

Act No. 149
Public Acts of 2009
Approved by the Governor
November 19, 2009
Filed with the Secretary of State
November 19, 2009
EFFECTIVE DATE: July 1, 2010

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2009**

Introduced by Reps. Kurtz, Polidori, Angerer, Ball, Bolger, Booher, Lisa Brown, Terry Brown, Calley, Clemente, Constan, Corriveau, Crawford, Denby, DeShazor, Durhal, Espinoza, Geiss, Genetski, Gonzales, Haase, Haines, Hammel, Hansen, Haugh, Haveman, Hildenbrand, Horn, Johnson, Rick Jones, Robert Jones, Kandrevas, Kowall, LeBlanc, Lemmons, Liss, Lori, Meekhof, Melton, Meltzer, Neumann, Opsommer, Pearce, Rogers, Wayne Schmidt, Paul Scott, Scripps, Sheltroun, Slavens, Slezak, Spade, Tyler and Valentine

ENROLLED HOUSE BILL No. 5246

AN ACT to amend 1980 PA 299, entitled "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 339.101 to 339.2919) by amending the title, as amended by 1993 PA 93, and by adding section 1809a.

The People of the State of Michigan enact:

TITLE

An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.

Sec. 1809a. (1) A person licensed in the practice of mortuary science is immune from civil liability for the proper disposition of unclaimed cremated remains if the proper disposition was made 6 months or longer after the date of cremation and at least 30 days after the date the notice required under this subsection is sent. A funeral director claiming immunity under this section shall make reasonable efforts to provide written notice of intent to make proper disposition of the unclaimed cremated remains to the persons having 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 address of that person. 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 imposed in this subsection at the time the unclaimed cremated remains are removed or presented for proper disposition.

(2) In the case of unclaimed cremated remains determined to belong to a veteran, a cemetery relying upon a written statement presented by a person licensed in the practice of mortuary science under subsection (1) is immune from civil liability against a claim for damages by the persons having 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.

(3) 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 persons having the right to make decisions relating to the disposition of a decedent's body under that section except that if those persons having the right to make decisions related to the disposition of a decedent's body claim the cremated remains after proper disposition under subsection (1), 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 shall be borne by those persons, unless otherwise agreed.

(4) As used in this section:

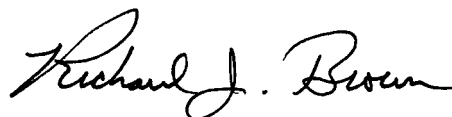
(a) "Proper disposition" means interment, entombment, or inurnment of unclaimed cremated remains in a cemetery in this state. In the case of the unclaimed cremated remains of a veteran of the United States armed forces, proper disposition includes the interment, entombment, or inurnment in a cemetery designated solely for veterans by the United States department of veterans affairs or by the Michigan department of veterans affairs.

(b) "Unclaimed cremated remains" means the cremated remains of a dead human body that has not been picked up or delivered to a person having 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.

Enacting section 1. This amendatory act takes effect July 1, 2010.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5245 of the 95th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor