



HOUSE BILL No. 4038

February 2, 1993, Introduced by Rep. Joe Young, Jr. and referred to the Committee on State Affairs.

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, 1998.

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, 1998, 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) BEGINNING NOVEMBER 1, 1996, THE DEPARTMENT
10 SHALL NOT RENEW THE LICENSE OF A HOLDER OF A LICENSE FOR THE
11 PRACTICE OF MORTUARY SCIENCE UNLESS THE INDIVIDUAL HAS SUCCESS-
12 FULLY COMPLETED A TOTAL OF 8 CLOCK HOURS OF CONTINUING EDUCATION
13 FOR EACH YEAR SINCE THE LICENSE WAS LAST RENEWED. BEGINNING
14 NOVEMBER 1, 1996, THE DEPARTMENT SHALL NOT CREDIT CLOCK HOURS
15 EARNED DURING A PREVIOUS LICENSE PERIOD TOWARD CLOCK HOUR
16 REQUIREMENTS OF THE CURRENT LICENSE PERIOD. THE LICENSEE SHALL
17 SUBMIT A LIST OF THE CONTINUING EDUCATION COURSES COMPLETED
18 DURING THE LICENSE PERIOD UPON APPLICATION FOR RENEWAL OF A
19 LICENSE.

20 (2) THE CONTINUING EDUCATION COMPLETED BY A LICENSEE SHALL
21 CONFORM TO THE STANDARDS SET FORTH IN SECTION 1806B AND SHALL
22 PERTAIN TO THE PRACTICE OF FUNERAL DIRECTING, EMBALMING, MORTUARY
23 SCIENCE, OR FUNERAL HOME MANAGEMENT. NOT LESS THAN ONE-QUARTER
24 OF THE CLOCK HOURS SUBMITTED FOR EACH RENEWAL LICENSE SHALL PER-
25 TAIN TO HEALTH, SAFETY, CONTAGION, DISPOSAL OF HAZARDOUS OR MEDI-
26 CAL WASTE, OR EMBALMING AND THE PRESERVATION OF REMAINS. NOT
27 LESS THAN ONE-QUARTER OF THE CLOCK HOURS SUBMITTED FOR EACH

1 RENEWAL LICENSE SHALL PERTAIN TO THE BEHAVIORAL SCIENCES RELATING
2 TO THE PRACTICE OF FUNERAL DIRECTING. ALL COURSES SHALL BE
3 DESIGNED TO EXPAND UPON AND IMPROVE THE KNOWLEDGE OF AN INDIVID-
4 UAL HOLDING A LICENSE FOR THE PRACTICE OF MORTUARY SCIENCE BEYOND
5 THE KNOWLEDGE REQUIRED FOR INITIAL LICENSURE. THE DEPARTMENT
6 SHALL NOT GRANT CREDIT AS CONTINUING EDUCATION ANY COURSE WHICH
7 IS PART OF THE EDUCATIONAL REQUIREMENTS FOR INITIAL LICENSURE
8 UNDER SECTION 1806.

9 (3) SUBSECTIONS (1) AND (2) DO NOT APPLY TO EITHER OF THE
10 FOLLOWING INDIVIDUALS:

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

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

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

21 (5) A PERSON TAKING AND COMPLETING A COURSE WITH A PASSING
22 GRADE AT AN ACCREDITED COLLEGE OR UNIVERSITY APPROVED BY THE
23 BOARD SHALL, UPON APPLICATION TO AND APPROVAL OF THE DEPARTMENT,
24 RECEIVE 2 CLOCK HOURS OF CONTINUING EDUCATION CREDIT FOR EACH
25 ACADEMIC CREDIT HOUR RECEIVED. THOSE COURSES SHALL BE LIMITED TO
26 PHYSICAL OR BEHAVIORAL SCIENCES RELATED TO THE PRACTICE OF
27 FUNERAL DIRECTING, MORTUARY SCIENCE, OR HEALTH AND SAFETY. THE

1 DEPARTMENT SHALL NOT GRANT MORE THAN 6 CONTINUING EDUCATION CLOCK
2 HOURS OF CREDIT IN THE MANNER DESCRIBED IN THIS SUBSECTION DURING
3 ANY LICENSE PERIOD.

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

6 SEC. 1806B. (1) A PERSON WHO OFFERS, SPONSORS, OR CONDUCTS
7 A COURSE REPRESENTED TO MEET THE REQUIREMENTS OF SECTION 1806A
8 SHALL FIRST OBTAIN APPROVAL FROM THE DEPARTMENT AND SHALL ABIDE
9 BY RULES PROMULGATED BY THE BOARD UNDER THIS ARTICLE REGARDING
10 CURRICULUM, INSTRUCTOR QUALIFICATION, ATTENDANCE, METHOD OF CER-
11 TIFYING COMPLETION, AND OTHER RELATED MATTERS. THE BOARD MAY
12 SUSPEND OR REVOKE THE APPROVAL OF A COURSE SPONSOR FOR A VIOLA-
13 TION OF THIS ARTICLE OR OF THE RULES PROMULGATED UNDER THIS
14 ARTICLE.

15 (2) A SPONSOR OF A CONTINUING EDUCATION COURSE SHALL BE 1 OR
16 MORE OF THE FOLLOWING:

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

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

23 (C) AN ACCREDITED COLLEGE OR UNIVERSITY.

24 (D) A GOVERNMENTAL DEPARTMENT OR AGENCY OR ANY OF ITS
25 SUBDIVISIONS.

26 (3) A COURSE SPONSOR SHALL NOT DO ANY OF THE FOLLOWING:

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

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

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

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

13 (E) REPRESENT THAT APPROVAL OF THE COURSE BY THE DEPARTMENT
14 IS A RECOMMENDATION OR ENDORSEMENT OF THE COURSE SPONSOR OR
15 CONTENT.

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

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

24 (5) NOT LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THE
25 AMENDATORY ACT THAT ADDED THIS SECTION, THE BOARD SHALL SUBMIT A
26 COPY OF THE NOTICE FOR PUBLIC HEARING CONCERNING RULES

1 IMPLEMENTING THIS SECTION AND SECTION 1806A TO THE LEGISLATIVE
2 SERVICE BUREAU FOR PUBLICATION IN THE MICHIGAN REGISTER.

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

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

23 (3) ~~(++)~~ A funeral establishment shall be operated by a
24 person who is the holder of a license for the practice of mortu-
25 ary science. The FUNERAL establishment shall have conspicuously
26 displayed at its entrance the name of the person licensed to
27 conduct the FUNERAL establishment. The name of the person owning

1 the funeral establishment shall be registered with the
2 department. Failure OF THE OWNERS OF THE FUNERAL ESTABLISHMENT
3 to make full and complete disclosure ~~of the owners shall be~~ IS
4 grounds for the revocation of the FUNERAL establishment license.

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

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

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

19 (5) A funeral establishment, EXCEPT FOR A FUNERAL ESTABLISH-
20 MENT WHICH IS AFFILIATED WITH A RELIGIOUS FAITH THAT DOES NOT
21 PERMIT EMBALMING, shall contain a preparation room equipped with
22 tile, cement, or composition floor and necessary drainage and
23 ventilation, and contain each necessary instrument or supply for
24 the preparation and embalming of a dead human body for burial,
25 transportation, or other disposition.

26 (6) A branch FUNERAL establishment SHALL BE OPERATED BY A
27 PERSON WHO IS A HOLDER OF A LICENSE FOR THE PRACTICE OF MORTUARY

1 SCIENCE AND shall comply with each requirement or rule relating
2 to a funeral establishment.

3 Section 2. This amendatory act shall not take effect unless
4 Senate Bill No. ____ or House Bill No. 4039 (request
5 no. 02000'93) of the 87th Legislature is enacted into law.