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BILL



ANALYSIS

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Senate Bill 551 (Substitute S-1 as reported)
Sponsor: Senator Tonya Schuitmaker
Committee: Judiciary

CONTENT

The bill would amend the Estates and Protected Individuals Code (EPIC) to do the following:

- Revise the order of priority for the individuals who have the right and power to make decisions about funeral arrangements and the disposition of a decedent's body, and include a designated funeral representative among those individuals.
- Authorize an adult of sound mind to designate another adult of sound mind as his or her funeral representative, granting that person the right and power to make decisions about funeral arrangements and the disposition of the declarant's body.
- Allow a declarant to designate a successor funeral representative in the event the first person named did not accept, was incapacitated, resigned, or was removed.
- Specify individuals who could not serve as a funeral representative for a declarant, including people associated with a funeral establishment, cemetery, or crematory who would provide services for the declarant.
- Specify circumstances under which a funeral representative designation would be revoked, including the representative's resignation, failure to locate the funeral representative after reasonable efforts, or the funeral representative's refusal to act within 48 hours after receiving notice of the decedent's death.
- Specify that a divorce or annulment of a marriage would revoke a nomination of a divorced individual's former spouse or a relative of the former spouse to serve as a funeral representative for the decedent.
- Specify that a divorce or annulment would bar the former spouse from exercising a power to make decisions about funeral arrangements and the handling, disposition, and disinterment of the decedent's body or cremated remains.
- Specify that the felonious and intentional killing of a person, or the conviction for the abuse, neglect, or exploitation of a decedent, would revoke a nomination of the killer or felon to serve as a funeral representative for the decedent.
- Specify that such a killer or felon would be barred from exercising a power to make decisions about funeral arrangements and the handling, disposition, and disinterment of the decedent's body or cremated remains.
- Revise provisions for petitioning the court when there is a disagreement as to who has the right and power to make decisions about funeral arrangements and the disposition of a decedent's body.

MCL 700.1104 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Date Completed: 12-14-15

Fiscal Analyst: Ryan Bergan

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Bill Analysis @ www.senate.michigan.gov/sfa

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.