

# SENATE BILL NO. 443

June 28, 2023, Introduced by Senators WEBBER, SHINK, SINGH and GEISS and referred to the Committee on Regulatory Affairs.

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 **otherwise** provided in subsection (2), an  
9 individual shall 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,  
12 of the name of the new manager not ~~more~~**later** than 30 days after  
13 the date of ~~his or her~~**the new manager's** appointment.

14 (2) The director shall receive and approve or deny requests  
15 for waivers ~~to that~~ 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~~ **under** 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~~ **all of the**  
28 **following:**

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

composition floor, and necessary drainage and ventilation.

(b) ~~and contain each~~ Each necessary instrument or supply for the preparation and embalming of a dead human body for burial, transportation, or other disposition.

(c) Except as otherwise provided in this subdivision and subject to subsection (7), a refrigeration unit. The funeral establishment shall ensure that the refrigeration unit required under this subdivision has the capacity to provide a space for each dead human body housed in the funeral establishment. This subdivision does not apply to a funeral establishment if all of the following apply:

(i) The funeral establishment has a contract with a person that owns a facility that is located within 25 miles of the funeral establishment and contains a refrigeration unit.

(ii) The contract described in subparagraph (i) provides that the person will house, in the facility's refrigeration unit at an air temperature not to exceed 40 degrees Fahrenheit, dead human bodies transported from the funeral establishment.

(iii) The refrigeration unit described in subparagraph (i) has the capacity to provide a space for each dead human body housed for the funeral establishment.

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

(a) Embalm the dead human body.

(b) House the dead human body in a refrigeration unit described in subsection (6)(c) at an air temperature not to exceed 40 degrees Fahrenheit.

(8) ~~(7)~~—A branch establishment is subject to all of the

- 1 requirements or rules ~~relating~~**that relate** to a funeral
- 2 establishment.