

SENATE BILL NO. 157

March 13, 2025, Introduced by Senators BAYER, POLEHANKI, SHINK, GEISS, KLINEFELT, MOSS and MCCANN and referred to Committee on Regulatory Affairs.

A bill to regulate pet cemeteries; to regulate the sale of pet cemetery merchandise and services; and to prescribe penalties and remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "pet cemetery regulation
2 act".

3 Sec. 3. As used in this act:

4 (a) "Columbarium" means a structure, room, or other space in a
5 building used, or intended to be used, for inurnment or deposit of

1 cremated pet remains.

2 (b) "Communal burial" means the interment of pet remains in a
3 grave designed to contain more than 1 pet in compliance with 1982
4 PA 239, MCL 287.651 to 287.683.

5 (c) "Crypt" means a chamber in a mausoleum of sufficient size
6 to entomb the uncremated remains of a pet.

7 (d) "Dedication" means a restriction that is placed on the
8 deed of certain property and restricts the property to pet cemetery
9 use.

10 (e) "Endowed care fund" means money or assets that are
11 collected or received from pet owners or others for individual
12 burials and are placed in a trust fund to be used exclusively for
13 the ongoing care, maintenance, operation, and supervision of a pet
14 cemetery.

15 (f) "Group cremation" means the communal cremation of pets in
16 a manner that does not separate the remains.

17 (g) "Individual burial" means the interment of a single pet's
18 remains in a separate grave and in a nonbiodegradable container.

19 (h) "Individual cremation" means the cremation of a single
20 pet's remains in a manner that separates the pet's remains from
21 those of other pet remains.

22 (i) "Maintenance fee" means a fee that is collected on an
23 individual pet burial, is separate from the endowed care fund, and
24 is placed in the general fund of the pet cemetery for the care and
25 maintenance of individual pet gravesites.

26 (j) "Mausoleum" means a structure used, or intended to be
27 used, for the entombment of pet remains in a crypt or crypts.

28 (k) "Nonbiodegradable container" means a container that is
29 incapable of being readily decomposed by biological means,

1 especially by bacterial action.

2 (l) "Person" means an individual or a partnership, corporation,
3 limited liability company, association, governmental entity, or
4 other legal entity.

5 (m) "Pet" means an animal that has been tamed or adapted to
6 live in close association with human beings. Pet includes, but is
7 not limited to, a dog, cat, bird, rabbit, hamster, fish, reptile,
8 horse, big cat, and exotic animal.

9 (n) "Pet cemetery" means any land, place, structure, facility,
10 or building provided by any person for a fee, regardless of profit,
11 to any person for use, or reservation for use, for the individual
12 interment belowground or entombment aboveground of pet remains. Pet
13 cemetery does not include land used exclusively for landfilling or
14 the communal burial of pets but does include the portion of land in
15 a pet cemetery that is used for the communal burial of pets. Pet
16 cemetery also includes, but is not limited to, 1, or a combination
17 of more than 1, of the following:

18 (i) A burial ground for the earth interment of pets.

19 (ii) A mausoleum for the crypt entombment of pets.

20 (iii) A columbarium for the deposit of cremated pet remains.

21 (o) "Pet crematorium" means any land, structure, or facility
22 provided by any person for a fee, regardless of profit, to
23 veterinarians or members of the general public for individual or
24 group cremation.

25 (p) "Pet owner" means the person that is listed in the
26 veterinary records or pet cemetery or crematorium records as the
27 owner of a pet. If a pet owner is a minor, a parent or legal
28 guardian of the minor is considered the owner of the pet for the
29 purpose of a disposal form required under section 21.

1 (q) "Veterinarian" means that term as defined in section 18805
2 of the public health code, 1978 PA 368, MCL 333.18805, or an
3 equivalent term as defined under a law of another state or federal
4 law.

5 Sec. 5. (1) Except as provided in section 33, the owner of any
6 land or a portion of land that is clear of any encumbrance and is
7 being used, or proposed to be used, as a pet cemetery shall file a
8 dedication in the office of the register of deeds of the county in
9 which the land is located. The owner shall execute the dedication
10 in the same manner and with the same effect as a conveyance of an
11 interest in land. The register of deeds shall record the dedication
12 in the record of deeds. Unless the restriction is removed, a person
13 shall not use land restricted under this section for a purpose
14 other than a pet cemetery.

15 (2) Except as provided in section 33, if pet cemetery property
16 has an encumbrance on it by a financial institution or private
17 individual whose interest is first on the deed, the owner of record
18 of the pet cemetery shall adopt proper and legal estate planning
19 and trust arrangements, including a mortgage or life insurance
20 policy, to pay in full the encumbrance on the property if the owner
21 ceases to exist, at which time the personal representative of the
22 estate shall file with the register of deeds a dedication as
23 described in subsection (1).

24 Sec. 7. (1) Except as provided in section 33, a person
25 operating a pet cemetery in this state shall establish an endowed
26 care fund for the placement of proceeds from a portion of the sale
27 of individual burial rights. The proceeds must represent not less
28 than 15% of the sale price of the pet cemetery plot. All fees
29 collected for endowed care must be deposited not later than 30 days

1 after the time of receiving payment.

2 (2) Beginning on the effective date of this act, a person that
3 operates a pet cemetery shall charge an endowed care fee to a
4 purchaser of individual burial rights. If the endowed care fee on
5 an individual burial is unpaid for a period of 180 days after
6 interment, the operator of the pet cemetery, after serving notice
7 on the pet owner by registered mail at the last known address of
8 the pet owner, may reclaim the land for pet cemetery use and
9 dispose of the pet's remains in a manner that the pet cemetery
10 operator chooses under this act and 1982 PA 239, MCL 287.651 to
11 287.683.

12 (3) The income from an endowed care fund under subsection (1)
13 must be used for the care, maintenance, and supervision of the pet
14 cemetery and may be used to satisfy property taxes and fees for
15 accounting and annual reports. An annual report of the endowed care
16 fund must be available on written request by a pet owner with
17 burial rights in the pet cemetery.

18 (4) A person that operates a pet cemetery may include in its
19 customary charges a maintenance fee for the immediate maintenance
20 of a burial site, except that the fee must not exceed the fee
21 charged for endowed care. Payment for the maintenance fee must be
22 deposited in the general pet cemetery account and used for pet
23 cemetery maintenance only.

24 (5) If a maintenance fee charged under subsection (4) for an
25 individual burial is unpaid for 180 days after billing, the
26 operator of the pet cemetery, after serving notice on the pet owner
27 by registered mail at the last known address of the pet owner, may
28 reclaim the land for pet cemetery use and dispose of the pet in a
29 manner that the pet cemetery operator chooses under this act and

1 1982 PA 239, MCL 287.651 to 287.683.

2 Sec. 9. A person that desires to establish a pet cemetery
3 shall deposit \$10,000.00 in the endowed care fund under section 7
4 to be handled in accordance with this act. If the pet cemetery has
5 generated an additional \$10,000.00 that has been placed in the
6 endowed care fund from the individual burial of pets whose endowed
7 care fees have been paid, the owner of the original \$10,000.00
8 deposited into the account may withdraw the owner's funds.

9 Sec. 11. A person shall not operate a pet cemetery in this
10 state that is less than 3 acres in size, unless the pet cemetery
11 was established before the effective date of this act.

12 Sec. 13. After the effective date of this act, a person that
13 operates a pet cemetery and offers to make arrangements in advance
14 of interment for an individual burial shall place 130% of the costs
15 of tangible goods, including, but not limited to, caskets and grave
16 markers, in a preneed fund that is separate from the general fund
17 of the pet cemetery and that is held until the time of the pet's
18 interment.

19 Sec. 15. (1) A pet owner who owns burial rights in a pet
20 cemetery shall keep the operator of the pet cemetery fully informed
21 of the pet owner's current mailing address.

22 (2) If 10 years pass after the purchase of preneed burial
23 arrangements without use or notification of the pet owner's current
24 mailing address, the property reverts back to the owner of the pet
25 cemetery for resale. All money held on deposit for that pet owner
26 for tangible items may be deposited in the general fund of the pet
27 cemetery. If the pet owner contacts the operator after the 10-year
28 period has passed, the operator of the pet cemetery shall reassign
29 an interment right of equal value in as close proximity to the

1 original location as possible and at no additional cost to the pet
2 owner.

3 Sec. 17. A person operating a pet cemetery shall keep accurate
4 and complete records of all burial agreements, preneed
5 arrangements, and endowed care deposits. Copies of all records must
6 be kept in duplicate, and 1 copy must be kept in a manner that
7 protects it from destruction by any unforeseen event.

8 Sec. 19. (1) A person operating a pet crematorium shall keep
9 accurate and complete records of each pet that the crematorium
10 cremates for not less than 1 year after the cremation. The records
11 must include all of the following:

12 (a) The pet owner's name and mailing address.

13 (b) The pet's name, breed, color, and weight.

14 (c) If the pet is microchipped and the person has a device
15 that can obtain information about the pet that is stored in the
16 microchip, all of that information.

17 (d) The date or dates that the pet crematorium acquired the
18 pet's remains and delivered the remains.

19 (2) A person operating a pet crematorium must have any
20 necessary permits in place from the air quality division of the
21 department of environment, Great Lakes, and energy and otherwise
22 comply with applicable state and federal laws.

23 Sec. 21. (1) A person that operates a pet cemetery shall
24 disclose the disposal options available to a pet owner, whether
25 communal burial, group cremation, landfill, rendering, or
26 individual burial or cremation. Except as otherwise provided under
27 subsection (2), the pet cemetery operator shall make the disclosure
28 on a form that must be signed by the pet owner. More than 1 pet may
29 be interred in a grave and in a nonbiodegradable container if the

1 pet owner consents to the interment in writing.

2 (2) All of the following apply to a disposal form described in
3 subsection (1):

4 (a) If a pet owner has chosen individual burial or cremation
5 for the pet owner's pet, a copy of the disposal form must be
6 provided to the person that operates the pet cemetery and kept with
7 the pet's permanent records.

8 (b) If a pet owner is not available to execute the disposal
9 form, a veterinarian in charge may execute the form on the written
10 or verbal request of the pet owner.

11 (c) If a pet owner cannot be found, a disposal form is not
12 required.

13 Sec. 23. A person that owns a parcel of land other than a pet
14 cemetery or landfill that is used for the communal burial of pets
15 shall file a declaration on the deed to the land that states that
16 the land has been used as a communal pet burial ground. The person
17 shall also file a copy of the declaration with the director of the
18 department of natural resources.

19 Sec. 25. This act does not exempt a person establishing a pet
20 cemetery from obtaining any use permits from the local unit of
21 government that has jurisdiction over the land in which the pet
22 cemetery is located or the proposed pet cemetery is to be located.

23 Sec. 27. An operator of a pet cemetery that has dedicated the
24 pet cemetery land for the sole use of pet cemetery purposes and has
25 established the endowed care fund under section 7 is exempt from
26 the tax levied under the general property tax act, 1893 PA 206, MCL
27 211.1 to 211.155.

28 Sec. 29. (1) A court shall remove a dedication of land under
29 this act on proof satisfactory to the court that 1 or more of the

1 following have occurred:

2 (a) An interment has not been made in the dedicated land.

3 (b) All pet remains have been removed from the land from which
4 the dedication is to be removed and notice was given in the manner
5 provided for under section 31.

6 (c) The owner of the pet cemetery or the owner's heirs or
7 assigns have received, from those persons that own burial rights in
8 the pet cemetery, written authorization acknowledged before a
9 notary public to remove the dedication on the land.

10 (2) A person granting authorization to have a pet that is
11 already interred in the pet cemetery removed and reinterred
12 elsewhere shall state that fact on the authorization, and the pet
13 cemetery owner, at the pet cemetery owner's expense, shall remove
14 the pet's remains, have the remains reinterred elsewhere, and
15 provide the person with proof of the removal and reinterment.

16 (3) If a preneed burial right purchase has been made under
17 section 13 but has not been used and the pet cemetery owner refunds
18 the purchase price plus interest, the interest must be computed in
19 a manner and at a rate agreed on between the operator of the pet
20 cemetery and the owner of the burial right, but the interest rate
21 must not exceed the average current interest rate for savings
22 accounts.

23 Sec. 31. (1) To satisfy a court for the removal of a
24 restriction as described in section 29, if there is no current
25 mailing address or location for an owner of record to burial rights
26 in a pet cemetery, the pet cemetery owner shall publish a notice in
27 a newspaper of general circulation for a period of 2 weeks that the
28 pet cemetery owner intends to remove the remains and reinter them
29 in another pet cemetery in this state at the pet cemetery owner's

1 expense.

2 (2) On the reinterment of all pets from a pet cemetery before
3 the removal of a restriction as described in section 29, the owner
4 of the pet cemetery shall transfer all necessary endowed care money
5 from the established endowed care fund of the pet cemetery to the
6 established endowed care fund or funds of the pet cemetery or
7 cemeteries accepting the pets for burial so that the endowed care
8 will continue for those pets' graves. Any remaining money in the
9 endowed care fund must be used at the pet cemetery owner's
10 discretion to place the pet cemetery back to marketable condition
11 following the removal of all gravesites.

12 Sec. 33. (1) A person that owns a pet cemetery that is
13 organized or developed and operating on the effective date of this
14 act is exempt from complying with section 5 until the date that is
15 2 years after the effective date of this act.

16 (2) A person that owns a pet cemetery that is organized or
17 developed and operating on the effective date of this act is exempt
18 from complying with section 7 until the date that is 1 year after
19 the effective date of this act.

20 Sec. 35. A person that violates this act is guilty of a
21 misdemeanor punishable by imprisonment for not less than 90 days, a
22 fine of not less than \$2,000.00, or both.