

SENATE BILL NO. 1046

October 23, 2024, Introduced by Senators BAYER, POLEHANKI, MOSS, GEISS, SHINK and CAVANAGH and referred to the 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 under
3 another state law or federal law applicable to that person.

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

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

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

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

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

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

23 (5) If a maintenance fee charged under subsection (4) for an
24 individual burial remains unpaid for 180 days after billing, the
25 operator of the pet cemetery, after serving notice on the pet owner
26 by registered mail at the last known address of the pet owner, may
27 reclaim the land for pet cemetery use and dispose of the pet in a
28 manner that the pet cemetery operator chooses under this act and
29 1982 PA 239, MCL 287.651 to 287.683.

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

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

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

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

21 (2) If 10 years pass after the purchase of preneed burial
22 arrangements without use or notification of the pet owner's current
23 mailing address, the property reverts back to the owner of the pet
24 cemetery for resale. All money held on deposit for that pet owner
25 for tangible items may be deposited in the general fund of the pet
26 cemetery. If the pet owner comes forward after the 10-year period
27 has passed, the operator of the pet cemetery shall reassign an
28 interment right of equal value in as close proximity to the
29 original location as possible and at no additional cost to the pet

1 owner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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