

OCCUPATIONAL CODE (EXCERPT)
Act 299 of 1980
Article 18

339.1801 Definitions.

Sec. 1801.

As used in this article:

(a) "Business entity" means a person described in section 105(5)(b) or (c), except a sole proprietorship or general partnership.

(b) "Funeral establishment" means a place of business used in the care and preparation for burial or transportation of a dead human body or a place where an individual represents that he or she is engaged in the profession of undertaking or the practice of mortuary science.

(c) "Holder of a license for the practice of mortuary science" means an individual who satisfactorily completes a course in mortuary science, passes an examination required under this article, serves the required resident training, and is issued a license for the practice of mortuary science.

(d) "Practice of embalming" means the disinfecting or preserving of a dead human body, entirely or in part, by the use of a chemical substance, fluid, or gas in the body or by the introduction of a chemical substance, fluid, or gas into the body by a vascular or hypodermic injection, or by direct application into an organ or cavity.

(e) "Practice of funeral directing" means engaging in or representing oneself as engaging in the supervising of the burial and disposal of a dead human body, managing a funeral establishment for the preparation, disposition, and care of a dead human body, or using, in connection with the user's name or funeral establishment, the word "funeral director", "funeral service professional", "undertaker", or "mortician", or any other title embodying the words "mortuary science" or otherwise implying that the individual is engaged as a funeral director.

(f) "Practice of mortuary science" means the practice of embalming or the practice of funeral directing, or both.

(g) "Resident trainee" means an individual who is engaged in learning the practice of embalming or funeral directing or the practice of mortuary science under the instruction and personal supervision of a holder of a license for the practice of mortuary science in this state.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980 ;-- Am. 2006, Act 300, Imd. Eff. July 20, 2006 ;-- Am. 2020, Act 138, Eff. Oct. 6, 2020 ;-- Am. 2020, Act 265, Eff. Mar. 24, 2021

Compiler's Notes: For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

Popular Name: Act 299

339.1802 Board of examiners in mortuary science; creation.

Sec. 1802.

The board of examiners in mortuary science is created.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980

Popular Name: Act 299

339.1803 Placing chemical on or in dead human body by unlicensed individual as violation; article inapplicable to resident trainee or student; license required for practice of embalming.

Sec. 1803.

(1) The placing of a chemical on or in a dead human body by an individual who is not the holder of a license for the practice of mortuary science is a violation of this article.

(2) This article does not apply to any of the following individuals if he or she is working under the supervision of a holder of a license for the practice of mortuary science:

(a) A resident trainee.

(b) A student who is enrolled in a higher education program in mortuary science at a school, college, or university that is accredited by an accrediting agency that is recognized by the United States Secretary of Education as a specialized accrediting agency in funeral service or mortuary science.

(3) An individual shall not engage in the practice of embalming, profess to be engaged in the practice of embalming, or represent that he or she is an embalmer if he or she is not the holder of a license for the practice of mortuary science under this article.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980 ;-- Am. 2019, Act 25, Imd. Eff. June 18, 2019

Popular Name: Act 299

339.1804 Funeral establishment; individuals required to be license holder for practice of mortuary science; funeral establishment use of name after death or retirement of member.

Sec. 1804.

(1) An individual whose name appears in the name of a funeral establishment is considered to be actively engaged in the practice of funeral directing or the practice of mortuary science and must be a holder of a license for the practice of mortuary science.

(2) A business entity that is licensed as a funeral establishment under section 1806(3) may use or continue to use the name of the licensed funeral establishment after the death or retirement of a member, officer, or director if the death or retirement is reported to the department not more than 30 days after the death or retirement and if the name of the licensed funeral establishment was used prior to the death or retirement of the member, officer, or director.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980 ;-- Am. 2020, Act 265, Eff. Mar. 24, 2021

Popular Name: Act 299

339.1805 Authorized activities of licensee.

Sec. 1805.

An individual licensed to engage in the practice of mortuary science under this article may disinfect or preserve a dead human body, entirely or in part, by the use of a chemical substance, fluid, or gas in the body or by the introduction of a chemical, substance, fluid, or gas into the body by a vascular or hypodermic injection, or by direct application into an organ or cavity in preparation for burial or disposal. The individual licensed to engage in the practice of mortuary science may direct the burial or disposal of a dead human body and may maintain a funeral establishment for the preparation and disposition, or for the care of a dead human body and may, in connection with the individual's name or the name of the funeral establishment use the words "funeral director", "undertaker", "mortician", "mortuary science", or a word of similar meaning as approved by the department.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980 ;-- Am. 2020, Act 265, Eff. Mar. 24, 2021

Popular Name: Act 299

339.1806 Practice of mortuary science; license; requirements; establishment license; ownership interests; inspection; revocation or cancellation of license; reporting change in ownership or location; reciprocity.

Sec. 1806.

(1) The department shall issue a license to engage in the practice of mortuary science to an individual who meets all of the following:

(a) Subject to subsection (2), served as a resident trainee for 1 year under the personal supervision and instruction of the holder of a license for the practice of mortuary science.

(b) Graduated from a 3-year course in mortuary science at a school, college, or university that is accredited by an accrediting agency recognized by the United States Secretary of Education as a specialized accrediting agency in funeral service or mortuary science.

(c) Satisfactorily passes all of the required parts of an examination administered and developed by a national or international association of funeral service licensing boards and approved by the department and the board.

(d) Satisfactorily passes a Michigan examination developed and administered by or under the authority of the department.

(e) Is of good moral character.

(2) The department may waive a portion of the requirement under subsection (1)(a) of 1 year of resident training if the applicant has a baccalaureate degree from an accredited school, college, or university, and the department determines that the degree is a satisfactory substitute for the resident training.

(3) A person may only engage in the practice of mortuary science at a fixed location. A person shall not open or maintain a place for practice, or hold itself out as engaging in the practice of mortuary science, without an establishment license issued by the department. An establishment license under this subsection is issued for a specific location only. The holder of a license for the practice of mortuary science may conduct a funeral in another licensed funeral establishment at a church, home, public hall, lodge room, or other fixed place or at another establishment that is owned by the person and that meets the requirements of section 1809.

(4) The department shall not issue or renew an establishment license under subsection (3) unless the applicant certifies that either of the following is met at the time of application:

(a) The applicant, or a person that has a controlling interest in, or that is under common ownership with, the applicant, is registered with the department under section 6 of the prepaid funeral and cemetery sales act, 1986 PA 255, MCL 328.216.

(b) The applicant has a contract with a registrant under which the registrant sells, provides, or agrees to sell or provide merchandise, funeral services, or cemetery services under a prepaid contract on behalf of the funeral establishment. As used in this subdivision and subsection (6), "cemetery services", "funeral services", "merchandise", "prepaid contract", "provider", and "registrant" mean those terms as defined in the prepaid funeral and cemetery sales act, 1986 PA 255, MCL 328.211 to 328.235.

(5) An applicant for an establishment license issued under subsection (3) shall disclose the ownership interests in the funeral establishment as follows:

(a) If the owner is a trust, the applicant shall disclose the names and addresses of the beneficiaries.

(b) If the owner is a privately held corporation, the applicant shall disclose the names and addresses of all shareholders, officers, and directors.

(c) If the owner is a publicly held corporation, the applicant shall disclose the names and addresses of the officers and directors and all shareholders holding a direct or indirect interest of greater than 5%.

(d) If the owner is a partnership or limited liability partnership, the applicant shall disclose the names and addresses of all partners.

(e) If the owner is a limited partnership or limited liability limited partnership, the applicant shall disclose the names and addresses of all partners, both general and limited.

(f) If the owner is a limited liability company, the applicant shall disclose the names and addresses of all members and managers.

(6) If an establishment license is canceled under subsection (8) because of a change of ownership of the funeral establishment, the department shall not grant a new license for that establishment unless the applicant assumes the obligations of any unperformed prepaid contracts in which the former establishment was designated as the provider under section 11(1) of the prepaid funeral and cemetery sales act, 1986 PA 255, MCL 328.221, or certifies that the unperformed prepaid contracts have been assigned to another funeral establishment or to a person that has a contract with a funeral establishment that has agreed to act as the provider.

(7) The department may inspect a funeral establishment or a branch of a funeral establishment, and the funeral establishment or branch must meet the requirements of section 1809 and any other standards and requirements established by rule of the department under this act. The department may revoke a license for a failure to meet any of the standards and requirements described in this subsection under the procedure set forth in this article.

(8) A change in ownership or change in location of a funeral establishment, or a change in business entity or change in ownership of a business entity that owns a funeral establishment, automatically cancels its license. A licensee shall report a change in ownership or location to the department not more than 30 days after the change. As used in this subsection, "change in ownership" means a change of the owners of a majority of shares of stock, a change of a majority of a business entity's members, officers, or directors, or a change in a sole proprietorship's or general partnership's owners.

(9) Subject to subsection (10), the department shall issue a license for the practice of mortuary science to an individual who holds or previously held a valid mortuary science license, or dual licenses as a funeral director and embalmer, in another state if he or she meets all of the following:

(a) Applies for a license to engage in the practice of mortuary science in this state.

(b) Completed a mortuary science program that is accredited by an agency recognized by the United States Secretary of Education as a specialized accrediting agency in funeral service or mortuary science.

(c) Satisfactorily passed all of the required parts of an examination administered and developed by a national or international association of funeral service licensing boards and approved by the department and the board.

(d) Files with the department a certified statement from the examining board of the state in which the applicant holds a license that shows the basis on which the license was granted, and whether that board has suspended, revoked, or limited that license.

(e) Passes an examination approved by the department and the board that tests the individual's knowledge of law relating to the practice of mortuary science in this state.

(10) The department may refuse to issue a mortuary science license to an individual described in subsection (9) based on evidence that his or her license in the other state was suspended, revoked, or limited at any time.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980 ;-- Am. 1981, Act 83, Imd. Eff. July 1, 1981 ;-- Am. 1988, Act 463, Eff. Sept. 1, 1989 ;-- Am. 2013, Act 80, Eff. Sept. 26, 2013 ;-- Am. 2020, Act 265, Eff. Mar. 24, 2021

Popular Name: Act 299

Admin Rule: R 339.18901 et seq. of the Michigan Administrative Code.

339.1806a Practice of mortuary science; issuance of courtesy license; requirements; validity; conduct; prohibitions; restrictions; "courtesy license" defined.

Sec. 1806a.

(1) The department may issue a courtesy license to engage in the practice of mortuary science to an individual if the department determines that all of the following are met:

(a) The individual holds a valid license to practice mortuary science, funeral directing, or another occupation that is the equivalent of the practice of mortuary science or funeral directing, issued by the state of Indiana, Ohio, or Wisconsin.

(b) The state that issued the license described in subdivision (a) by law provides individuals licensed under this article substantially the same opportunity to practice in that state as its licensees are authorized to practice in this state under this section.

(2) A courtesy license is valid for 2 years, beginning on the date it is issued or renewed.

(3) An individual who holds a courtesy license may do any of the following:

(a) Remove a dead human body from the place of death in this state.

(b) Register with a local registrar under section 1807.

(c) Subject to section 1807, transport a dead human body to or from the state in which he or she is licensed.

(d) Subject to section 1807, supervise the final disposition in this state of the human body of an individual who died in the state in which he or she is licensed.

(4) An individual who holds only a courtesy license shall not do any of the following in this state:

(a) Operate a funeral establishment.

(b) Engage in the practice of embalming.

(c) Advertise mortuary science, funeral directing, or cremation services.

(d) Directly or indirectly own, manage, operate, maintain, or be employed by a cemetery or crematory or engage in any similar activity for which registration is required under the cemetery regulation act, 1968 PA 251, MCL 456.521 to 456.543.

(e) Violate section 1810.

(5) The department shall ensure that a courtesy license is issued with the restrictions described in this section.

(6) As used in this section, "courtesy license" means a license issued under this article to an individual described in subsection (1) that is subject to the restrictions described in this section.

History: Add. 2013, Act 77, Eff. Sept. 26, 2013

Popular Name: Act 299

339.1806b Continuing education requirements.

Sec. 1806b.

(1) Beginning the first complete license cycle after October 31, 2025, the holder of a license for the practice of mortuary science shall successfully complete not less than 4 hours of eligible continuing education courses in each year of a license cycle.

(2) All of the following apply to the continuing education requirement described in subsection (1):

(a) Not less than 2 of the 4 hours of the courses required in each year of a license cycle shall involve 1 or more of the following subjects:

- (i) Technical skills required for embalming and restorative art.
- (ii) Funeral ethics and funeral service best practices.
- (iii) Grief counseling.
- (iv) Occupational health and safety for funeral home workers.
- (v) Communicable diseases including transmission and sterilization techniques.
- (vi) Statutes and rules of this state relating to the practice of funeral directing.
- (vii) Prepaid funeral sales.
- (viii) Consumer protection, Federal Trade Commission funeral rules, and fair labor standards requirements.

(b) The department shall determine whether a continuing education course is an eligible continuing education course.

(c) If an individual receives his or her initial license to engage in the practice of mortuary science after the beginning of the current license cycle for that license, the department may prorate the number of hours of continuing education the licensee is required to complete under subsection (1) for the year of the license cycle in which the license is issued.

(d) Compliance with the continuing education requirement described in this section is a condition to further renewal of a license for the practice of mortuary science.

History: Add. 2020, Act 265, Eff. Mar. 24, 2021

Popular Name: Act 299

339.1807 Holder of license for practice of mortuary science; registration with city or village registrar; transportation permit; receiving dead human body for shipment or transportation; shipping dead human body for anatomical purpose.

Sec. 1807.

(1) The holder of a license for the practice of mortuary science shall supervise and be responsible for the transportation and storage of a dead human body. The holder of a license for the practice of mortuary science may designate an employee or other person to transport or store a dead human body.

(2) The holder of a license for the practice of mortuary science shall register with the office of the registrar of each city or village in which the holder intends to practice. A transportation permit shall not be issued by the local registrar to a person who has not filed a registration card. A local registrar may grant a transportation permit to the holder of a license for the practice of mortuary science coming from beyond the jurisdiction of the registrar, upon the exhibition of a copy of the holder's license to the registrar.

(3) A railway agent, express agent, baggage master, or conductor shall not receive a dead human body for shipment or transportation by railway or other public conveyance, to or from a point in this state or to a point

outside of this state, unless the body is accompanied by a removal or shipping permit.

(4) This section does not apply to any of the following:

(a) The transportation or storage of a dead human body that is the subject of an anatomical gift under part 101 of the public health code, 1978 PA 368, MCL 333.10101 to 333.10123.

(b) The transportation of a dead human body by a county medical examiner.

(c) The removal of a dead human body from the place of death by police, fire, or other emergency personnel.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980 ;-- Am. 2020, Act 265, Eff. Mar. 24, 2021

Popular Name: Act 299

339.1808 Resident trainee; license; qualifications; service; notice; reports; statement; supervision.

Sec. 1808.

(1) The department shall issue a license as a resident trainee to an individual who is of good moral character and possesses a high school diploma or its equivalent. Resident training shall be served only under the sponsorship and in the licensed funeral establishment of the holder of a license for the practice of mortuary science. When a resident trainee enters the employ of a person licensed under this article, the trainee immediately shall notify the department of the name and place of business of the person whose service the trainee has entered. If a resident trainee leaves the employ of the person whose service the trainee has entered, the person shall file with the department a notice showing the length of time the trainee has served as a resident trainee. If the resident trainee enters the employ of another person licensed under this article, the trainee immediately shall report the employment to the department. Resident training may be served after satisfactory completion of an accredited school or college, or professional instruction prescribed by the department and the board.

(2) A resident trainee licensed as provided in this section shall be required to report to the department semiannually on January 15 and July 15 upon a form provided by the department, showing the work which the trainee completed during the 6 months preceding the first of the month in which the report is made. The data contained in the report shall be certified to as its correctness by the licensee under whom the trainee has served during that period.

(3) Before a resident trainee shall be eligible to engage in the practice of mortuary science, the trainee shall present, in connection with the other evidence required by this article, a statement from each holder of a license to practice mortuary science under whom the trainee has trained, showing that the trainee has embalmed for burial or shipment at least 25 dead human bodies, or has assisted the holder of a license for the practice of mortuary science in supervising the preparation of 25 dead human bodies for burial or transportation during the period of resident training. A resident trainee shall meet other training or requirements as may be required by rules of the department and the board.

(4) Not more than 1 resident trainee shall be supervised by a licensee. The supervisor for a trainee shall be actively connected with a funeral establishment.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980 ;-- Am. 1981, Act 83, Imd. Eff. July 1, 1981 ;-- Am. 1988, Act 463, Eff. Sept. 1, 1989

Popular Name: Act 299

339.1809 Funeral establishment; ownership and management by license holder; requirements; waiver for management of more than 1 funeral establishment; revocation of license; management of branch establishment; inspection of premises; preparation room and equipment; compliance.

Sec. 1809.

(1) All of the following apply to the ownership and management of a funeral establishment:

(a) A funeral establishment shall be managed by an individual who is the holder of a license for the practice of mortuary science. The manager shall ensure that the funeral establishment complies with all applicable laws.

(b) A funeral establishment shall notify the department in writing of the name of the individual appointed as the

manager of the funeral establishment and conspicuously display the name of the manager at the entrance of the funeral establishment.

(c) A manager of a funeral establishment shall not reside more than 75 miles from that funeral establishment.

(d) Except as provided in subsection (2), an individual shall not manage more than 1 funeral establishment.

(e) If a new manager is appointed for a funeral establishment, the funeral establishment shall notify the department in writing of the name of the new manager not more than 30 days after the date of his or her appointment.

(2) The director shall receive and approve or deny requests for waivers to allow an individual to act as the manager of 2 funeral establishments under this subsection. All of the following apply to a request for a waiver under this subsection:

(a) The prospective manager shall request the waiver. The request must include the following:

(i) The prospective manager's name and mortuary science license number.

(ii) The name and license number of each funeral establishment affected.

(iii) Documentation supporting the existence of the factors listed in subdivision (b).

(b) The director shall not grant a waiver under this subsection unless all of the following factors are met:

(i) The funeral establishments are located in the same county or contiguous counties.

(ii) The population density of the county in which each of the funeral establishments is located is less than the population density for this state, based on data from the most recent decennial census.

(iii) The funeral establishments are located within 90 miles of each other.

(c) If the waiver is denied, the director shall send a written notice of the denial and the reasons for denial to the individual who requested the waiver. The individual may appeal the denial to the board in the manner provided for in section 515.

(3) An individual whose license is revoked under this article shall not own or manage, either directly or indirectly, or hold an interest in, a funeral establishment. This subsection does not prohibit an individual whose license is revoked from leasing property owned by the individual for use as a funeral establishment if the individual does not participate in the control or profit of the funeral establishment, other than as a lessor of the premises for a fixed rental that is not dependent on earnings.

(4) A branch establishment shall be managed by an individual who is the holder of a license for the practice of mortuary science. The manager shall ensure that the branch establishment complies with all applicable laws.

(5) The department and the board may inspect the premises of any location where funeral directing is conducted, embalming is practiced, or an applicant intends to engage in the practice of mortuary science.

(6) A funeral establishment shall contain a preparation room equipped with tile, cement, or composition floor and necessary drainage and ventilation, and contain each necessary instrument or supply for the preparation and embalming of a dead human body for burial, transportation, or other disposition.

(7) A branch establishment is subject to all of the requirements or rules relating to a funeral establishment.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980 ;-- Am. 2020, Act 138, Eff. Oct. 6, 2020 ;-- Am. 2020, Act 265, Eff. Mar. 24, 2021

Popular Name: Act 299

339.1809a Disposition of unclaimed cremated remains; immunity from liability; definitions.

Sec. 1809a.

(1) An individual who is licensed to engage in the practice of mortuary science is immune from civil liability for the proper disposition of unclaimed cremated remains if the funeral establishment maintains and safeguards the unclaimed cremated remains until proper disposition of the remains and any of the following are met:

(a) The disposition of the unclaimed cremated remains is made 6 months or longer after the date of cremation and, if notice is required under subsection (2), at least 30 days after the date the notice is sent.

(b) The disposition is authorized by a special fiduciary or special personal representative under section 3206(8) of the estates and protected individuals code, 1998 PA 386, MCL 700.3206.

(c) The disposition is authorized by a medical examiner under section 3206(9)(a) of the estates and protected individuals code, 1998 PA 386, MCL 700.3206.

(2) Except as provided in subsection (3), a funeral director claiming immunity under subsection (1) shall make reasonable efforts to provide written notice of intent to make proper disposition of the unclaimed cremated remains to the individuals who have the right to make decisions relating to the disposition of a decedent's body under

section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206. Reasonable efforts include, but are not limited to, mailing the notice to the last known addresses of those individuals.

(3) Written notice under subsection (2) is not required for any of the following:

(a) A proper disposition of unclaimed cremated remains by transfer of the remains to any relative of the decedent that is made more than 1 year after the date of cremation.

(b) Any proper disposition of unclaimed cremated remains that is made more than 2 years after the date of cremation.

(4) If unclaimed cremated remains are removed from or transferred to a cemetery, the mortuary science licensee shall present a written statement to the cemetery certifying compliance with the requirements of subsection (1), and subsection (2) if applicable, at the time the unclaimed cremated remains are removed or presented for proper disposition.

(5) If unclaimed cremated remains are determined to belong to a veteran, a cemetery that relies on a written statement presented by an individual who is licensed in the practice of mortuary science under subsection (4) is immune from civil liability against a claim for damages by the individuals who have the right to make decisions related to the disposition of a decedent's body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, for having interred, entombed, or inurned cremated remains without their authorization.

(6) This section does not supersede the provisions of section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, involving the priority of individuals who have the right to make decisions relating to the disposition of a decedent's body under that section except that if those individuals who have the right to make decisions related to the disposition of a decedent's body claim the cremated remains after proper disposition under subsection (4), then any costs associated with disinterring or removing the cremated remains from the place of interment, entombment, or inurnment, and other costs associated with their further placement are the responsibility of those individuals, unless otherwise agreed.

(7) As used in this section:

(a) "Armed forces" means that term as defined in section 103 of the skilled trades regulation act, 2016 PA 407, MCL 339.5103.

(b) "Proper disposition" means either of the following:

(i) Interment, entombment, or inurnment of unclaimed cremated remains in a cemetery in this state. In the case of the unclaimed cremated remains of a veteran of the armed forces, proper disposition includes the interment, entombment, or inurnment in a cemetery designated solely for veterans by the United States Department of Veterans Affairs or by the department of military and veterans affairs.

(ii) A transfer of unclaimed cremated remains to any relative of the decedent that occurs more than 6 months after the date of cremation.

(c) "Unclaimed cremated remains" means the cremated remains of a dead human body that has not been picked up by or delivered to an individual who has the right to make decisions relating to the disposition of a decedent's body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206.

History: Add. 2009, Act 149, Eff. July 1, 2010 ;-- Am. 2020, Act 265, Eff. Mar. 24, 2021

Popular Name: Act 299

339.1809b Determination of unclaimed cremated remains as veteran; disposition; immunity from liability.

Sec. 1809b.

(1) A person licensed in the practice of mortuary science may compile a list of names of the unclaimed cremated remains held in his or her possession for 6 months or more for the purposes of determining whether 1 or more of the deceased is a veteran of the United States armed services.

(2) The funeral director may release the list of names to any federally chartered veterans service organization to confirm with the national cemetery administration's central scheduling office in St. Louis, Missouri, whether the deceased is eligible for proper disposition at a veterans cemetery. The veterans service organization shall report to the funeral director regarding the names of the confirmed veterans or spouses of veterans.

(3) If the unclaimed cremated remains are determined to be eligible for proper disposition at a veterans cemetery, the funeral director shall send written notice of intent to make a proper disposition of the unclaimed remains as described under section 1809a(1). If the unclaimed cremated remains of a confirmed veteran are not claimed by the

persons to whom the notice was sent, the funeral director may arrange for the proper disposition of the remains with a state or national veterans cemetery.

(4) A funeral director complying with this section is immune from criminal or civil liability arising from compliance with this section.

History: Add. 2009, Act 148, Eff. May 20, 2010

Compiler's Notes: This section, as added by Act 148 of 2009, was effective July 1, 2010. Acts 76 and 78 of 2010 amended Act 148 of 2009 by revising the effective date. This section then became effective May 20, 2010.

Popular Name: Act 299

339.1810 Prohibited conduct; penalties; rules; training employees.

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).

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980 ;-- Am. 1990, Act 15, Eff. May 28, 1990 ;-- Am. 2006, Act 300, Imd. Eff. July 20, 2006 ;-- Am. 2020, Act 265, Eff. Mar. 24, 2021 ;-- Am. 2023, Act 204, Eff. Feb. 13, 2024

Popular Name: Act 299

339.1811 Purchase of vault or similar receptacle as condition to burial prohibited; discrimination; right to require vault not impaired.

Sec. 1811.

(1) The purchase of a vault or similar receptacle designed or intended to enclose or receive a casket, coffin, or other similar container from a particular individual, partnership, association, or corporation shall not be required as a condition to burial in a cemetery in this state. There shall not be a discrimination by price, burial fee, or otherwise by reason of a failure to purchase the vault or similar receptacle from or under the direction of the cemetery or the owner of the cemetery.

(2) This section shall not limit the right of a cemetery to require the use of a vault in a burial in the cemetery.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980

Popular Name: Act 299

339.1812 Owning or conducting cemetery or burial ground and owning or maintaining funeral establishment prohibited; exception; owning or conducting funeral establishment on property owned or leased by cemetery prohibited; owner of private burial ground owning or maintaining funeral establishment.

Sec. 1812.

(1) An individual, partnership, association, municipal corporation, body politic, or corporation which owns or conducts, either directly or indirectly, a cemetery or burial ground in this state shall not own, manage, supervise, operate, or maintain, either directly or indirectly, a funeral establishment, or permit an officer, agent, or employee to own or maintain a funeral establishment. This subsection shall not apply to an elected official of a city, village, township, or county who serves as an ex officio member of a local cemetery board as a result of holding that office.

(2) An individual, partnership, association, municipal corporation, body politic, or corporation which owns or conducts a cemetery in this state shall not allow a funeral establishment to be owned or conducted on property owned or leased by the cemetery and used for cemetery purposes or designated as a cemetery.

(3) This section shall not prohibit the owner of a private burial ground used for the interment of the owner's family or the owner's descendants to own or maintain a funeral establishment under this article.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980

Popular Name: Act 299