

HOUSE BILL No. 4390

March 9, 1999, Introduced by Rep. LaSata and referred to the Committee on Family and Civil Law.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 1804, 1809, and 1812 (MCL 339.1804,
339.1809, and 339.1812).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1804. (1) An individual whose name appears in connec-
2 tion with that of a funeral establishment ~~shall be~~ IS consid-
3 ered as actively engaged in the practice of funeral directing or
4 the practice of mortuary science and ~~shall be~~ IS the holder of
5 a license for the practice of mortuary science. ~~If a funeral~~
6 ~~establishment is a corporation or partnership, each active member~~
7 ~~of the corporation or partnership, together with each individual~~
8 ~~whose name appears or is used in connection with the name of the~~

~~1 corporation or partnership, shall be the holder of a license for~~
~~2 the practice of mortuary science.~~

3 (2) This article ~~shall~~ DOES not prevent a funeral estab-
4 lishment from using or continuing to use an otherwise lawful cor-
5 porate or partnership name after the death or retirement of a
6 member if each active member or employee is properly licensed
7 under this article.

8 Sec. 1809. (1) A funeral establishment shall be operated by
9 a person who is the holder of a license for the practice of mor-
10 tuary science. The FUNERAL establishment shall have conspicu-
11 ously displayed at its entrance the name of the person OR PERSONS
12 licensed to conduct the establishment. The name of the person OR
13 PERSONS owning the funeral establishment shall be registered with
14 the department. Failure to make full and complete disclosure of
15 the owners ~~shall be~~ IS grounds for the revocation of the
16 FUNERAL establishment license. EACH OWNER, OFFICER, OR PARTNER
17 SHALL BE OF GOOD MORAL CHARACTER. THIS REQUIREMENT APPLIES TO
18 EACH OWNER; EACH OFFICER AND EACH SHAREHOLDER WHO OWNS 10% OR
19 MORE OF THE STOCK IN THE CASE OF A CORPORATION; AND EACH PARTNER
20 IN THE CASE OF A PARTNERSHIP. THE DEPARTMENT SHALL DENY THE
21 APPLICATION FOR OR RENEWAL OF A LICENSE FOR A FUNERAL ESTABLISH-
22 MENT UNLESS THE OPERATOR OF THE FUNERAL ESTABLISHMENT IS A HOLDER
23 OF A LICENSE FOR THE PRACTICE OF MORTUARY SCIENCE.

24 (2) A person whose license has been revoked under this
25 article; THE CEMETERY REGULATION ACT, 1968 PA 251, MCL 456.521 TO
26 456.543; OR THE PREPAID FUNERAL CONTRACT FUNDING ACT, 1986 PA
27 255, MCL 328.211 TO 328.235, shall not operate either directly or

1 indirectly or hold an interest in a funeral establishment. This
2 subsection ~~shall~~ DOES not prohibit a person whose license has
3 been revoked from leasing property owned by the person for use as
4 a funeral establishment if the person does not participate in the
5 control or profit of the funeral establishment ~~otherwise~~ OTHER
6 than as a lessor of the premises for a fixed rental not dependent
7 upon earnings.

8 (3) A branch establishment shall be operated by a person who
9 is the holder of a license for the practice of mortuary science.

10 (4) The department and the board may inspect the premises in
11 which funeral directing is conducted, ~~or~~ where embalming is
12 practiced, or where an applicant proposes to practice.

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

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

20 Sec. 1812. ~~(1)~~ An individual, partnership, association,
21 municipal corporation, body politic, or corporation ~~which~~ THAT
22 owns or ~~conducts~~ OPERATES, either directly or indirectly, a
23 cemetery or burial ground in this state ~~shall not~~ MAY
24 ESTABLISH, own, manage, supervise, operate, or maintain, either
25 directly or indirectly, a funeral establishment, or MAY permit an
26 officer, agent, or employee to own, ESTABLISH, MANAGE, SUPERVISE,
27 OPERATE, or maintain a funeral establishment. ~~This subsection~~

1 ~~shall not apply to an elected official of a city, village,~~
2 ~~township, or county who serves as an ex officio member of a local~~
3 ~~cemetery board as a result of holding that office.~~

4 ~~(2) An individual, partnership, association, municipal cor-~~
5 ~~poration, body politic, or corporation which owns or conducts a~~
6 ~~cemetery in this state shall not allow a funeral establishment to~~
7 ~~be owned or conducted on property owned or leased by the cemetery~~
8 ~~and used for cemetery purposes or designated as a cemetery.~~

9 ~~(3) This section shall not prohibit the owner of a private~~
10 ~~burial ground used for the interment of the owner's family or the~~
11 ~~owner's descendants to own or maintain a funeral establishment~~
12 ~~under this article.~~

13 Enacting section 1. This amendatory act takes effect
14 January 1, 2000.