

HOUSE BILL No. 4574

April 17, 2013, Introduced by Rep. Kurtz and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending section 1806 (MCL 339.1806), as amended by 1988 PA 463.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1806. (1) The department shall issue a license to engage
2 in the practice of mortuary science to an individual who ~~has~~ **MEETS**
3 **ALL OF THE FOLLOWING:**

4 **(A) SUBJECT TO SUBSECTION (2),** served as a resident trainee
5 for 1 year under the personal supervision and instruction of the
6 holder of a license for the practice of mortuary science. ~~—has~~
7 **graduated**

8 **(B) GRADUATED** from a 3-year course in mortuary science in an
9 accredited school, college, or university. ~~—has~~

1 (C) **SUBJECT TO SUBSECTION (2)**, satisfactorily ~~passed the~~
2 **PASSES AN** examination approved by the department and the board. ~~7~~
3 ~~and is~~

4 (D) **IS** of good moral character. ~~The~~

5 (2) **AN** applicant may take the examination **DESCRIBED IN**
6 **SUBSECTION (1) (C)** in 2 parts, 1 part after the completion of the
7 prescribed education and 1 part after the completion of the
8 prescribed education and the service of resident training. The
9 department may waive a portion of the requirement **UNDER SUBSECTION**
10 **(1) (A)** of 1 year of resident training if the applicant has a
11 baccalaureate degree from an accredited school, college, or
12 university, ~~which AND the department finds to be~~ **DETERMINES THAT**
13 **THE DEGREE IS** a satisfactory substitute for the resident training.

14 (3) ~~(2) The~~ **A PERSON MAY ONLY ENGAGE IN THE** practice of
15 mortuary science ~~shall be practiced at a fixed place.~~ **LOCATION.** A
16 person shall not open or maintain a place for practice, or hold
17 itself out as engaging in the practice of mortuary science, ~~unless~~
18 **WITHOUT** an establishment license ~~is granted~~ **ISSUED** by the
19 department. ~~The~~ **AN ESTABLISHMENT** license **UNDER THIS SUBSECTION** is
20 issued for a specific location only. The holder of a license for
21 the practice of mortuary science may conduct a funeral in another
22 licensed funeral establishment; ~~7 or~~ at a church, home, public
23 hall, lodge room, or other fixed place; or **AT ANOTHER** establishment
24 **THAT IS** owned by the person ~~conforming to~~ **AND THAT MEETS THE**
25 **REQUIREMENTS OF** section 1809.

26 (4) **THE DEPARTMENT SHALL NOT ISSUE OR RENEW AN ESTABLISHMENT**
27 **LICENSE UNDER SUBSECTION (3) UNLESS THE APPLICANT CERTIFIES THAT 1**

1 OF THE FOLLOWING IS MET AT THE TIME OF APPLICATION:

2 (A) THE APPLICANT, OR A PERSON THAT HAS A CONTROLLING INTEREST
3 IN, OR THAT IS UNDER COMMON OWNERSHIP WITH, THE APPLICANT, IS
4 REGISTERED WITH THE DEPARTMENT UNDER SECTION 6 OF THE PREPAID
5 FUNERAL AND CEMETERY SALES ACT, 1986 PA 255, MCL 328.216.

6 (B) THE APPLICANT HAS A CONTRACT WITH A REGISTRANT UNDER WHICH
7 THE REGISTRANT SELLS, PROVIDES, OR AGREES TO SELL OR PROVIDE
8 MERCHANDISE, FUNERAL SERVICES, OR CEMETERY SERVICES UNDER A PREPAID
9 CONTRACT ON BEHALF OF THE FUNERAL ESTABLISHMENT. AS USED IN THIS
10 SUBDIVISION AND SUBSECTION (5), "CEMETERY SERVICES", "FUNERAL
11 SERVICES", "MERCHANDISE", "PREPAID CONTRACT", "PROVIDER", AND
12 "REGISTRANT" MEAN THOSE TERMS AS DEFINED IN THE PREPAID FUNERAL AND
13 CEMETERY SALES ACT, 1986 PA 255, MCL 328.211 TO 328.235.

14 (5) IF AN ESTABLISHMENT LICENSE IS CANCELED UNDER SUBSECTION
15 (7) BECAUSE OF A CHANGE OF OWNERSHIP OF THE FUNERAL ESTABLISHMENT,
16 THE DEPARTMENT SHALL NOT GRANT A NEW LICENSE FOR THAT ESTABLISHMENT
17 UNLESS THE APPLICANT ASSUMES THE OBLIGATIONS OF ANY UNPERFORMED
18 PREPAID CONTRACTS IN WHICH THE FORMER ESTABLISHMENT WAS DESIGNATED
19 AS THE PROVIDER UNDER SECTION 11(1) OF THE PREPAID FUNERAL AND
20 CEMETERY ACT, 1986 PA 255, MCL 328.221, OR CERTIFIES THAT THE
21 UNPERFORMED PREPAID CONTRACTS HAVE BEEN ASSIGNED TO ANOTHER FUNERAL
22 ESTABLISHMENT.

23 (6) ~~(3) A~~ THE DEPARTMENT MAY INSPECT A funeral establishment
24 or a branch of a funeral establishment, ~~may be inspected by the~~
25 ~~department and shall~~ AND THE FUNERAL ESTABLISHMENT OR BRANCH MUST
26 meet and conform to THE REQUIREMENTS OF section 1809 and to ANY
27 other lawful standards and requirements established by rule of the

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department ~~in furtherance of~~ **UNDER** this act. The department may
revoke a license for **A** failure to meet ~~those~~ **ANY OF THESE**
requirements ~~pursuant to~~ **UNDER** the procedure set forth in this
article.

(7) A change in the ownership or location of the funeral
establishment automatically cancels its license. A **LICENSEE SHALL**
IMMEDIATELY REPORT A change in ownership or location ~~shall be~~
~~immediately reported to~~ the department.

(8) ~~(4)~~ The department shall issue a mortuary science license
to an individual ~~holding~~ **WHO HOLDS** a valid license in another state
~~having~~ **THAT HAS** substantially equal requirements to ~~those existing~~
~~in this state who has fulfilled~~ **THE REQUIREMENTS UNDER THIS ARTICLE**
IF HE OR SHE MEETS all of the following:

(a) ~~Applied~~ **APPLIES** for a license to practice in this state.

(b) ~~Filed~~ **FILES** with the department a certified statement from
the examining board of the state in which the applicant holds a
license ~~, showing~~ **THAT SHOWS** the basis ~~upon~~ **ON** which the license
was granted, and whether ~~the license~~ **THAT BOARD** has ~~been~~ suspended,
revoked, or limited ~~by a state board~~ **THAT LICENSE**.

(c) ~~Passed~~ **PASSES** an examination approved by the department
and the board ~~which~~ **THAT** tests the individual's knowledge of law
relating to the practice of mortuary science in Michigan.

[Enacting section 1. This amendatory act takes effect upon the
expiration of 90 days after the date it is enacted into law.]