

OCCUPATIONAL CODE (EXCERPT)
Act 299 of 1980

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.

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