



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 157 (Substitute S-2 as reported)

Sponsor: Senator Jeremy Moss

Committee: Regulatory Affairs

CONTENT

The bill would enact the "Pet Cemetery Regulation Act" to do the following:

- Require the owner of any land used or proposed to be used as a pet cemetery to file a dedication in the office of the register of deeds of that county.
- Provide that, if pet cemetery property had an encumbrance on it, the owner of the pet cemetery would have to adopt measures to pay the encumbrance.
- Prohibit land registered as a pet cemetery from being used for another purpose.
- Require a person that owned a parcel of land other than a pet cemetery or landfill that was used for the communal burial of pets to file a declaration on the deed to the land to that effect.
- Require a person wishing to establish a pet cemetery to establish and deposit \$10,000 into an endowed care fund for the care of the cemetery.
- Require a person wishing to establish a pet cemetery to file a description of the land with the local health department and gain approval from the department.
- Require an owner of a pet cemetery to charge purchasers of individual burial rights an endowed care fee, which would have to be deposited into the cemetery's endowed care fund, along with at least 15% of the proceeds from the sale of individual burial rights.
- Allow an operator of a pet cemetery to include in its charges a maintenance fee.
- Allow an operator of a pet cemetery to reclaim land and dispose of a pet's remains if charged fees were not paid within 180 days of charge and the pet owner was served notice.
- Establish recording requirements for pet cemeteries and pet crematoriums.
- Establish the conditions under which a court could remove the dedication of land as a pet cemetery.
- Prescribe a misdemeanor penalty for a violation of the bill.

BRIEF RATIONALE

According to testimony before the Senate Committee on Regulatory Affairs, when a property is sold that includes a pet cemetery, there is currently no consumer protection for those residents who interred their pets on that land. Some argue that customers of pet cemeteries should have the security of knowing that their pets will be interred in the cemetery in perpetuity, as planned. Accordingly, it has been suggested that pet cemeteries be regulated as human cemeteries are regulated.

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bill is similar to Senate Bill 1046 of the 2023-2024 Legislative Session, Senate Bill 549 of the 2021-2022 Legislative Session, and Senate Bill 823 of the 2019-2020 Legislative Session.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would have an indeterminate, though likely insignificant fiscal impact. The bill would increase the administrative costs for county registers of deeds and the Department of Natural Resources. A person that violated the bill would face up to 90 days in jail, a fine of at least \$2,000, or both.

New misdemeanor arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, and jails; however, it is unknown how many people would be prosecuted under the provisions of the bill. Local jail costs vary by jurisdiction and thus costs for local governments would vary. Local revenue to local libraries could increase under the bill as any additional revenue from imposed fines would go to local libraries.

The bill would have no fiscal impact on State or local courts.

Date Completed: 5-19-25

Fiscal Analyst: Bobby Canell
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.