

OCCUPATIONAL CODE (EXCERPT)
Act 299 of 1980

***** 339.1806.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 24, 2021 *****

339.1806.amended 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

Administrative rules: R 339.18901 et seq. of the Michigan Administrative Code.