

# HOUSE BILL No. 5970

April 10, 2008, Introduced by Reps. Bieda, Condino, Corriveau, Vagnozzi and Donigan and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding part 101A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 101A

COMMERCIAL DISPLAY OF HUMAN REMAINS

SEC. 10151. (1) AS USED IN THIS PART:

(A) "COMMERCIAL PURPOSES" MEANS EITHER OF THE FOLLOWING:

(i) A DISPLAY FOR WHICH THE PUBLIC IS CHARGED A FEE OR OTHER  
CONSIDERATION AS A CONDITION OF VIEWING.

(ii) A DISPLAY FOR WHICH AN EXHIBITOR ACCEPTS PAYMENT OR OTHER  
CONSIDERATION.

(B) "EXHIBITOR" MEANS A PERSON WHO SHOWS OR PUTS ON, OR

1 CONTRACTS TO SHOW OR PUT ON, A TEMPORARY PUBLIC DISPLAY OF HUMAN  
2 REMAINS.

3 (C) "LOCAL GOVERNING ENTITY" MEANS THAT TERM AS DEFINED IN  
4 SECTION 2406.

5 (D) "MUSEUM FACILITY" MEANS A PUBLIC OR PRIVATE NONPROFIT  
6 INSTITUTION THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

7 (i) IS ACCREDITED BY THE AMERICAN ASSOCIATION OF MUSEUMS OR IS  
8 A PART OF AN ACCREDITED COLLEGE OR UNIVERSITY.

9 (ii) IS ORGANIZED ON A PERMANENT BASIS FOR ESSENTIALLY  
10 EDUCATIONAL OR AESTHETIC PURPOSES.

11 (iii) OWNS OR USES, CARES FOR, AND EXHIBITS TANGIBLE OBJECTS TO  
12 THE GENERAL PUBLIC ON A REGULAR BASIS.

13 (2) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND  
14 PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES OF THIS ACT.

15 SEC. 10152. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, A  
16 PERSON SHALL NOT DISPLAY HUMAN REMAINS FOR COMMERCIAL PURPOSES OR  
17 MEDICAL EDUCATION PURPOSES. A PERSON MAY DISPLAY HUMAN REMAINS FOR  
18 COMMERCIAL PURPOSES OR MEDICAL EDUCATION PURPOSES IF THE LOCAL  
19 GOVERNING ENTITY OF THE LOCAL HEALTH DEPARTMENT OF THE CITY,  
20 COUNTY, OR DISTRICT IN WHICH THE HUMAN REMAINS WILL BE DISPLAYED  
21 HAS ESTABLISHED A PERMIT PROGRAM AS DESCRIBED IN SECTION 10153 AND  
22 THE PERSON OBTAINS A PERMIT FROM THE APPROPRIATE LOCAL HEALTH  
23 DEPARTMENT FOR THAT DISPLAY.

24 (2) THIS SECTION DOES NOT APPLY TO A DISPLAY OF HUMAN REMAINS  
25 THAT MEETS ANY OF THE FOLLOWING REQUIREMENTS:

26 (A) CONSISTS OF HUMAN REMAINS THAT ARE MORE THAN 100 YEARS  
27 OLD.

1 (B) CONSISTS SOLELY OF HUMAN TEETH OR HAIR.

2 (C) IS PART OF THE ORDINARY DISPLAY OR VIEWING OF THE DECEASED  
3 AT A FUNERAL ESTABLISHMENT OR IS PART OF A SIMILAR FUNERAL OR  
4 MEMORIAL SERVICE.

5 (D) CONSISTS SOLELY OF OBJECTS OF RELIGIOUS VENERATION.

6 (E) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, IS IN  
7 THE POSSESSION OF A MUSEUM FACILITY. HOWEVER, IF THE MUSEUM  
8 FACILITY PAID OR OFFERED OTHER CONSIDERATION TO AN EXHIBITOR TO  
9 DISPLAY HUMAN REMAINS AND THAT DISPLAY IS NOT EXEMPT FROM THIS PART  
10 UNDER SUBDIVISIONS (A) TO (D), THE EXHIBITOR SHALL NOT DISPLAY THE  
11 HUMAN REMAINS UNLESS THE LOCAL GOVERNING ENTITY OF THE CITY,  
12 COUNTY, OR DISTRICT IN WHICH THE MUSEUM FACILITY IS LOCATED HAS  
13 ESTABLISHED A PERMIT PROGRAM AS DESCRIBED IN SECTION 10153 AND THE  
14 MUSEUM FACILITY OBTAINS A PERMIT FROM THE APPROPRIATE LOCAL HEALTH  
15 DEPARTMENT FOR THAT DISPLAY.

16 (3) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL  
17 PENALTY OF AN AMOUNT NOT TO EXCEED \$10,000.00 FOR EACH VIOLATION.

18 SEC. 10153. (1) A LOCAL GOVERNING ENTITY MAY ESTABLISH A  
19 PERMIT PROGRAM UNDER THIS PART TO ALLOW THE DISPLAY OF HUMAN  
20 REMAINS FOR COMMERCIAL PURPOSES OR MEDICAL EDUCATION PURPOSES UNDER  
21 CERTAIN CIRCUMSTANCES. IF ESTABLISHED, THE LOCAL GOVERNING ENTITY  
22 SHALL AUTHORIZE THE LOCAL HEALTH DEPARTMENT TO IMPLEMENT,  
23 ADMINISTER, AND ENFORCE THE PERMIT PROGRAM UNDER THIS SECTION. THE  
24 LOCAL GOVERNING ENTITY SHALL ESTABLISH THE STANDARDS AND  
25 REQUIREMENTS OF THE PERMIT PROGRAM. A LOCAL HEALTH DEPARTMENT SHALL  
26 ONLY ISSUE A PERMIT TO A PERSON FOR THE DISPLAY OF HUMAN REMAINS TO  
27 THE PUBLIC FOR COMMERCIAL PURPOSES OR MEDICAL EDUCATION PURPOSES IF

1 THE LOCAL HEALTH DEPARTMENT, THE LOCAL PUBLIC HEALTH OFFICIAL, OR  
2 HIS OR HER DESIGNEE DETERMINES THAT ALL OF THE REQUIREMENTS OF THE  
3 PERMIT PROGRAM HAVE BEEN MET AND THAT THE PERSON HAS PROVIDED VALID  
4 WRITTEN AUTHORIZATION TO DISPLAY THE HUMAN REMAINS FOR COMMERCIAL  
5 PURPOSES OR MEDICAL EDUCATION PURPOSES FROM ANY OF THE FOLLOWING  
6 WITH REGARD TO EACH HUMAN WHOSE REMAINS ARE ON DISPLAY:

7 (A) THE DECEDENT, INCLUDING, BUT NOT LIMITED TO, AUTHORIZATION  
8 GIVEN BY WILL.

9 (B) A PERSON AUTHORIZED TO MAKE AN ANATOMICAL GIFT UNDER PART  
10 101 OR IN ACCORD WITH THE ANATOMICAL GIFT LAWS OF ANOTHER STATE OR  
11 FOREIGN COUNTRY.

12 (2) IF THE LOCAL GOVERNING ENTITY OF A LOCAL HEALTH DEPARTMENT  
13 ESTABLISHES A PERMIT PROGRAM UNDER SUBSECTION (1), THE LOCAL HEALTH  
14 DEPARTMENT SHALL ENFORCE THIS PART AND ANY RULES PROMULGATED UNDER  
15 THIS PART PURSUANT TO SECTIONS 2461(2) AND 2462. IN ADDITION TO THE  
16 PENALTIES AND REMEDIES UNDER THIS PART, A LOCAL HEALTH DEPARTMENT  
17 MAY ENFORCE THIS PART AND ANY RULES PROMULGATED UNDER THIS PART  
18 THROUGH AN ACTION COMMENCED PURSUANT TO SECTION 2465 OR ANY OTHER  
19 APPROPRIATE ACTION AUTHORIZED BY LAW.

20 SEC. 10154. THIS PART DOES NOT APPLY TO THE UTILIZATION OF  
21 HUMAN REMAINS IN A MANNER THAT MEETS THE PURPOSES OF AND COMPLIES  
22 WITH PART 101.