

HOUSE BILL NO. 5468

October 21, 2021, Introduced by Reps. Tisdell, Hertel, Sneller, Sabo, Steenland, Anthony, Sowerby, Stone, Young, Shannon, Yaroach, Huizenga and O'Malley and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending section 1809 (MCL 339.1809), as amended by 2020 PA 265.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1809. (1) All of the following apply to the ownership and
2 management of a funeral establishment:
3 (a) A funeral establishment ~~shall~~**must** be managed by an
4 individual who is the holder of a license for the practice of
5 mortuary science. The manager shall ensure that the funeral

1 establishment complies with all applicable laws.

2 (b) A funeral establishment shall notify the department in
3 writing of the name of the individual appointed as the manager of
4 the funeral establishment and conspicuously display the name of the
5 manager at the entrance of the funeral establishment.

6 (c) A manager of a funeral establishment shall not reside more
7 than 75 miles from that funeral establishment.

8 (d) Except as provided in subsection (2), an individual shall
9 not manage more than 1 funeral establishment.

10 (e) If a new manager is appointed for a funeral establishment,
11 the funeral establishment shall notify the department in writing of
12 the name of the new manager not more than 30 days after the date of
13 his or her appointment.

14 (2) The director shall receive and approve or deny requests
15 for waivers to allow an individual to act as the manager of 2
16 funeral establishments under this subsection. All of the following
17 apply to a request for a waiver under this subsection:

18 (a) The prospective manager shall request the waiver. The
19 request must include the following:

20 (i) The prospective manager's name and mortuary science license
21 number.

22 (ii) The name and license number of each funeral establishment
23 affected.

24 (iii) Documentation supporting the existence of the factors
25 listed in subdivision (b).

26 (b) The director shall not grant a waiver under this
27 subsection unless all of the following factors are met:

28 (i) The funeral establishments are located in the same county
29 or contiguous counties.

1 (ii) The population density of the county in which each of the
2 funeral establishments is located is less than the population
3 density for this state, based on data from the most recent
4 decennial census.

5 (iii) The funeral establishments are located within 90 miles of
6 each other.

7 (c) If the waiver is denied, the director shall send a written
8 notice of the denial and the reasons for denial to the individual
9 who requested the waiver. The individual may appeal the denial to
10 the board in the manner provided for in section 515.

11 (3) An individual whose license is revoked under this article
12 shall not own or manage, either directly or indirectly, or hold an
13 interest in, a funeral establishment. This subsection does not
14 prohibit an individual whose license is revoked from leasing
15 property owned by the individual for use as a funeral establishment
16 if the individual does not participate in the control or profit of
17 the funeral establishment, other than as a lessor of the premises
18 for a fixed rental that is not dependent on earnings.

19 (4) A branch establishment ~~shall~~**must** be managed by an
20 individual who is the holder of a license for the practice of
21 mortuary science. The manager shall ensure that the branch
22 establishment complies with all applicable laws.

23 (5) The department and the board may inspect the premises of
24 any location where funeral directing is conducted, embalming is
25 practiced, or an applicant intends to engage in the practice of
26 mortuary science.

27 (6) A funeral establishment shall contain ~~a~~**both of the**
28 **following:**

29 (a) A preparation room equipped with tile, cement, or

1 composition floor and necessary drainage and ventilation, and
2 contain each necessary instrument or supply for the preparation and
3 embalming of a dead human body for burial, transportation, or other
4 disposition.

5 (b) Except as otherwise provided in this subdivision, a
6 refrigeration unit. Subject to subsection (7), the funeral
7 establishment shall ensure that the refrigeration unit required
8 under this subdivision has the capacity to provide a space for each
9 dead human body housed in the funeral establishment. This
10 subdivision does not apply to a funeral establishment if all of the
11 following apply:

12 (i) The funeral establishment has a contract with a person that
13 owns a facility that is located within 25 miles of the funeral
14 establishment.

15 (ii) The contract under subparagraph (i) provides that the
16 person will house dead human bodies transported from the funeral
17 establishment in the facility.

18 (iii) The facility has a refrigeration unit that meets the
19 requirements under this subdivision.

20 (7) Not later than 24 hours after a dead human body arrives at
21 a funeral establishment, the funeral establishment shall do 1 of
22 the following:

23 (a) Embalm the dead human body.

24 (b) House the dead human body in a refrigeration unit under
25 subsection (6) (b) with an air temperature not to exceed 40 degrees
26 Fahrenheit.

27 (8) ~~(7)~~—A branch establishment is subject to all of the
28 requirements or rules relating to a funeral establishment.

29 Enacting section 1. This amendatory act takes effect January

1 1, 2022.