

SENATE BILL No. 651

November 8, 2017, Introduced by Senator JONES and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 210, 1806, and 1809 (MCL 339.210, 339.1806,
and 339.1809), section 210 as amended by 2016 PA 30 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. 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~~ AT A school, college, or university THAT IS ACCREDITED BY THE UNITED STATES SECRETARY OF EDUCATION AS A SPECIALIZED ACCREDITING AGENCY IN FUNERAL SERVICE OR MORTUARY SCIENCE.

(ii) IF THE INDIVIDUAL FILES HIS OR HER INITIAL LICENSE APPLICATION ON OR AFTER JANUARY 1, 2023, GRADUATED WITH A BACCALAUREATE DEGREE OR HIGHER DEGREE FROM AN EDUCATIONAL

1 INSTITUTION THAT IS ACCREDITED BY AN AGENCY RECOGNIZED BY THE
2 UNITED STATES SECRETARY OF EDUCATION AS A REGIONAL ACCREDITING
3 AGENCY FOR POSTSECONDARY EDUCATION OR WHOSE BACCALAUREATE DEGREE
4 PROGRAM IS ACCREDITED BY A SPECIALIZED ACCREDITING AGENCY IN
5 FUNERAL SERVICE OR MORTUARY SCIENCE.

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

11 (D) **SATISFACTORILY PASSES A MICHIGAN EXAMINATION DEVELOPED AND**
12 **ADMINISTERED BY OR UNDER THE AUTHORITY OF THE DEPARTMENT.**

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

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

24 (3) A person may only engage in the practice of mortuary
25 science at a fixed location. A person shall not open or maintain a
26 place for practice, or hold itself out as engaging in the practice
27 of mortuary science, without an establishment license issued by the

1 department. An establishment license under this subsection is
2 issued for a specific location only. The holder of a license for
3 the practice of mortuary science may conduct a funeral in another
4 licensed funeral establishment; at a church, home, public hall,
5 lodge room, or other fixed place; or at another establishment that
6 is owned by the person and that meets the requirements of section
7 1809.

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

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

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

23 (5) If an establishment license is canceled under subsection
24 (7) because of a change of ownership of the funeral establishment,
25 the department shall not grant a new license for that establishment
26 unless the applicant assumes the obligations of any unperformed
27 prepaid contracts in which the former establishment was designated

1 as the provider under section 11(1) of the prepaid funeral and
2 cemetery sales act, 1986 PA 255, MCL 328.221, or certifies that the
3 unperformed prepaid contracts have been assigned to another funeral
4 establishment or to a person that has a contract with a funeral
5 establishment that has agreed to act as the provider.

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

13 (7) A change in the ownership or location of the funeral
14 establishment automatically cancels its license. A licensee shall
15 immediately report a change in ownership or location to the
16 department.

17 (8) The department shall issue a mortuary science license to
18 an individual who holds a valid license in another state ~~that has~~
19 ~~substantially equal requirements to the requirements under this~~
20 ~~article~~ if he or she meets all of the following:

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

22 (b) Files with the department a certified statement from the
23 examining board of the state in which the applicant holds a license
24 that shows the basis on which the license was granted, and whether
25 that board has suspended, revoked, or limited that license.

26 (c) Passes an examination approved by the department and the
27 board that tests the individual's knowledge of law relating to the

1 practice of mortuary science in Michigan-THIS STATE.

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

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

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

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

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

18 (ii) FUNERAL ETHICS AND BEST PRACTICES.

19 (iii) GRIEF COUNSELING.

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

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

23 (vi) FUNERAL SERVICE BEST PRACTICES.

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

26 (viii) PREPAID FUNERAL SALES.

27 (ix) CONSUMER PROTECTION, FEDERAL TRADE COMMISSION FUNERAL

1 RULE, AND FAIR LABOR STANDARDS REQUIREMENTS.

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

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

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

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

22 Sec. 1809. (1) A funeral establishment shall be operated by a
23 ~~person~~AN INDIVIDUAL who is the holder of a license for the
24 practice of mortuary science. ~~The~~THE DEPARTMENT MAY ADOPT RULES
25 UNDER SECTIONS 205 AND 308 THAT ESTABLISH REQUIREMENTS FOR THE
26 OPERATION AND THE OPERATOR OF A FUNERAL ESTABLISHMENT. A FUNERAL
27 establishment shall ~~have conspicuously displayed~~CONSPICUOUSLY

1 **DISPLAY** at its entrance the name of the ~~person~~ **INDIVIDUAL WHO IS**
2 licensed to ~~conduct~~ **OPERATE** the establishment. The name of the
3 person ~~owning the~~ **THAT OWNS A** funeral establishment shall be
4 registered with the department. Failure to make full and complete
5 disclosure of the owners ~~shall be~~ **IS** grounds for the revocation of
6 ~~the~~ **A FUNERAL** establishment license.

7 (2) ~~A person~~ **AN INDIVIDUAL** whose license has been revoked
8 under this article shall not operate either directly or indirectly
9 or hold an interest in a funeral establishment. This subsection
10 ~~shall~~ **DOES** not prohibit a ~~person~~ **AN INDIVIDUAL** whose license has
11 been revoked from leasing property owned by the ~~person~~ **INDIVIDUAL**
12 for use as a funeral establishment if the ~~person~~ **INDIVIDUAL** does
13 not participate in the control or profit of the funeral
14 establishment otherwise than as a lessor of the premises for a
15 fixed rental **THAT IS** not dependent ~~upon~~ **ON** earnings.

16 (3) A branch establishment shall be operated by a ~~person~~ **AN**
17 **INDIVIDUAL** who is the holder of a license for the practice of
18 mortuary science.

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

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

27 (6) A branch establishment shall comply with each requirement

1 or rule relating to a funeral establishment.

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