOCK HOURS OF CREDIT FOR THE
14 INSTRUCTION EXCEPT THAT THE INSTRUCTOR SHALL RECEIVE CREDIT FOR
15 ONLY 1 PRESENTATION OF THE SAME OR SIMILAR MATERIAL DURING EACH
16 LICENSE PERIOD.

17 (5) A PERSON TAKING AND COMPLETING A COURSE WITH A PASSING
18 GRADE AT AN ACCREDITED COLLEGE OR UNIVERSITY APPROVED BY THE
19 BOARD SHALL, UPON APPLICATION TO AND APPROVAL OF THE DEPARTMENT,
20 RECEIVE 2 CLOCK HOURS OF CONTINUING EDUCATION CREDIT FOR EACH
21 ACADEMIC CREDIT HOUR RECEIVED. THOSE COURSES SHALL BE LIMITED TO
22 PHYSICAL OR BEHAVIORAL SCIENCES RELATED TO THE PRACTICE OF
23 FUNERAL DIRECTING, MORTUARY SCIENCE, OR HEALTH AND SAFETY. THE
24 DEPARTMENT SHALL NOT GRANT MORE THAN 6 CONTINUING EDUCATION CLOCK
25 HOURS OF CREDIT IN THE MANNER DESCRIBED IN THIS SUBSECTION DURING
26 ANY LICENSE PERIOD.

1 (6) AS USED IN THIS SECTION, A "CLOCK HOUR" MEANS A PERIOD
2 OF TIME NOT LESS THAN 50 MINUTES IN DURATION.

3 SEC. 1806B. (1) AS USED IN THIS SECTION, "APPROVED SPONSOR"
4 MEANS A PERSON APPROVED BY THE DEPARTMENT PURSUANT TO THIS SEC-
5 TION AS A SPONSOR FOR A PROGRAM OF CONTINUING EDUCATION.

6 (2) AN APPROVED SPONSOR SHALL BE 1 OR MORE OF THE
7 FOLLOWING:

8 (A) A NONPROFIT PROFESSIONAL OR TRADE ASSOCIATION WHICH IS
9 EXEMPT FROM TAXATION UNDER SECTION 501(c)(6) OF THE INTERNAL REV-
10 ENUE CODE AND WHOSE MEMBERSHIP IS PRIMARILY LIMITED TO FUNERAL
11 DIRECTORS OR FUNERAL HOMES.

12 (B) AN EDUCATION TRUST WHICH IS EXEMPT FROM TAXATION UNDER
13 SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE.

14 (C) AN ACCREDITED COLLEGE OR UNIVERSITY.

15 (D) A GOVERNMENTAL DEPARTMENT OR AGENCY OR ANY OF ITS
16 SUBDIVISIONS.

17 (3) THE DEPARTMENT MAY APPROVE A PERSON TO CONDUCT A PROGRAM
18 OF CONTINUING EDUCATION AS AN APPROVED SPONSOR. THE APPROVAL OF
19 THE DEPARTMENT MAY, FOR GOOD CAUSE, BE REVOKED BY THE DEPARTMENT
20 AT ANY TIME. THE DEPARTMENT MAY DESIGNATE A PERSON AS AN
21 APPROVED SPONSOR FOR A PERIOD NOT TO EXCEED 2 YEARS AND MAY RENEW
22 THE APPROVAL OF THAT PERSON FOR ADDITIONAL PERIODS NOT TO EXCEED
23 2 YEARS. DEPARTMENT DISAPPROVAL OR REFUSAL TO RENEW APPROVAL OF
24 AN APPROVED SPONSOR DOES NOT AFFECT THE CONTINUING EDUCATION
25 CREDITS EARNED BY A LICENSEE BEFORE THE DATE OF DISAPPROVAL OR
26 REFUSAL TO RENEW.

1 (4) AN APPROVED SPONSOR SHALL REQUIRE EACH PERSON ENROLLED
2 IN A PROGRAM AND RECEIVING CREDIT FOR CONTINUING EDUCATION TO BE
3 PHYSICALLY PRESENT AT THE LOCATION WHERE THE PROGRAM IS BEING
4 CONDUCTED DURING THE ENTIRE PRESENTATION OF THE SUBJECT FOR WHICH
5 CREDIT IS BEING RECEIVED.

6 (5) THE APPROVED SPONSOR SHALL CERTIFY FOR CONTINUING EDUCA-
7 TION CREDIT CONTINUING EDUCATION PROGRAMS OFFERED BY THAT SPONSOR
8 IN A MANNER CONSISTENT WITH THE CRITERIA CONTAINED IN RULES
9 PROMULGATED BY THE DEPARTMENT UNDER SUBSECTION (10). THOSE
10 COURSES MAY THEN BE OFFERED BY A PERSON WHO IS NOT AN APPROVED
11 SPONSOR TO A LICENSEE UNDER THIS ARTICLE IF THERE IS A CONTRAC-
12 TUAL AGREEMENT BETWEEN THE APPROVED SPONSOR AND THE PERSON THAT
13 THE COURSES WILL BE PRESENTED IN THE MANNER PRESCRIBED BY THE
14 APPROVED SPONSOR. THE DEPARTMENT SHALL NOT REQUIRE PRIOR
15 APPROVAL BY THE BOARD OF A CONTINUING EDUCATION PROGRAM OFFERED
16 BY AN APPROVED SPONSOR FOR CONTINUING EDUCATION CREDIT.

17 (7) CONTINUING EDUCATION PROGRAMS PROVIDED BY AN APPROVED
18 SPONSOR SHALL BE OPEN TO ANY LICENSEE UNDER THIS ARTICLE. IN THE
19 CASE OF AN APPROVED SPONSOR THAT IS A NONPROFIT TRADE OR PROFES-
20 SIONAL ORGANIZATION AS DESCRIBED IN SUBSECTION (2)(A), FEES
21 CHARGED FOR ATTENDANCE BY AN APPROVED SPONSOR TO NONMEMBERS OF
22 THAT ORGANIZATION SHALL NOT EXCEED 3 TIMES THE FEE CHARGED TO
23 MEMBERS OF THAT ORGANIZATION.

24 (8) THE CONTINUING EDUCATION REQUIREMENTS OF THIS SECTION
25 SHALL NOT BE APPLIED TOWARD THE MORTUARY SCIENCE EDUCATION
26 REQUIREMENTS PRESCRIBED IN SECTION 1806(1)(C), 1806(3)(A), OR
27 1806(3)(B).

1 (9) AN APPROVED SPONSOR SHALL NOT DO ANY OF THE FOLLOWING:

2 (A) DISCRIMINATE IN ITS ENROLLMENT OR REQUIRE MEMBERSHIP IN
3 ANY GROUP OR ASSOCIATION AS A CONDITION OF ENROLLMENT.

4 (B) CONDUCT ANY FORM OF SOLICITATION IN CONJUNCTION WITH THE
5 COURSE OFFERED, INCLUDING MEMBERSHIP RECRUITMENT OR THE SALE OF A
6 PRODUCT OR SERVICE.

7 (C) CERTIFY TO THE DEPARTMENT THAT ANY INDIVIDUAL HAS COM-
8 PLETED A COURSE WHO WAS NOT PHYSICALLY PRESENT DURING THE FULL
9 TIME THE COURSE WAS CONDUCTED.

10 (D) FAIL TO PROVIDE THE DEPARTMENT WITH THE NAMES AND OTHER
11 INFORMATION CONCERNING LICENSEES COMPLETING ITS COURSE OFFERINGS
12 IN THE MANNER AND WITHIN THE TIME PERIOD REQUIRED BY THE
13 DEPARTMENT.

14 (E) REPRESENT THAT APPROVAL OF THE COURSE BY THE DEPARTMENT
15 IS A RECOMMENDATION OR ENDORSEMENT OF THE COURSE OR COURSES
16 OFFERED BY AN APPROVED SPONSOR.

17 (F) SUBMIT CREDIT FOR ANY OF ITS INSTRUCTORS FOR MORE THAN 1
18 PRESENTATION ON THE SAME SUBJECT IN ANY LICENSE PERIOD.

19 (10) NOT LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THE
20 AMENDATORY ACT THAT ADDED THIS SECTION, THE BOARD SHALL SUBMIT A
21 COPY OF THE NOTICE FOR PUBLIC HEARING CONCERNING RULES IMPLEMENT-
22 ING THIS SECTION AND SECTION 1806A TO THE LEGISLATIVE SERVICE
23 BUREAU FOR PUBLICATION IN THE MICHIGAN REGISTER. THE RULES SHALL
24 INCLUDE, BUT NOT BE LIMITED TO, CRITERIA FOR DESIGNATION OF
25 APPROVED SPONSORS, QUALIFICATION OF INSTRUCTORS, AND COURSE
26 CONTENT.

1 Sec. 1809. (1) THE PRACTICE OF MORTUARY SCIENCE SHALL BE
2 PRACTICED AT A FIXED PLACE. A PERSON SHALL NOT OPEN OR MAINTAIN
3 A PLACE FOR PRACTICE, OR HOLD ITSELF OUT AS ENGAGING IN THE PRAC-
4 TICE OF MORTUARY SCIENCE UNLESS THE PERSON OBTAINS A FUNERAL
5 ESTABLISHMENT LICENSE FROM THE DEPARTMENT. THE DEPARTMENT SHALL
6 ISSUE THE LICENSE FOR A SPECIFIC LOCATION ONLY. THE HOLDER OF A
7 LICENSE FOR THE PRACTICE OF MORTUARY SCIENCE MAY CONDUCT A
8 FUNERAL IN ANOTHER LICENSED FUNERAL ESTABLISHMENT, OR AT A
9 CHURCH, HOME, PUBLIC HALL, LODGE ROOM, OR OTHER FIXED PLACE OR
10 ESTABLISHMENT OWNED BY THE PERSON AND CONFORMING TO THIS
11 SECTION.

12 (2) A FUNERAL ESTABLISHMENT OR A BRANCH OF A FUNERAL ESTAB-
13 LISHMENT OR A LOCATION WHERE A LICENSEE PROPOSES TO PRACTICE MOR-
14 TUARY SCIENCE, EMBALMING, OR FUNERAL DIRECTING MAY BE INSPECTED
15 BY THE DEPARTMENT AND SHALL MEET AND CONFORM TO THE REQUIREMENTS
16 IMPOSED IN THIS SECTION AND TO OTHER LAWFUL STANDARDS AND
17 REQUIREMENTS ESTABLISHED IN RULES PROMULGATED UNDER THIS ACT. A
18 CHANGE IN THE OWNERSHIP OR LOCATION OF THE FUNERAL ESTABLISHMENT
19 OPERATES AS AN AUTOMATIC REVOCATION OF THE FUNERAL ESTABLISHMENT
20 LICENSE.

21 (3) ~~-(1)-~~ A funeral establishment shall be operated by a
22 person who is the holder of a license for the practice of mortu-
23 ary science. The FUNERAL establishment shall have conspicuously
24 displayed at its entrance the name of the person licensed to con-
25 duct the FUNERAL establishment. The name of the person owning
26 the funeral establishment shall be registered with the
27 department. Failure OF THE OWNERS OF THE FUNERAL ESTABLISHMENT

1 to make full and complete disclosure ~~of the owners~~ shall be
2 grounds for the revocation of the FUNERAL establishment license.

3 (4) ~~-(2)-~~ A person whose license has been revoked under this
4 article shall not operate either directly or indirectly or hold
5 an interest in a funeral establishment. This subsection shall
6 not prohibit a person whose license has been revoked from leasing
7 property owned by the person for use as a funeral establishment
8 if the person does not participate in the control or profit of
9 the funeral establishment otherwise than as a lessor of the
10 premises for a fixed rental not dependent upon earnings.

11 ~~-(3)- A branch establishment shall be operated by a person~~
12 ~~who is the holder of a license for the practice of mortuary~~
13 ~~science.~~

14 ~~-(4)- The department and the board may inspect the premises in~~
15 ~~which funeral directing is conducted or where embalming is prac-~~
16 ~~ticed or where an applicant proposes to practice.~~

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

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

24 Section 2. This amendatory act shall not take effect unless
25 Senate Bill No. 805

26 of the 86th Legislature is enacted into law.