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BILL ANALYSIS

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House Bill 4891 (as reported without amendment)

Sponsor: Representative David Law

House Committee: Judiciary

Senate Committee: Judiciary

CONTENT

The bill would amend the Occupational Code to refer to a person with authority under the Estates and Protected Individuals Code (EPIC) to make decisions about a decedent's body, rather than to the decedent's next of kin, in several provisions of Article 18, which governs the practice of mortuary science.

Article 18 describes activities that will subject a person to sanctions under the Code. Among other things, the sanctions apply if a public officer or employee, an official of a nursing home or hospital, a physician, or another person having a professional relationship with a decedent, a county medical examiner, or another public official having temporary custody of the decedent, sends to a person or establishment licensed under Article 18 the remains of a deceased person without first inquiring as to the desires of the next of kin. If kin is found, the person's authority and directions govern the disposal of the remains.

A licensee will be subject to sanctions for receiving remains in violation of these provisions and charging for a service in connection with the remains before their delivery as stipulated by the kin. This does not prevent a licensee from charging and being reimbursed for services rendered in connection with the removal of the remains in case of accidental or violent death, and rendering necessary services required until the next of kin or the person who is chargeable with the funeral expenses is notified.

The bill would replace these references to "next of kin" or "kin" with references to the person with authority over the disposal of the remains of the decedent under Section 3206 of EPIC (proposed by House Bill 4870).

The bill is tie-barred to House Bill 4870, which would add Section 3206 to EPIC to establish an order of priority for identifying who would have the rights and powers to make decisions about a decedent's body.

MCL 339.1801 & 339.1810

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 6-21-06

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Analysis available @ <http://www.michiganlegislature.org>

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