

SUBSTITUTE FOR  
SENATE BILL NO. 651

A bill to amend 1980 PA 299, entitled  
"Occupational code,"  
by amending sections 210, 1801, 1804, 1806, and 1809 (MCL 339.210,  
339.1801, 339.1804, 339.1806, and 339.1809), section 210 as amended  
by 2016 PA 30, section 1801 as amended by 2006 PA 300, and section  
1806 as amended by 2013 PA 80, and by adding section 1806b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 210. (1) The department, on its own behalf ~~and~~ **OR** on  
2       behalf of a board created under this act, may contract with persons  
3       or agencies ~~who~~ **THAT** are not employees or agencies of the  
4       department to implement this act and to fulfill the  
5       responsibilities of the department or a board.

6       (2) Under subsection (1), the department may enter into an  
7       agreement with any of the following to provide an electronic

1 continuing education tracking system that provides an electronic  
2 record of the continuing education courses, classes, or programs  
3 completed by individuals who are licensed or registered under this  
4 act:

5 (a) For individuals who are licensed under article 7, a  
6 statewide accountancy trade organization.

7 **(B) FOR INDIVIDUALS WHO ARE LICENSED UNDER ARTICLE 18, A**  
8 **STATEWIDE FUNERAL SERVICE TRADE ORGANIZATION.**

9 **(C)** ~~(b)~~—For individuals who are licensed under article 25, a  
10 statewide real estate trade organization.

11 **(D)** ~~(e)~~—For the individuals who are licensed or registered  
12 under all of the other specific articles of this act, except the  
13 individuals described in subdivision (a), ~~or (b)~~, **OR (C)**, an entity  
14 that is not an agency of a state or the federal government.

15 (3) All of the following apply to an electronic system  
16 provided by an agreement under subsection (2):

17 (a) All continuing education tracking provided by the system  
18 must accurately reflect the continuing education requirements under  
19 this act and rules promulgated under this act.

20 (b) A confirmation of completion of continuing education  
21 requirements generated by the system is considered verification of  
22 completion of those requirements for renewal of a license or  
23 registration and for purposes of any audit of licensees or  
24 registrants conducted by the department.

25 (c) The system must provide access to continuing education  
26 information about an individual who is licensed or registered under  
27 this act to the individual, to the appropriate board for the

individual's occupation, and to the department.

(4) The department shall promulgate any rules it considers appropriate to implement and administer subsections (2) and (3).

Sec. 1801. As used in this article:

**(A) "BUSINESS ENTITY" MEANS A PERSON DESCRIBED IN SECTION 105(5)(B) OR (C), EXCEPT A SOLE PROPRIETORSHIP OR GENERAL PARTNERSHIP.**

**(B)** ~~(a)~~—"Funeral establishment" means a place of business used in the care and preparation for burial or transportation of a dead human body or a place where a person represents that ~~the person~~ **HE OR SHE** is engaged in the profession of undertaking or the practice of mortuary science.

**(C)** ~~(b)~~—"Holder of a license for the practice of mortuary science" means ~~a person~~ **AN INDIVIDUAL** who satisfactorily completes a course in mortuary science, ~~who~~ passes an examination prescribed in this article, serves the required resident training, and is issued a license for the practice of mortuary science.

**(D)** ~~(c)~~—"Practice of embalming" means the disinfecting or preserving of a dead human body, entirely or in part, by the use of a chemical substance, fluid, or gas in the body or by the introduction of the chemical substance, fluid, or gas into the body by a vascular or hypodermic injection, or by direct application into an organ or cavity.

**(E)** ~~(d)~~—"Practice of funeral directing" means engaging in or representing oneself as engaging in the supervising of the burial and disposal of a dead human body; maintaining a funeral establishment for the preparation, disposition, and care of a dead

human body; or using, in connection with the user's name or funeral establishment, the word "funeral director", "funeral service professional", "undertaker", or "mortician", or any other title embodying the words "mortuary science" or otherwise implying that ~~one~~ **A PERSON** is engaged as a funeral director.

(F) ~~(e)~~—"Practice of mortuary science" means the practice of embalming or the practice of funeral directing, or both.

(G) ~~(f)~~—"Resident trainee" means ~~a person~~ **AN INDIVIDUAL** who is engaged in learning the practice of embalming or funeral directing or the practice of mortuary science under the instruction and personal supervision of a holder of a license for the practice of mortuary science in this state.

Sec. 1804. (1) An individual whose name appears in ~~connection with that~~ **THE NAME** of a funeral establishment ~~shall be~~ **IS** considered as actively engaged in the practice of funeral directing or the practice of mortuary science and shall be the holder of a license for the practice of mortuary science. ~~If a funeral establishment is a corporation or partnership, each active member of the corporation or partnership, together with each individual whose name appears or is used in connection with the name of the corporation or partnership, shall be the holder of a license for the practice of mortuary science.~~

~~—— (2) This article shall not prevent a funeral establishment from using or continuing to use an otherwise lawful corporate or partnership name after the death or retirement of a member if each active member or employee is properly licensed under this article.~~

**(2) A LAWFULLY FORMED BUSINESS ENTITY THAT IS LICENSED AS A**

FUNERAL ESTABLISHMENT MAY USE OR CONTINUE TO USE THE LICENSED ESTABLISHMENT NAME AFTER THE DEATH OR RETIREMENT OF A MEMBER, OFFICER, OR DIRECTOR IF THE DEATH OR RETIREMENT IS REPORTED TO THE DEPARTMENT WITHIN 30 DAYS AND IF THE LICENSED ESTABLISHMENT NAME HAS BEEN FORMERLY USED.

Sec. 1806. (1) The department shall issue a license to engage in the practice of mortuary science to an individual who meets all of the following:

(a) Subject to subsection (2), served as a resident trainee ~~for 1 year~~ under the personal supervision and instruction of the holder of a license for the practice of mortuary science ~~FOR 1 OF THE FOLLOWING TIME PERIODS:~~

(i) IF THE INDIVIDUAL FILES HIS OR HER INITIAL LICENSE APPLICATION BEFORE JANUARY 1, 2023, 1 YEAR.

(ii) IF THE INDIVIDUAL FILES HIS OR HER INITIAL LICENSE APPLICATION ON OR AFTER JANUARY 1, 2023, 180 DAYS.

(B) COMPLETED A MORTUARY SCIENCE PROGRAM THAT IS ACCREDITED BY AN AGENCY RECOGNIZED BY THE UNITED STATES SECRETARY OF EDUCATION AS A SPECIALIZED ACCREDITING AGENCY IN FUNERAL SERVICE OR MORTUARY SCIENCE AND MEETS 1 OF THE FOLLOWING:

(i) ~~(b) Graduated from~~ IF THE INDIVIDUAL FILES HIS OR HER INITIAL LICENSE APPLICATION BEFORE JANUARY 1, 2023, GRADUATED FROM a 3-year ~~course in mortuary science in an accredited~~ HIGHER EDUCATION PROGRAM IN MORTUARY SCIENCE AT A school, college, or university THAT IS ACCREDITED BY AN ACCREDITING AGENCY THAT IS RECOGNIZED BY THE UNITED STATES SECRETARY OF EDUCATION AS A SPECIALIZED ACCREDITING AGENCY IN FUNERAL SERVICE OR MORTUARY

1 SCIENCE.

2 (ii) IF THE INDIVIDUAL FILES HIS OR HER INITIAL LICENSE  
3 APPLICATION ON OR AFTER JANUARY 1, 2023, GRADUATED WITH A  
4 BACCALAUREATE DEGREE OR HIGHER DEGREE FROM AN EDUCATIONAL  
5 INSTITUTION THAT IS ACCREDITED BY AN AGENCY RECOGNIZED BY THE  
6 UNITED STATES SECRETARY OF EDUCATION AS A REGIONAL ACCREDITING  
7 AGENCY FOR POSTSECONDARY EDUCATION OR WHOSE BACCALAUREATE DEGREE  
8 PROGRAM IS ACCREDITED BY A SPECIALIZED ACCREDITING AGENCY IN  
9 FUNERAL SERVICE OR MORTUARY SCIENCE.

10 (c) ~~Subject to subsection (2), satisfactorily~~ SATISFACTORILY  
11 ~~passes an examination~~ ALL OF THE REQUIRED PARTS OF AN EXAMINATION  
12 ADMINISTERED AND DEVELOPED BY A NATIONAL OR INTERNATIONAL  
13 ASSOCIATION OF FUNERAL SERVICE LICENSING BOARDS AND approved by the  
14 department and the board.

15 (D) SATISFACTORILY PASSES A MICHIGAN EXAMINATION DEVELOPED AND  
16 ADMINISTERED BY OR UNDER THE AUTHORITY OF THE DEPARTMENT.

17 (E) ~~(d)~~ Is of good moral character.

18 (2) ~~An applicant may take the examination described in~~  
19 ~~subsection (1)(c) in 2 parts, 1 part after the completion of the~~  
20 ~~prescribed education and 1 part after the completion of the~~  
21 ~~prescribed education and the service of resident training. The~~  
22 department may waive a portion of the requirement under subsection  
23 (1)(a) of 1 year of resident training if the applicant has a  
24 baccalaureate degree from an accredited school, college, or  
25 university, and the department determines that the degree is a  
26 satisfactory substitute for the resident training. THIS SUBSECTION  
27 DOES NOT APPLY AFTER DECEMBER 31, 2022.

1           (3) A person may only engage in the practice of mortuary  
2 science at a fixed location. A person shall not open or maintain a  
3 place for practice, or hold itself out as engaging in the practice  
4 of mortuary science, without an establishment license issued by the  
5 department. An establishment license under this subsection is  
6 issued for a specific location only. The holder of a license for  
7 the practice of mortuary science may conduct a funeral in another  
8 licensed funeral establishment; at a church, home, public hall,  
9 lodge room, or other fixed place; or at another establishment that  
10 is owned by the person and that meets the requirements of section  
11 1809.

12           (4) The department shall not issue or renew an establishment  
13 license under subsection (3) unless the applicant certifies that 1  
14 of the following is met at the time of application:

15           (a) The applicant, or a person that has a controlling interest  
16 in, or that is under common ownership with, the applicant, is  
17 registered with the department under section 6 of the prepaid  
18 funeral and cemetery sales act, 1986 PA 255, MCL 328.216.

19           (b) The applicant has a contract with a registrant under which  
20 the registrant sells, provides, or agrees to sell or provide  
21 merchandise, funeral services, or cemetery services under a prepaid  
22 contract on behalf of the funeral establishment. As used in this  
23 subdivision and subsection (5), "cemetery services", "funeral  
24 services", "merchandise", "prepaid contract", "provider", and  
25 "registrant" mean those terms as defined in the prepaid funeral and  
26 cemetery sales act, 1986 PA 255, MCL 328.211 to 328.235.

27           (5) If an establishment license is canceled under subsection

(7) because of a change of ownership of the funeral establishment, the department shall not grant a new license for that establishment unless the applicant assumes the obligations of any unperformed prepaid contracts in which the former establishment was designated as the provider under section 11(1) of the prepaid funeral and cemetery sales act, 1986 PA 255, MCL 328.221, or certifies that the unperformed prepaid contracts have been assigned to another funeral establishment or to a person that has a contract with a funeral establishment that has agreed to act as the provider.

(6) The department may inspect a funeral establishment or a branch of a funeral establishment, and the funeral establishment or branch must meet the requirements of section 1809 and any other standards and requirements established by rule of the department under this act. The department may revoke a license for a failure to meet any of these requirements under the procedure set forth in this article.

(7) A change in ~~the~~ ownership or **CHANGE IN** location of the funeral establishment, **OR A CHANGE IN OWNERSHIP OF A BUSINESS ENTITY THAT OWNS A FUNERAL ESTABLISHMENT**, automatically cancels its license. A licensee shall ~~immediately~~ report a change in ownership or location to the department **WITHIN 30 DAYS OF THE CHANGE. AS USED IN THIS SUBSECTION, "CHANGE IN OWNERSHIP" MEANS A CHANGE OF A MAJORITY OF A BUSINESS ENTITY'S MEMBERS, SHAREHOLDERS, OFFICERS, OR DIRECTORS OR A CHANGE IN A SOLE PROPRIETORSHIP'S OR GENERAL PARTNERSHIP'S OWNERS.**

(8) ~~The~~ **SUBJECT TO SUBSECTION (9), THE** department shall issue a mortuary science license to an individual who holds a ~~valid~~

1 ~~license in another state that has substantially equal requirements~~  
2 ~~to the requirements under this article~~ OR PREVIOUSLY HELD A VALID  
3 MORTUARY SCIENCE LICENSE, OR DUAL LICENSES AS A FUNERAL DIRECTOR  
4 AND EMBALMER, IN ANOTHER STATE if he or she meets all of the  
5 following:

6 (a) Applies for a license to practice in this state.

7 (B) HELD THE LICENSE OR LICENSES IN THE OTHER STATE FOR A  
8 PERIOD OF AT LEAST 5 YEARS.

9 (C) COMPLETED A MORTUARY SCIENCE PROGRAM THAT IS  
10 ACCREDITED BY AN AGENCY RECOGNIZED BY THE UNITED STATES  
11 SECRETARY OF EDUCATION AS A SPECIALIZED ACCREDITING AGENCY  
12 IN FUNERAL SERVICE OR MORTUARY SCIENCE.

13 (D) SATISFACTORILY PASSED ALL OF THE REQUIRED PARTS OF AN  
14 EXAMINATION ADMINISTERED AND DEVELOPED BY A NATIONAL OR  
15 INTERNATIONAL ASSOCIATION OF FUNERAL SERVICE LICENSING  
16 BOARD AND APPROVED BY THE DEPARTMENT AND THE BOARD.

17 (E) ~~(b)~~ Files with the department a certified statement from  
18 the examining board of the state in which the applicant holds a  
19 license that shows the basis on which the license was granted, and  
20 whether that board has suspended, revoked, or limited that license.

21 (F) ~~(c)~~ Passes an examination approved by the department and  
22 the board that tests the individual's knowledge of law relating to  
23 the practice of mortuary science in ~~Michigan~~ THIS STATE.

24 (9) THE DEPARTMENT MAY REFUSE TO ISSUE A MORTUARY SCIENCE  
25 LICENSE TO AN INDIVIDUAL DESCRIBED IN SUBSECTION (8) BASED ON  
26 EVIDENCE THAT HIS OR HER LICENSE IN THE OTHER STATE WAS SUSPENDED,  
27 REVOKED, OR LIMITED AT ANY TIME.

1        SEC. 1806B. (1) BEGINNING THE FIRST COMPLETE LICENSE CYCLE  
2 AFTER OCTOBER 31, 2023, THE HOLDER OF A LICENSE FOR THE PRACTICE OF  
3 MORTUARY SCIENCE MUST SUCCESSFULLY COMPLETE AT LEAST 4 HOURS OF  
4 ELIGIBLE CONTINUING EDUCATION COURSES IN EACH YEAR OF A LICENSE  
5 CYCLE.

6        (2) ALL OF THE FOLLOWING APPLY TO THE CONTINUING EDUCATION  
7 REQUIREMENT DESCRIBED IN SUBSECTION (1):

8        (A) THE CONTINUING EDUCATION REQUIREMENT DOES NOT APPLY TO AN  
9 INDIVIDUAL WHO IS THE HOLDER OF A LICENSE FOR THE PRACTICE OF  
10 MORTUARY SCIENCE AND HAS HELD A VALID LICENSE FOR THE PRACTICE OF  
11 MORTUARY SCIENCE FOR AT LEAST 40 YEARS.

12        (B) AT LEAST 2 OF THE 4 HOURS OF ELIGIBLE CONTINUING EDUCATION  
13 COURSES REQUIRED IN EACH YEAR OF A LICENSE CYCLE MUST INVOLVE 1 OR  
14 MORE OF THE FOLLOWING SUBJECTS:

15        (i) TECHNICAL SKILLS REQUIRED FOR EMBALMING AND RESTORATIVE  
16 ART.

17        (ii) FUNERAL ETHICS AND BEST PRACTICES.

18        (iii) GRIEF COUNSELING.

19        (iv) OCCUPATIONAL HEALTH AND SAFETY FOR FUNERAL HOME WORKERS.

20        (v) COMMUNICABLE DISEASES INCLUDING TRANSMISSION AND  
21 STERILIZATION TECHNIQUES.

22        (vi) FUNERAL SERVICE BEST PRACTICES.

23        (vii) STATUTES AND RULES OF THIS STATE RELATING TO THE  
24 PRACTICE OF FUNERAL DIRECTING.

25        (viii) PREPAID FUNERAL SALES.

26        (ix) CONSUMER PROTECTION, FEDERAL TRADE COMMISSION FUNERAL  
27 RULE, AND FAIR LABOR STANDARDS REQUIREMENTS.

1 (C) THE DEPARTMENT, OR A STATEWIDE FUNERAL SERVICE TRADE  
2 ORGANIZATION UNDER SUBSECTION (3) IF APPLICABLE, SHALL DETERMINE  
3 WHETHER A CONTINUING EDUCATION COURSE IS AN ELIGIBLE CONTINUING  
4 EDUCATION COURSE.

5 (D) IF AN INDIVIDUAL RECEIVES HIS OR HER INITIAL LICENSE TO  
6 ENGAGE IN THE PRACTICE OF MORTUARY SCIENCE AFTER THE BEGINNING OF  
7 THE CURRENT LICENSE CYCLE FOR THAT LICENSE, THE DEPARTMENT MAY  
8 PRORATE THE NUMBER OF HOURS OF ELIGIBLE CONTINUING EDUCATION THAT  
9 LICENSEE IS REQUIRED TO COMPLETE UNDER SUBSECTION (1) FOR THE YEAR  
10 OF THE LICENSE CYCLE IN WHICH THE LICENSE IS ISSUED.

11 (E) COMPLIANCE WITH THE CONTINUING EDUCATION REQUIREMENT IS A  
12 CONDITION TO FURTHER RENEWAL OF A LICENSE FOR THE PRACTICE OF  
13 MORTUARY SCIENCE.

14 (3) FOR PURPOSES OF SUBSECTION (1), THE DEPARTMENT MAY  
15 CONTRACT UNDER SECTION 210(1) WITH A STATEWIDE FUNERAL SERVICE  
16 TRADE ORGANIZATION TO ADMINISTER A CONTINUING EDUCATION PROGRAM AND  
17 TO OFFER OR APPROVE CONTINUING EDUCATION COURSES. IF AUTHORIZED IN  
18 THE CONTRACT, A STATEWIDE FUNERAL SERVICE TRADE ORGANIZATION MAY  
19 CONTRACT WITH OTHER PERSONS TO PROVIDE COURSEWORK AND OTHER  
20 SERVICES IN CONNECTION WITH THE CONTINUING EDUCATION PROGRAM.

21 Sec. 1809. (1) ALL OF THE FOLLOWING APPLY TO THE OWNERSHIP AND  
22 MANAGEMENT OF A FUNERAL ESTABLISHMENT:

23 (A) A funeral establishment ~~shall be operated by a person who~~  
24 ~~is the holder of~~ MUST APPOINT A MANAGER TO MANAGE THE FUNERAL  
25 ESTABLISHMENT. A MANAGER MUST HOLD a license for the practice of  
26 mortuary science. ~~The establishment shall have conspicuously~~  
27 ~~displayed at its entrance the name of the person licensed to~~

1 ~~conduct the establishment. The name of the person owning the~~  
2 ~~funeral establishment shall be registered with the department.~~  
3 ~~Failure to make full and complete disclosure of the owners shall be~~  
4 ~~grounds for the revocation of the establishment license.~~

5 (B) A FUNERAL ESTABLISHMENT SHALL NOTIFY THE DEPARTMENT IN  
6 WRITING OF THE NAME OF THE INDIVIDUAL APPOINTED AS THE MANAGER OF  
7 THE FUNERAL ESTABLISHMENT AND SHALL CONSPICUOUSLY DISPLAY AT ITS  
8 ENTRANCE THE NAME OF THE MANAGER.

9 (C) THE DEPARTMENT MAY PROMULGATE RULES UNDER SECTION 205, AND  
10 THE BOARD MAY PROMULGATE RULES UNDER SECTION 308, TO ESTABLISH  
11 REQUIREMENTS FOR THE LICENSING, OPERATION, AND MANAGEMENT OF A  
12 FUNERAL ESTABLISHMENT, INCLUDING, BUT NOT LIMITED TO, A LIMIT ON  
13 THE NUMBER OF ESTABLISHMENTS FOR WHICH A LICENSEE MAY BE APPOINTED  
14 AS THE MANAGER.

15 (D) A FUNERAL ESTABLISHMENT SHALL REGISTER THE NAME OF THE  
16 PERSON THAT OWNS THE FUNERAL ESTABLISHMENT WITH THE DEPARTMENT.

17 (E) THE NAMES OF ALL OF A FUNERAL ESTABLISHMENT'S OWNERS,  
18 OFFICERS, DIRECTORS, OR MEMBERS MUST BE DISCLOSED TO THE  
19 DEPARTMENT. A VIOLATION OF THIS SUBDIVISION IS GROUNDS FOR  
20 DISCIPLINARY ACTION AGAINST THE LICENSE OF THE FUNERAL  
21 ESTABLISHMENT.

22 (2) ~~A person~~ **AN INDIVIDUAL** whose license has been revoked  
23 under this article shall not ~~operate~~ **OWN OR MANAGE**, either directly  
24 or indirectly, or hold an interest in a funeral establishment. ~~This~~  
25 ~~subsection shall not prohibit a person whose license has been~~  
26 ~~revoked from leasing property owned by the person for use as a~~  
27 ~~funeral establishment if the person does not participate in the~~

~~control or profit of the funeral establishment otherwise than as a  
lessor of the premises for a fixed rental not dependent upon  
earnings.~~

~~—— (3) A branch establishment shall be operated by a person who  
is the holder of a license for the practice of mortuary science.~~

(3) ~~(4)~~—The department and the board may inspect the ~~A~~  
premises in which funeral directing is conducted, ~~or~~ where  
embalming is practiced, or where an applicant proposes to practice.

(4) ~~(5)~~—A funeral establishment shall contain a preparation  
room equipped with tile, cement, or composition floor and necessary  
drainage and ventilation, and contain each necessary instrument or  
supply for the preparation and embalming of a dead human body for  
burial, transportation, or other disposition.

(5) ~~(6)~~—A branch establishment shall comply with each  
requirement or rule relating to a funeral establishment.

(6) AN APPLICANT FOR A FUNERAL ESTABLISHMENT LICENSE SHALL  
SUBMIT AN APPLICATION FOR A LICENSE, ON A FORM DEVELOPED BY THE  
DEPARTMENT, THAT MEETS ALL OF THE FOLLOWING, AS APPLICABLE:

(A) THE APPLICATION MUST INDICATE WHETHER THE  
APPLICANT IS AN INDIVIDUAL, SOLE PROPRIETORSHIP, PARTNERSHIP,  
CORPORATION, OR LIMITED LIABILITY COMPANY OR ANOTHER TYPE OF  
BUSINESS ENTITY.

(B) IF AN APPLICANT IS A SOLE PROPRIETORSHIP OR A GENERAL  
PARTNERSHIP, THE APPLICATION MUST CONFIRM THAT THE APPLICANT IS  
REGISTERED AT THE COUNTY LEVEL, AND THE APPLICANT MUST PROVIDE A  
COPY OF ITS CERTIFICATE OF CONDUCTING BUSINESS UNDER AN ASSUMED  
NAME OR CERTIFICATE OF COPARTNERSHIP TO THE DEPARTMENT.

1           (C) IF AN APPLICANT IS A BUSINESS ENTITY, THE APPLICATION MUST  
2 CONFIRM THAT THE APPLICANT IS A BUSINESS ENTITY ORGANIZED UNDER THE  
3 LAWS OF THIS STATE AND IS IN GOOD STANDING, OR IS A FOREIGN ENTITY  
4 THAT HAS A CERTIFICATE OF AUTHORITY AND IS AUTHORIZED TO DO  
5 BUSINESS IN THIS STATE, AND THE APPLICANT MUST PROVIDE TO THE  
6 DEPARTMENT ITS FULL LEGAL NAME, A COPY OF ITS ARTICLES OF  
7 INCORPORATION, ARTICLES OF ORGANIZATION, OR CERTIFICATE OF  
8 AUTHORITY, AND ITS FEDERAL EMPLOYER IDENTIFICATION NUMBER.

9           Enacting section 1. This amendatory act takes effect 90 days  
10 after the date it is enacted into law.