

**SUBSTITUTE FOR
SENATE BILL NO. 157**

A bill to regulate pet cemeteries; to regulate the sale of pet cemetery merchandise and services; to provide for the powers and duties of certain local governmental officers and entities; 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
6 cremated pet remains.

7 (b) "Communal burial" means the interment of pet remains in a
8 grave designed to contain more than 1 pet in compliance with 1982



1 PA 239, MCL 287.651 to 287.683.

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

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

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

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

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

16 (h) "Individual cremation" means the cremation of a single
17 pet's remains in a manner that separates the pet's remains from
18 those of other pet remains.

19 (i) "Large carnivore" means that term as defined in section 2
20 of the large carnivore act, 2000 PA 274, MCL 287.1102.

21 (j) "Local health department" means that term as defined in
22 section 1105 of the public health code, 1978 PA 368, MCL 333.1105.

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

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

29 (m) "Nonbiodegradable container" means a container that is



1 incapable of being readily decomposed by biological means,
2 especially by bacterial action.

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

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

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

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

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

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

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

26 (r) "Pet owner" means the person that is listed in the
27 veterinary records or pet cemetery or crematorium records as the
28 owner of a pet. If a pet owner is a minor, a parent or legal
29 guardian of the minor is considered the owner of the pet for the



1 purpose of a disposal form required under section 21.

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

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

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

25 Sec. 6. (1) Except as otherwise provided in subsection (2), a
26 person shall not establish a pet cemetery in this state until a
27 description of the premises and a plat showing the pet cemetery's
28 division is filed in duplicate with the local health department
29 having jurisdiction of the premises. A local health department



1 shall not approve a proposed pet cemetery if the local health
2 department determines that establishment or operation of the pet
3 cemetery would be injurious to the public health. The local health
4 department shall determine whether it is safe and healthful for a
5 pet cemetery to be established in the proposed location and, if the
6 local health department approves the location and the plat of the
7 premises, the local health department shall endorse its approval on
8 both plats. When the establishment of a cemetery is approved, 1
9 plat must be returned to the person and the other must be retained
10 and preserved by the local health department.

11 (2) Subsection (1) does not apply to a pet cemetery that is in
12 operation on the effective date of this act.

13 Sec. 7. (1) Except as provided in section 33, a person
14 operating a pet cemetery in this state shall establish an endowed
15 care fund for the placement of proceeds from a portion of the sale
16 of individual burial rights. The proceeds must represent not less
17 than 15% of the sale price of the pet cemetery plot. All fees
18 collected for endowed care must be deposited not later than 30 days
19 after the time of receiving payment.

20 (2) Beginning on the effective date of this act, a person that
21 operates a pet cemetery shall charge an endowed care fee to a
22 purchaser of individual burial rights. If the endowed care fee on
23 an individual burial is unpaid for a period of 180 days after
24 interment, the operator of the pet cemetery, after serving notice
25 on the pet owner by registered mail at the last known address of
26 the pet owner, may reclaim the land for pet cemetery use and
27 dispose of the pet's remains in a manner that the pet cemetery
28 operator chooses under this act and 1982 PA 239, MCL 287.651 to
29 287.683.



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

7 (4) A person that operates a pet cemetery may include in its
8 customary charges a maintenance fee for the immediate maintenance
9 of a burial site, except that the fee must not exceed the fee
10 charged for endowed care. Payment for the maintenance fee must be
11 deposited in the general pet cemetery account and used for pet
12 cemetery maintenance only.

13 (5) If a maintenance fee charged under subsection (4) for an
14 individual burial is unpaid for 180 days after billing, the
15 operator of the pet cemetery, after serving notice on the pet owner
16 by registered mail at the last known address of the pet owner, may
17 reclaim the land for pet cemetery use and dispose of the pet in a
18 manner that the pet cemetery operator chooses under this act and
19 1982 PA 239, MCL 287.651 to 287.683.

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

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



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

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

11 (2) If 10 years pass after the purchase of preneed burial
12 arrangements without use or notification of the pet owner's current
13 mailing address, the property reverts back to the owner of the pet
14 cemetery for resale if the operator of the pet cemetery has made
15 the operator's best effort to contact the pet owner. All money held
16 on deposit for that pet owner for tangible items may be deposited
17 in the general fund of the pet cemetery. If the pet owner contacts
18 the operator after the 10-year period has passed, the operator of
19 the pet cemetery shall reassign an interment right of equal value
20 in as close proximity to the original location as possible and at
21 no additional cost to the pet owner.

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

27 Sec. 19. (1) A person operating a pet crematorium shall keep
28 accurate and complete records of each pet that the crematorium
29 cremates for not less than 1 year after the cremation. The records



1 must include all of the following:

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

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

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

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

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

13 Sec. 21. (1) A person that operates a pet cemetery shall
14 disclose the disposal options available to a pet owner, whether
15 communal burial, group cremation, landfill, rendering, or
16 individual burial or cremation. Except as otherwise provided under
17 subsection (2), the pet cemetery operator shall make the disclosure
18 on a form that must be signed by the pet owner. More than 1 pet may
19 be interred in a grave and in a nonbiodegradable container if the
20 pet owner consents to the interment in writing.

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

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

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



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

3 Sec. 23. A person that owns a parcel of land other than a pet
4 cemetery or landfill that is used for the communal burial of pets
5 shall file a declaration on the deed to the land that states that
6 the land has been used as a communal pet burial ground. The person
7 shall also file a copy of the declaration with the director of the
8 department of natural resources.

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

13 Sec. 29. (1) A court shall remove a dedication of land under
14 this act on proof satisfactory to the court that 1 or more of the
15 following have occurred:

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

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

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

24 (2) A person granting authorization to have a pet that is
25 already interred in the pet cemetery removed and reinterred
26 elsewhere shall state that fact on the authorization, and the pet
27 cemetery owner, at the pet cemetery owner's expense, shall remove
28 the pet's remains, have the remains reinterred elsewhere, and
29 provide the person with proof of the removal and reinterment.



1 (3) If a preneed burial right purchase has been made under
2 section 13 but has not been used and the pet cemetery owner refunds
3 the purchase price plus interest, the interest must be computed in
4 a manner and at a rate agreed on between the operator of the pet
5 cemetery and the owner of the burial right, but the interest rate
6 must not exceed the average current interest rate for savings
7 accounts.

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

16 (2) On the reinterment of all pets from a pet cemetery before
17 the removal of a restriction as described in section 29, the owner
18 of the pet cemetery shall transfer all necessary endowed care money
19 from the established endowed care fund of the pet cemetery to the
20 established endowed care fund or funds of the pet cemetery or
21 cemeteries accepting the pets for burial so that the endowed care
22 will continue for those pets' graves. Any remaining money in the
23 endowed care fund must be used at the pet cemetery owner's
24 discretion to place the pet cemetery back to marketable condition
25 following the removal of all gravesites.

26 Sec. 33. (1) A person that owns a pet cemetery that is
27 organized or developed and operating on the effective date of this
28 act is exempt from complying with section 5 until the date that is
29 2 years after the effective date of this act.



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

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