

Act No. 204
Public Acts of 2023
Approved by the Governor
November 21, 2023
Filed with the Secretary of State
November 22, 2023
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. Price, Pohutsky, Hope, Koleszar, Brixie, Dievendorf, Morse, Glanville, Rheingans, Arbit, Wilson, Tsernoglou, Steckloff, Liberati, Stone, Paiz, Byrnes, Mentzer, Breen, Skaggs, Wegela, Brabec, Hood, Hoskins, Haadsma, Conlin, MacDonell, Hill, Grant, Morgan and Weiss

ENROLLED HOUSE BILL No. 4955

AN ACT to amend 1980 PA 299, entitled "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 1810 (MCL 339.1810), as amended by 2020 PA 265.

The People of the State of Michigan enact:

Sec. 1810. (1) A person is subject to the penalties of article 6 if the person commits any of the following:

(a) Solicitation of a dead human body by a licensee or an agent, assistant, representative, employee, or person acting on behalf and with the knowledge and consent, express or implied, of the licensee, whether the solicitation occurs after death or while death is impending, or the procuring or allowing directly or indirectly of a person to call upon an institution or individual by whose influence a dead human body may be turned over to the licensee or funeral establishment.

(b) Procuring a person known as capper, steerer, or solicitor to obtain funeral directing or embalming, or allowing or permitting a capper, steerer, or solicitor to obtain funeral directing or embalming for a licensee or funeral establishment.

(c) The direct or indirect payment or offer of payment of a commission by a licensee or an agent, representative, assistant, or employee of the licensee for the purpose of securing business.

(d) Aiding or abetting a nonlicensee to engage in the practice of funeral directing or embalming.

(e) Using profane, indecent, or obscene language in the presence of a dead human body, or within the immediate hearing of the family or relatives of a deceased, whose body has not yet been interred or otherwise disposed of.

(f) Solicitation or acceptance by a licensee of a commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in a crematory, mausoleum, or cemetery.

(g) Using a casket or part of a casket that has been previously used as a receptacle for, or in connection with, the burial or other disposition of a dead human body. This subdivision does not apply to a casket or part of a casket that was designed and manufactured for more than 1 use.

(h) A violation of any of the following:

(i) Section 2652, 2653, 2659, 2663, 2842, 2843, 2848, 2850, 2851, 2853, or 2854 of the public health code, 1978 PA 368, MCL 333.2652, 333.2653, 333.2659, 333.2663, 333.2842, 333.2843, 333.2848, 333.2850, 333.2851, 333.2853, and 333.2854, or the rules promulgated under those sections.

(ii) Sections 3206 to 3209 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206 to 700.3209.

(iii) A municipal or county ordinance or regulation affecting the handling, custody, care, or transportation of a dead human body.

(i) Refusing to promptly surrender the custody of a dead human body, upon the express order of the person lawfully entitled to the custody.

(j) Failure to secure a permit for removal or burial of a dead human body before interment or disposal.

(k) Obtaining possession of or embalming a dead human body without first being expressly directed or authorized to do so by a relative of the decedent or a person entitled to custody. This subdivision does not apply to the embalming of a dead human body if in accordance with sections 3206 to 3209 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206 to 700.3209, reasonable efforts to obtain the authorization described in this subdivision have been made but were not successful and more than 48 hours have elapsed since the decedent's death.

(l) Knowingly making a false statement on a certificate of death.

(m) Removing or embalming a dead human body if there is information indicating the commission of a crime or an act of violence in connection with the cause of death, unless permission of the county medical examiner has first been obtained.

(n) If a public officer or employee, an official of a public institution, convalescent home, private nursing home, maternity home, public or private hospital, physician or surgeon, or any other person having a professional relationship with a decedent, or a county medical examiner or other public official having temporary custody of the decedent, sending or causing to be sent to a person or establishment licensed under this article the remains of a deceased person without having first made inquiry as to the desires of the person with authority over the disposal of the remains of the decedent under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, and of the person that may be chargeable with the funeral expenses of the decedent. If a person with authority over the disposal of the remains of the decedent under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, is found, the person's authority and directions shall govern the disposal of the remains of the decedent.

(o) If a licensee, receiving remains in violation of the requirements of subdivision (n) and making a charge for a service in connection with the remains before the delivery of the remains as stipulated by the person with authority over the disposal of the remains of the decedent under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206. This subdivision does not prohibit a person or establishment licensed under this article from charging and being reimbursed for services rendered in connection with the removal of the remains of a deceased person if the person's death was accidental or violent, and rendering necessary services required until the person with authority over the disposal of the remains of the decedent under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, or the person that is chargeable with the funeral expenses is notified.

(p) If a funeral establishment or a licensee, entering into an agreement, directly or indirectly, in which the practice of embalming or funeral directing is to be rendered in consideration for the funeral establishment, licensee, or an agent, assistant, or representative of the establishment or licensee, being designated as beneficiary in an insurance policy or certificate. This subdivision does not govern or limit the authority of a personal representative, trustee, or other person that has a fiduciary relationship with the deceased.

(q) Failure to comply with part 138 of the public health code, 1978 PA 368, MCL 333.13801 to 333.13832.

(r) Failure to comply with the prepaid funeral and cemetery sales act, 1986 PA 255, MCL 328.211 to 328.235.

(2) The department, in consultation with the director of the department of health and human services, shall promulgate rules to prescribe training standards for licensees and nonlicensees that handle medical waste in a funeral establishment.

(3) A licensee that owns or operates a funeral establishment shall train its employees in accordance with the rules promulgated under subsection (2).

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 474 of the 102nd Legislature is enacted into law.

Approved_____

Governor



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House of Representatives

Secretary of the Senate

