

# HOUSE BILL No. 4304

February 21, 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 1810 (MCL 339.1810), as amended by 2006 PA 300.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1810. (1) A person ~~shall be~~ **IS** subject to the penalties  
2 of article 6 if the person commits ~~1-ANY~~ of the following:

3       (a) ~~Solicitation of a dead human body by~~ **IF THE PERSON IS** a  
4 licensed person or an agent, assistant, representative, employee,  
5 or person acting on behalf and with the knowledge and consent,  
6 express or implied, of the licensed person, **DOING ANY OF THE**  
7 **FOLLOWING:**

8       (i) **SOLICITING A DEAD HUMAN BODY**, whether the solicitation  
9 occurs after death or while death is impending. ~~7-or the procuring~~

1           (ii) ~~PROCURING or allowing directly or indirectly of~~ **ALLOWING** a  
 2 person to call ~~upon~~ **ON** an institution or individual ~~by whose~~  
 3 ~~influence~~ **THAT MAY HAVE INFLUENCE OVER A DECISION TO TURN OVER** a  
 4 dead human body ~~may be turned over to~~ the licensed person or **A**  
 5 funeral establishment.

6           (b) Procuring a person, known as **A** capper, steerer, or  
 7 solicitor, to obtain funeral directing or embalming; or allowing or  
 8 permitting a capper, steerer, or solicitor to obtain funeral  
 9 directing or embalming for a licensed person or funeral  
 10 establishment.

11           (c) ~~The direct or indirect payment or offer of payment of a~~  
 12 ~~commission by~~ **IF THE PERSON IS** a licensed person or an agent,  
 13 representative, assistant, or employee of the licensed person,  
 14 **DIRECTLY OR INDIRECTLY PAYING OR OFFERING TO PAY A COMMISSION** for  
 15 the purpose of securing business.

16           (d) Aiding or abetting an unlicensed person to engage in the  
 17 practice of funeral directing or embalming.

18           (e) Using profane, indecent, or obscene language in the  
 19 presence of a dead human body, or within the immediate hearing of  
 20 the family or relatives of a deceased, ~~whose~~ **IF THE** body has not  
 21 yet been interred or otherwise disposed of.

22           (f) ~~Solicitation or acceptance by~~ **IF THE PERSON IS** a licensed  
 23 person, ~~of~~ **SOLICITING OR ACCEPTING** a commission or bonus or rebate  
 24 in consideration of recommending or causing a dead human body to be  
 25 disposed of in a crematory, mausoleum, or cemetery.

26           (g) Using a casket or part of a casket ~~which~~ **THAT** has been  
 27 previously used as a receptacle for, or in connection with, the

1 burial or other disposition of a dead human body.

2 (h) A violation of a state law or municipal or county  
3 ordinance or regulation affecting the handling, custody, care or  
4 transportation of a dead human body.

5 (i) Refusing to promptly surrender the custody of a dead human  
6 body ~~, upon~~ **AFTER RECEIVING** the express order of the person  
7 lawfully entitled to ~~the~~ **THAT** custody.

8 (j) Failure to secure a permit for removal or burial of a dead  
9 human body before interment or disposal.

10 (k) Obtaining possession or embalming a dead human body  
11 without first being expressly directed or authorized to do so by a  
12 relative of the deceased person or a person entitled to custody **OF**  
13 **THE BODY**.

14 (l) Knowingly making a false statement on a certificate of  
15 death.

16 (m) Removing or embalming a dead human body if there is  
17 information indicating crime or violence in connection with the  
18 cause of death, unless permission of the county medical examiner  
19 ~~has~~ **IS** first ~~been~~ obtained.

20 (n) If **THE PERSON IS** a public officer or employee, an official  
21 of a public institution, convalescent home, private nursing home,  
22 maternity home, public or private hospital, physician or surgeon,  
23 or any other person having a professional relationship with a  
24 decedent or county medical examiner or other public official having  
25 temporary custody of the decedent, sending or causing to be sent to  
26 a person or establishment licensed under this article the remains  
27 of a deceased person without ~~having~~ first ~~made~~ **MAKING** inquiry as to

1 the desires of the person with authority over the disposal of the  
2 remains of the decedent under section 3206 of the estates and  
3 protected individuals code, 1998 PA 386, MCL 700.3206, and of the  
4 person who may be chargeable with the funeral expenses of the  
5 decedent. If a person with authority over the disposal of the  
6 remains of the decedent under section 3206 of the estates and  
7 protected individuals code, 1998 PA 386, MCL 700.3206, is found,  
8 the person's authority and directions shall govern the disposal of  
9 the remains of the decedent.

10 (o) If **THE PERSON IS** a licensee, receiving remains in  
11 violation of the requirements of subdivision (n) and making a  
12 charge for a service in connection with the remains before the  
13 delivery of the remains as stipulated by the person with authority  
14 over the disposal of the remains of the decedent under section 3206  
15 of the estates and protected individuals code, 1998 PA 386, MCL  
16 700.3206. This subdivision ~~shall~~**DOES** not prevent a person or  
17 establishment licensed under this article from charging and being  
18 reimbursed for services rendered in connection with the removal of  
19 the remains of a deceased person in case of accidental or violent  
20 death, ~~and~~**OR** rendering necessary services required until the  
21 person with authority over the disposal of the remains of the  
22 decedent under section 3206 of the estates and protected  
23 individuals code, 1998 PA 386, MCL 700.3206, or the person who is  
24 chargeable with the funeral expenses is notified.

25 (p) If **THE PERSON IS** a funeral establishment or a licensee,  
26 entering ~~upon~~**INTO** an agreement, directly or indirectly, in which  
27 the practice of embalming or funeral directing is to be rendered in

1 consideration for the **DESIGNATION OF THE** funeral establishment, **THE**  
2 licensed person, or an agent, assistant, or representative of the  
3 establishment or licensed person, ~~being designated as~~ beneficiary  
4 in an insurance policy or certificate. This subdivision does not  
5 govern or limit the authority of a personal representative,  
6 trustee, or other person who has a fiduciary relationship with the  
7 deceased.

8 (q) Failure to comply with part 138 of the public health code,  
9 1978 PA 368, MCL 333.13801 to ~~333.13831~~ **333.13832**.

10 (R) **FAILURE TO COMPLY WITH THE PREPAID FUNERAL AND CEMETERY**  
11 **SALES ACT, 1986 PA 255, MCL 328.211 TO 328.235.**

12 (2) The department, in consultation with the director of  
13 ~~public~~ **THE DEPARTMENT OF COMMUNITY** health, shall promulgate rules  
14 to prescribe training standards for licensees and nonlicensees who  
15 handle medical waste in a funeral establishment.

16 (3) A licensee who owns or operates a funeral establishment  
17 shall train his or her employees pursuant to the rules promulgated  
18 under subsection (2).

19 (4) **IF A PERSON LICENSED UNDER THIS ARTICLE IS CONVICTED OF**  
20 **CONVERSION OR EMBEZZLEMENT OF FUNDS RECEIVED UNDER THE PREPAID**  
21 **FUNERAL AND CEMETERY SALES ACT, 1986 PA 255, MCL 328.211 TO**  
22 **328.235, THE DEPARTMENT SHALL REVOKE THAT LICENSE, AND THE PERSON**  
23 **SHALL NOT APPLY FOR AND THE DEPARTMENT SHALL NOT GRANT A LICENSE**  
24 **UNDER THIS ARTICLE FOR AT LEAST 5 YEARS AFTER THE REVOCATION.**