

SUBSTITUTE FOR  
HOUSE BILL NO. 5246

A bill to amend 1980 PA 299, entitled  
"Occupational code,"  
(MCL 339.101 to 339.2919) by adding section 1809a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 1809A. (1) A PERSON LICENSED IN THE PRACTICE OF MORTUARY  
2        SCIENCE IS IMMUNE FROM CIVIL LIABILITY FOR THE PROPER DISPOSITION  
3        OF UNCLAIMED CREMATED REMAINS IF THE PROPER DISPOSITION WAS MADE 6  
4        MONTHS OR LONGER AFTER THE DATE OF CREMATION AND AT LEAST 30 DAYS  
5        AFTER THE DATE THE NOTICE REQUIRED UNDER THIS SUBSECTION IS SENT. A  
6        FUNERAL DIRECTOR CLAIMING IMMUNITY UNDER THIS SECTION SHALL MAKE  
7        REASONABLE EFFORTS TO PROVIDE WRITTEN NOTICE OF INTENT TO MAKE  
8        PROPER DISPOSITION OF THE UNCLAIMED CREMATED REMAINS TO THE PERSONS  
9        HAVING THE RIGHT TO MAKE DECISIONS RELATING TO THE DISPOSITION OF A  
10       DECEDENT'S BODY UNDER SECTION 3206 OF THE ESTATES AND PROTECTED  
11       INDIVIDUALS CODE, 1998 PA 386, MCL 700.3206. REASONABLE EFFORTS  
12       INCLUDE, BUT ARE NOT LIMITED TO, MAILING THE NOTICE TO THE LAST

1 KNOWN ADDRESS OF THAT PERSON.

2 (2) THIS SECTION DOES NOT SUPERSEDE THE PROVISIONS OF SECTION  
3 3206 OF THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386,  
4 MCL 700.3206, INVOLVING THE PRIORITY OF PERSONS HAVING THE RIGHT TO  
5 MAKE DECISIONS RELATING TO THE DISPOSITION OF A DECEDENT'S BODY  
6 UNDER THAT SECTION.

7 (3) AS USED IN THIS SECTION:

8 (A) "PROPER DISPOSITION" MEANS INTERMENT, ENTOMBMENT, OR  
9 INURNMENT OF UNCLAIMED CREMATED REMAINS IN A CEMETERY IN THIS  
10 STATE. IN THE CASE OF THE UNCLAIMED CREMATED REMAINS OF A VETERAN  
11 OF THE UNITED STATES ARMED FORCES, PROPER DISPOSITION INCLUDES THE  
12 INTERMENT, ENTOMBMENT, OR INURNMENT IN A CEMETERY DESIGNATED SOLELY  
13 FOR VETERANS BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR  
14 BY THE MICHIGAN DEPARTMENT OF VETERANS AFFAIRS.

15 (B) "UNCLAIMED CREMATED REMAINS" MEANS THE CREMATED REMAINS OF  
16 A DEAD HUMAN BODY THAT HAS NOT BEEN PICKED UP OR DELIVERED TO A  
17 PERSON HAVING THE RIGHT TO MAKE DECISIONS RELATING TO THE  
18 DISPOSITION OF A DECEDENT'S BODY UNDER SECTION 3206 OF THE ESTATES  
19 AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.3206.

20 Enacting section 1. This amendatory act takes effect July 1,  
21 2010.

22 Enacting section 2. This amendatory act does not take effect  
23 unless House Bill No. 5245 of the 95th Legislature is enacted into  
24 law.