



HOUSE BILL No. 4458

March 9, 1993, Introduced by Rep. Pitoniak and referred to the Committee on Public Health.

A bill to amend sections 2850 and 2853 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," being sections 333.2850 and 333.2853 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2850 and 2853 of Act No. 368 of the
2 Public Acts of 1978, being sections 333.2850 and 333.2853 of the
3 Michigan Compiled Laws, are amended to read as follows:

4 Sec. 2850. (1) An individual in charge of premises in which
5 interments or other disposition of dead bodies is made shall not
6 inter or allow interment or other disposition of a dead body or
7 fetus unless it is accompanied by an authorization for final
8 disposition.

1 (2) An individual in charge of a place for final disposition
2 shall keep a record of a final disposition made in the premises
3 under his or her charge. The record shall state the name of the
4 deceased, date and place of death, date of final disposition, and
5 the name and address of the funeral director or person acting as
6 a funeral director.

7 (3) AN INDIVIDUAL IN CHARGE OF THE PREMISES IN WHICH INTER-
8 MENTS OR OTHER DISPOSITION OF DEAD BODIES IS MADE SHALL NOT INTER
9 OR ALLOW INTERMENT OR OTHER DISPOSITION OF A DEAD BODY OR FETUS
10 UNLESS WRITTEN AUTHORIZATION IS OBTAINED FROM 1 OF THE FOLLOWING
11 INDIVIDUALS IN THE FOLLOWING ORDER OF PRIORITY:

12 (A) A SURVIVING SPOUSE, IF 1 EXISTS.

13 (B) A SURVIVING CHILD, IF ANY EXIST.

14 (C) A SURVIVING PARENT, IF 1 EXISTS.

15 (D) A SURVIVING BROTHER OR SISTER, IF ANY EXIST.

16 (E) THE PERSONAL REPRESENTATIVE OF THE ESTATE OF THE
17 DECEASED.

18 (4) IF THE INDIVIDUAL IN CHARGE OF THE PREMISES IN WHICH
19 INTERMENT OR OTHER DISPOSITION OF DEAD BODIES IS MADE HAS KNOWL-
20 EDGE OF THE EXISTENCE OF THE INDIVIDUALS DESCRIBED IN
21 SUBSECTION (3)(A) THROUGH (D) AND 1 OR MORE OF THOSE INDIVIDUALS
22 REFUSE TO PROVIDE WRITTEN AUTHORIZATION FOR INTERMENT OR CANNOT
23 BE LOCATED UPON REASONABLE EFFORT TO DO SO, THE INDIVIDUAL IN
24 CHARGE OF THE PREMISES SHALL EXECUTE AN AFFIDAVIT STATING THE
25 REFUSAL BY OR INABILITY TO LOCATE 1 OR MORE OF THE INDIVIDUALS
26 DESCRIBED IN SUBSECTION (3)(A) THROUGH (D). THE INDIVIDUAL IN

1 CHARGE OF THE PREMISES SHALL EXECUTE AN AFFIDAVIT FOR EACH
2 INDIVIDUAL IN THE ORDER OF PRIORITY DESCRIBED IN SUBSECTION (3).

3 Sec. 2853. (1) A permit for disinterment and reinterment
4 is required before disinterment of a dead body. The local health
5 department in whose jurisdiction the body is interred shall issue
6 the permit upon proper application by a licensed funeral director
7 or person acting as a funeral director in accordance with rules
8 promulgated by the department.

9 (2) A person shall not disinter or permit the disinterment
10 of a dead body in a cemetery and the body's reinterment in a cem-
11 etery or removal from the cemetery unless a disinterment and
12 reinterment permit is issued by the local health department in
13 the jurisdiction in which the cemetery is located.

14 (3) The department shall prepare and furnish to local health
15 departments the forms AND APPLICATIONS for permits ~~and applica-~~
16 ~~tions therefor,~~ which shall be used in the procedures prescribed
17 by this section and section 2852.

18 (4) The local health department shall retain an application
19 for a disinterment and reinterment permit for not less than 5
20 years. A duplicate copy of the permit shall be maintained in
21 permanent records of the cemetery from which the body was
22 disinterred.

23 (5) If a required consent cannot be obtained, a person may
24 ~~petition~~ BRING AN ACTION IN the circuit court ~~of~~ FOR the
25 county in which the cemetery is located for a disinterment
26 order.

1 (6) A COURT SHALL ORDER THE DISINTERMENT OF THE REMAINS OF
2 THE DECEASED IF THOSE REMAINS ARE INTERRED IN A BURIAL PLOT OWNED
3 BY A PERSON WHO IS NOT A SURVIVING SPOUSE, CHILD, PARENT, BROTH-
4 ER, OR SISTER ONLY IF THE REQUEST FOR DISINTERMENT IS MADE BY 1
5 OF THE FOLLOWING PERSONS IN THE FOLLOWING ORDER OF PRIORITY:

- 6 (A) A SURVIVING SPOUSE, IF 1 EXISTS.
7 (B) A SURVIVING CHILD, IF ANY EXIST.
8 (C) A SURVIVING PARENT, IF 1 EXISTS.
9 (D) A SURVIVING BROTHER OR SISTER, IF ANY EXIST.