

# HOUSE BILL No. 5797

March 14, 2002, Introduced by Rep. Richner and referred to the Committee on Insurance and Financial Services.

A bill to amend 1956 PA 218, entitled  
"The insurance code of 1956,"  
by amending section 2080 (MCL 500.2080), as amended by 1986 PA  
318.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2080. (1) It ~~shall be~~ IS unlawful for any life or  
2 accident insurer authorized to do business in this state to own,  
3 manage, supervise, operate, or maintain a mortuary or undertaking  
4 establishment, or to permit its officers, agents, or employees to  
5 own or maintain ~~any such funeral~~ A MORTUARY or undertaking  
6 establishment.

7           (2) Except as otherwise provided in subsection (6), it  
8 ~~shall be~~ IS unlawful for any life insurance, sick or funeral  
9 benefit company, or any company, corporation, or association  
10 engaged in a similar business to contract or agree with any

**HB5797, As Passed House, December 4, 2002**

2

1 funeral director, undertaker, or mortuary to the effect that  
2 ~~such~~ THE funeral director, undertaker, or mortuary shall con-  
3 duct the funeral of any person insured by ~~such~~ THAT company,  
4 corporation, or association.

5 (3) A funeral establishment, cemetery, or seller shall not  
6 be licensed as an insurance agent under chapter 12 other than as  
7 a limited licensee pursuant to this subsection and chapter 12. A  
8 funeral establishment, cemetery, or seller shall not be a limited  
9 life insurance agent unless that funeral establishment, cemetery,  
10 or seller provides a written assurance to the commissioner at the  
11 time of application for the limited licensure and with each  
12 LICENSE renewal ~~thereof~~ that he or she has read and understands  
13 the conditions contained in subsection (9) and agrees to comply  
14 with those conditions. A person licensed as a limited life  
15 insurance agent under this subsection and chapter 12 ~~shall be~~  
16 IS authorized and licensed to sell only associated life insurance  
17 policies or annuity contracts and ~~shall~~ IS not ~~be~~ authorized  
18 or licensed to sell any other type of insurance policy or annuity  
19 contract. A person licensed as a limited life insurance agent  
20 under this subsection and chapter 12 to sell associated life  
21 insurance policies or annuity contracts shall not sell cemetery  
22 goods or services or funeral goods or services unless all of the  
23 conditions provided in subsection (9) are met. A person licensed  
24 as a life insurance agent, other than a limited life insurance  
25 agent, shall not sell cemetery goods or services or funeral goods  
26 or services or be associated with a funeral establishment,  
27 cemetery, or seller. Notwithstanding any other provision in this

**HB5797, As Passed House, December 4, 2002**

3

1 act, a funeral establishment, cemetery, or seller may advise  
2 customers or potential customers of the availability of life  
3 insurance, the proceeds of which may be assigned pursuant to  
4 subsection (6), and may provide application forms and other  
5 information in regard to ~~such~~ THAT life insurance. ~~If an~~  
6 ~~application form is provided, the funeral establishment, ceme-~~  
7 ~~tery, or seller shall also provide to the person a list annually~~  
8 ~~prepared by the commissioner setting forth the life insurance~~  
9 ~~companies offering in Michigan associated life insurance policies~~  
10 ~~or annuity contracts. The list shall include the name, address,~~  
11 ~~and telephone number of an agent for each of the life insurance~~  
12 ~~companies listed. The list also~~ APPLICATION shall include a  
13 statement that a person who is insured under any life insurance  
14 policy or annuity contract may assign all or a portion of the  
15 proceeds, not to exceed the amount provided in subsection (6)(g),  
16 of the existing life insurance policy or annuity contract for the  
17 payment of funeral services and goods or cemetery services or  
18 goods to any funeral establishment, cemetery, or seller ~~which~~  
19 THAT has accepted any other assignment of an associated life  
20 insurance policy or annuity contract during that calendar year.  
21 The funeral establishment, cemetery, or seller shall accept an  
22 assignment on the proceeds from any associated or nonassociated  
23 life insurance policy or annuity contract pursuant to  
24 subsection (6), and this requirement on the funeral establish-  
25 ment, cemetery, or seller shall be set forth in the statement  
26 prepared by the ~~insurance~~ commissioner. The assignor or the  
27 person or persons legally entitled to make funeral arrangements

**HB5797, As Passed House, December 4, 2002**

4

1 for the person whose life was insured may contract with the  
2 funeral establishment, cemetery, or seller of his or her choice  
3 for the rendering of the funeral goods or services or cemetery  
4 goods or services. Each associated life insurance policy or  
5 annuity contract delivered or issued for delivery in this state  
6 shall have a death benefit that is sufficient to cover the ini-  
7 tial contract price of the cemetery goods or services or funeral  
8 goods or services and that increases at an annual rate of not  
9 less than the consumer price index.

10 (4) A person shall not be designated as the beneficiary in  
11 any policy of life or accident insurance whereby the beneficiary,  
12 directly or indirectly, shall, in return for all or a part of the  
13 proceeds of ~~such~~ THE policy of insurance, furnish cemetery  
14 services or goods or funeral services or goods in connection  
15 ~~therewith~~ WITH THE POLICY.

16 (5) Except as otherwise provided in subsection (6), it  
17 ~~shall be~~ IS unlawful for any life or accident, or sick or  
18 funeral benefit company, or any person, company, corporation, or  
19 association, to offer or furnish goods or services or anything  
20 but money to its insureds or to his or her heirs, representa-  
21 tives, attorneys, relatives, associates, or assigns in any con-  
22 nection with, or by way of encumbrance, assignment, payment, set-  
23 tlement, satisfaction, discharge, or release of any insurance  
24 policy. However, this subsection ~~shall~~ DOES not prohibit any  
25 company, corporation, or association from furnishing medical,  
26 surgical, or hospital service.

**HB5797, As Passed House, December 4, 2002**

5

1           (6) Notwithstanding any other provision in this act, a life  
2 insurer may write a life insurance policy or annuity contract  
3 ~~which is~~ subject to an assignment of the proceeds of the insur-  
4 ance policy or annuity contract as payment for cemetery services  
5 or goods or funeral services or goods as provided in this subsec-  
6 tion regardless of the relationship between the life insurer and  
7 the assignee. An assignment of the proceeds of the insurance  
8 policy or annuity contract pursuant to this subsection shall be  
9 in writing on a form approved by the commissioner. A predeath  
10 assignment of the proceeds of a life insurance policy or annuity  
11 contract as payment for cemetery or funeral services or goods is  
12 void unless all of the following conditions and criteria are  
13 met:

14           (a) The assignment is an inseparable part of the contract  
15 for the cemetery services or goods or funeral services or goods  
16 for which the assigned proceeds serve as payment.

17           (b) The assignment is revocable by the assignor, assignor's  
18 successor, or if the assignor is the insured by the representa-  
19 tive of the insured's estate prior to the provision of the ceme-  
20 tery services or goods or funeral services or goods.

21           (c) The contract for funeral services or goods or cemetery  
22 services or goods and the assignment provide that upon revocation  
23 of the assignment, the contract for the cemetery services or  
24 goods or funeral services or goods is revoked and cemetery serv-  
25 ices or goods or funeral services or goods may be obtained from  
26 any cemetery, funeral establishment, or seller.

**HB5797, As Passed House, December 4, 2002**

6

1 (d) The assignment contains the following disclosure in  
2 boldfaced type:

3 "This assignment may be revoked by the assignor or  
4 assignor's successor or, if the assignor is also the insured and  
5 deceased, by the representative of the insured's estate before  
6 the rendering of the cemetery services or goods or funeral serv-  
7 ices or goods. If the assignment is revoked, the death benefit  
8 under the life insurance policy or annuity contract shall be paid  
9 in accordance with the beneficiary designation under the insur-  
10 ance policy or annuity contract."

11 (e) The assignment provides for all of the following:

12 (i) That the actual price of the cemetery services or goods  
13 or funeral services or goods delivered at the time of death may  
14 be more than or less than the price set forth in the assignment.

15 (ii) For the assignment of an associated life insurance  
16 policy or annuity contract, that any increase in the price of the  
17 cemetery services or goods or funeral services or goods shall not  
18 exceed the ultimate death benefit under the life insurance policy  
19 or annuity contract.

20 (iii) For the assignment of a nonassociated life insurance  
21 policy or annuity contract, that any increase in the price of the  
22 cemetery services or goods or the funeral services or goods shall  
23 not exceed the consumer price index or the retail price list in  
24 effect when the death occurs, whichever is less.

25 (iv) That if the ultimate death benefit under a life insur-  
26 ance policy or annuity contract exceeds the price of the cemetery  
27 services or goods or funeral services or goods at the time of

**HB5797, As Passed House, December 4, 2002**

7

1 performance, the excess amount shall be distributed to the  
2 beneficiary designated under the life insurance policy or annuity  
3 contract or the insured's estate.

4 (v) That any addition to or modification of the contract for  
5 cemetery services or goods or funeral services or goods does not  
6 revoke the assignment or the contract for the cemetery services  
7 or goods or funeral services or goods ~~which~~ THAT are not  
8 affected by the addition or modification for which the assigned  
9 proceeds are payment unless the assignment is revoked.

10 (f) The assignment is limited to that portion of the pro-  
11 ceeds of the life insurance policy or annuity contract ~~which~~  
12 THAT is needed to pay for the cemetery services or goods or  
13 funeral services or goods for which the assignor has contracted.

14 (g) In the case of an associated life insurance policy or  
15 annuity contract, the death benefit of the life insurance policy  
16 or annuity contract ~~which~~ THAT is subject to the assignment  
17 does not exceed \$5,000.00 when the first premium payment is made  
18 on the life insurance policy or annuity contract. In the case of  
19 a nonassociated life insurance policy or annuity contract, the  
20 initial amount of proceeds assigned does not exceed \$5,000.00.  
21 The maximum amounts in this subdivision shall be adjusted annu-  
22 ally in accordance with the consumer price index.

23 (h) The assignment shall contain the dispute resolution  
24 rights ~~set forth~~ in subsection (8). After the death of the  
25 insured but before the cemetery services or goods or funeral  
26 services or goods are provided, the funeral establishment,  
27 cemetery, or seller shall provide to a representative of the

**HB5797, As Passed House, December 4, 2002**

8

1 insured's estate a separate document entitled, "dispute  
2 resolution disclosure statement," which shall clearly set forth  
3 the dispute resolution rights ~~set forth~~ in subsection (8). The  
4 dispute resolution disclosure statement shall be filed with the  
5 commissioner and shall be considered approved unless disapproved  
6 within 30 days after the submission. The language used to ~~set~~  
7 ~~forth~~ DESCRIBE the dispute resolution rights in subsection (8)  
8 shall be written in a manner calculated to be understood by a  
9 person of ordinary intelligence.

10 (i) The assignor and not the assignee is responsible for  
11 making the premium payments due on the life insurance policy or  
12 annuity contract. This subdivision does not apply to an insur-  
13 ance agent when acting as a fiduciary pursuant to section 1207.

14 (j) After the death of the insured but before the cemetery  
15 services or goods or funeral services or goods are provided, the  
16 representative of the insured's estate is provided with a current  
17 price list for the cemetery services or goods or funeral services  
18 or goods provided pursuant to the assignment.

19 (k) At the time the assignment is made, the assignee com-  
20 plies with the price disclosure rules of the federal trade com-  
21 mission prescribed in 16 C.F.R. ~~—~~ part 453, whether or not the  
22 rules by their own terms apply to the offering.

23 (l) At the time the assignment is made, the assignor certi-  
24 fies that the insured does not have in effect other life insur-  
25 ance policies or annuity contracts that have been assigned as  
26 payment for cemetery goods or services or funeral goods or  
27 services ~~which~~ THAT together with the additional assignment



**HB5797, As Passed House, December 4, 2002**

1 would have an aggregate face value in excess of the limitation  
2 provided in subdivision ~~(h)~~ (G).

3 (m) For the assignment of a nonassociated life insurance  
4 policy or annuity contract, the assignment complies with both of  
5 the following:

6 (i) The assignment is sufficient to cover the initial con-  
7 tract price of the cemetery goods or services or funeral goods or  
8 services.

9 (ii) The assignment provides that any increase in the price  
10 of the cemetery services or goods or the funeral services or  
11 goods shall not exceed the consumer price index or the retail  
12 price list in effect when the death occurs, whichever is less.

13 (7) An insurer or an insurance agent shall not make a false  
14 or misleading statement, oral or written, regarding an assignment  
15 subject to subsection (6) or regarding the rights or obligations  
16 of any party or prospective party to ~~such an~~ THAT assignment.  
17 An insurer or an insurance agent shall not advertise or promote  
18 an assignment subject to subsection (6) in a manner ~~which~~ THAT  
19 is false, misleading, deceptive, or unfair. The commissioner  
20 shall promulgate rules regulating the solicitation of plans pro-  
21 moting assignments subject to subsection (6) to protect against  
22 solicitations ~~which~~ THAT are intimidating, vexatious, fraudu-  
23 lent, or misleading, or which take unfair advantage of a person's  
24 ignorance or emotional vulnerability.

25 (8) After the cemetery services or goods or funeral services  
26 or goods are provided, the funeral establishment, cemetery, or  
27 seller shall provide to a representative of the insured's estate

**HB5797, As Passed House, December 4, 2002**

10

1 a statement to be signed by the representative of the insured's  
2 estate authorizing the release of the assignment proceeds for the  
3 payment of the cemetery services or goods or funeral services or  
4 goods. The insurer shall release to the funeral establishment,  
5 cemetery, or seller the assignment proceeds upon receipt of the  
6 authorization statement signed by a representative of the  
7 insured's estate. If a representative of the insured's estate  
8 fails to sign the authorization statement, the following shall  
9 take place:

10 (a) The funeral establishment, cemetery, or seller shall  
11 provide the representative of the insured's estate with a dispute  
12 resolution notice, a copy of which is to be sent to the insurer  
13 and the ~~insurance~~ commissioner that states all of the  
14 following:

15 (i) That the funeral establishment, cemetery, or seller has  
16 provided the cemetery services or goods or funeral services or  
17 goods.

18 (ii) That a representative of the insured's estate has  
19 refused to authorize the insurer to release the assignment pro-  
20 ceeds for the payment of the cemetery services or goods or  
21 funeral services or goods.

22 (iii) That a representative of the insured's estate may seek  
23 arbitration to resolve the payment dispute.

24 (b) Upon the receipt of the dispute resolution notice  
25 described in subdivision (a), the insurer shall retain the  
26 assignment proceeds for 30 days. The insurer shall release the  
27 assignment proceeds to the funeral establishment, cemetery, or

**HB5797, As Passed House, December 4, 2002**

11

1 seller if after the expiration of the 30 days the insurer is not  
2 informed that arbitration proceedings have been commenced, or  
3 pursuant to the award of the arbitrator.

4 (c) The funeral establishment, cemetery, seller, or a repre-  
5 sentative of the insured's estate may commence arbitration pro-  
6 ceedings to determine the disposition of the assignment  
7 proceeds. Arbitration shall be conducted pursuant to the rules  
8 and procedures of the American arbitration association. Expenses  
9 of the arbitration shall be shared equally by the insured's  
10 estate and the assignee unless otherwise ordered by the  
11 arbitrator.

12 (d) Nothing in this subsection ~~shall limit~~ LIMITS the  
13 right of any party involved in the payment dispute to seek other  
14 recourse permitted by law.

15 (9) A life insurance agent shall not sell or solicit the  
16 sale of a life insurance policy or annuity contract with the  
17 intention of having the purchaser assign the proceeds of the  
18 policy or contract to a funeral establishment, cemetery, or  
19 seller with which the agent is associated unless all of the fol-  
20 lowing conditions are met:

21 (a) The agent ~~shall disclose~~ DISCLOSES in writing to the  
22 purchaser the nature of his or her association with the funeral  
23 establishment, cemetery, or seller and that both the funeral  
24 establishment, cemetery, or seller and the agent will or may  
25 profit from the transaction, if that is the case.

26 (b) ~~A~~ IF THE funeral establishment, cemetery, or seller  
27 ~~which~~ accepts assignments pursuant to subsection (6), ~~shall~~

**HB5797, As Passed House, December 4, 2002**

12

1 ~~also offer~~ IT ALSO OFFERS to sell or provide cemetery goods or  
2 services or funeral goods or funeral services pursuant to prepaid  
3 funeral contracts as provided in the prepaid funeral contract  
4 funding act, 1986 PA 255, MCL 328.211 TO 328.235, or pursuant to  
5 the trust provisions of the cemetery regulation act, ~~Act No. 251~~  
6 ~~of the Public Acts of 1968, being sections 456.521 to 456.543 of~~  
7 ~~the Michigan Compiled Laws~~ 1968 PA 251, MCL 456.521 TO 456.543.

8 (c) If the contemplated assignment is to be made to pay the  
9 cost of cemetery goods or services or funeral goods or funeral  
10 services, the agent ~~shall disclose~~ DISCLOSES in writing to the  
11 purchaser that the cemetery goods or services or funeral goods or  
12 services may also be purchased prior to death by making payment  
13 directly to a funeral establishment, cemetery, or seller who will  
14 hold funds in escrow for the benefit of the purchaser pursuant to  
15 the prepaid funeral contract funding act, 1986 PA 255, MCL  
16 328.211 TO 328.235, or in trust pursuant to the provisions of the  
17 cemetery regulation act, ~~Act No. 251 of the Public Acts of 1968~~  
18 1968 PA 251, MCL 456.521 TO 456.543. The written disclosure  
19 shall also state that upon cancellation of the prepaid funeral  
20 contract, the purchaser is entitled to a refund of at least 90%  
21 of the principal and income earned.

22 (d) The sale of cemetery goods or services or funeral goods  
23 or services ~~shall~~ IS not ~~be~~ conditioned on the purchaser  
24 buying or agreeing to buy a life insurance policy or annuity con-  
25 tract or on the assignment of the proceeds of the policy or con-  
26 tract to that funeral establishment, cemetery, or seller.

**HB5797, As Passed House, December 4, 2002**

13

1 (e) The sale of a life insurance policy or annuity contract  
2 ~~shall~~ IS not ~~be~~ conditioned on the purchaser buying or  
3 agreeing to buy cemetery goods or services or funeral goods or  
4 services from the funeral establishment, cemetery, or seller with  
5 which the agent is associated or on the assignment of the pro-  
6 ceeds of the policy or contract to that funeral establishment,  
7 cemetery, or seller.

8 (f) A discount from the current price of cemetery goods or  
9 services or funeral goods or services ~~shall~~ IS not ~~be~~ offered  
10 as an inducement to purchase or assign a life insurance policy or  
11 annuity contract.

12 (g) The life insurance policy or annuity contract sold by  
13 the agent may be canceled by the purchaser within 10 days after  
14 the receipt of the policy or annuity contract, in which event a  
15 full refund of all premiums shall be paid to the purchaser.

16 (h) The agent ~~shall disclose~~ DISCLOSES in writing to the  
17 purchaser that the funeral establishment, cemetery, or seller  
18 with which the agent is associated will accept assignments of  
19 life insurance policies or annuity contracts sold by any other  
20 licensed agent.

21 (10) The commissioner or any other person, in order to force  
22 compliance with subsection (6) or (7), may bring an action in a  
23 circuit court in any county in which the assignee or insurance  
24 agent or any other person has solicited or sold a life insurance  
25 policy or annuity contract that is assigned pursuant to  
26 subsection (6), whether or not that person has purchased the life  
27 insurance policy or annuity contract or is personally aggrieved

**HB5797, As Passed House, December 4, 2002**

14

1 by a violation of this section. The court may award damages and  
2 issue equitable orders in accordance with the Michigan court  
3 rules to restrain conduct in violation of this section.

4 (11) Any person violating any of the provisions of this sec-  
5 tion ~~shall be deemed~~ IS guilty of a misdemeanor, and each vio-  
6 lation ~~thereof shall be~~ IS a separate offense ~~and upon convic-~~  
7 ~~tion shall be punished~~ PUNISHABLE by a fine not exceeding  
8 \$1,000.00 or by imprisonment for not more than 6 months, or both.  
9 ~~such fine and imprisonment within the discretion of the courts.~~

10 (12) In addition to the penalty provided in subsection (11),  
11 if, after a hearing conducted pursuant to the administrative pro-  
12 cedures act of 1969, ~~Act No. 306 of the Public Acts of 1969,~~  
13 ~~being sections 24.201 to 24.328 of the Michigan Compiled Laws~~  
14 1969 PA 306, MCL 24.201 TO 24.328, the commissioner determines a  
15 person has violated this section, the commissioner may order the  
16 person to pay a civil fine of not more than \$10,000.00 for each  
17 violation and may also impose other sanctions provided pursuant  
18 to chapter 12. The money collected under this subsection shall  
19 be deposited in the funeral consumers education and advocacy  
20 fund. The funeral consumers education and advocacy fund is cre-  
21 ated within the insurance bureau. The fund shall be administered  
22 by the commissioner. The money in the fund shall be used to do  
23 both of the following:

24 (a) To promote the education of consumers with regard to the  
25 prearrangement and purchase of cemetery or funeral services or  
26 goods through the purchase and assignment of life insurance or  
27 annuity contracts.

**HB5797, As Passed House, December 4, 2002**

15

1 (b) To provide legal assistance to persons who were injured  
2 as a result of a violation of this section.

3 (13) For purposes of this section, a life insurance agent is  
4 associated with a funeral establishment, cemetery, or seller if  
5 any of the following apply:

6 (a) The agent is a funeral establishment, cemetery, or  
7 seller.

8 (b) The agent owns an interest, directly or indirectly, in a  
9 corporation or other entity ~~which~~ THAT holds an interest in a  
10 funeral establishment, cemetery, or seller.

11 (c) The agent is an officer, employee, or agent of a funeral  
12 establishment, cemetery, or seller.

13 (d) The agent is an officer, employee, or agent of a corpo-  
14 ration or other entity ~~which~~ THAT holds an interest, either  
15 directly or indirectly, in a funeral establishment, cemetery, or  
16 seller, or in a corporation or other entity ~~which~~ THAT holds an  
17 interest, directly or indirectly, in a corporation or other  
18 entity ~~which~~ THAT holds an interest in a funeral establishment,  
19 cemetery, or seller.

20 (14) As used in this section:

21 (a) "Associated life insurance policy or annuity contract"  
22 is a life insurance policy or annuity contract that is marketed,  
23 designed, and intended to be assigned as payment for cemetery  
24 goods or services or funeral goods or services.

25 (b) "Casket" means any box or container consisting of 1 or  
26 more parts in which a dead human body is placed prior to  
27 interment, entombment, or cremation which may or may not be

**HB5797, As Passed House, December 4, 2002**

16

1 permanently interred, entombed, or cremated with the dead human  
2 body. A permanent interment or entombment receptacle ~~which~~  
3 THAT is designed or intended for use without a cemetery burial  
4 vault or other outside container ~~shall~~ IS also ~~be~~ considered  
5 a casket.

6 (c) "Catafalque" means an ornamental or decorative object or  
7 structure ~~which~~ THAT is placed beneath, over, or around a  
8 casket, vault, or a dead human body prior to final disposition of  
9 the dead human body.

10 (d) "Cemetery" means that term as defined in but not neces-  
11 sarily regulated under section 2 of the cemetery regulation act,  
12 ~~Act No. 251 of the Public Acts of 1968, being section 456.522 of~~  
13 ~~the Michigan Compiled Laws~~ 1968 PA 251, MCL 456.522, or an offi-  
14 cer, agent, or employee ~~thereof~~ OF A CEMETERY.

15 (e) "Cemetery burial vault or other outside container" means  
16 a box or container ~~which~~ THAT is used solely at the place of  
17 interment to permanently surround or enclose a casket and to sup-  
18 port the earth above the casket after burial.

19 (f) "Cemetery goods" means land or interests in land,  
20 crypts, lawn crypts, mausoleum crypts, or niches that are sold by  
21 a cemetery. In addition, cemetery goods shall include cemetery  
22 burial vaults or other outside containers, markers, monuments,  
23 urns, and merchandise items used for the purpose of memorializing  
24 a decedent and placed on or in proximity to a place of interment  
25 or entombment of a casket, catafalque, or vault, or to a place of  
26 inurnment ~~which are~~ sold by a cemetery.



**HB5797, As Passed House, December 4, 2002**

17

1 (g) "Cemetery services" means those services customarily  
2 performed by a cemetery.

3 (h) "Combination unit" means any product consisting of a  
4 unit or a series of units ~~which~~ THAT are designed or intended  
5 to be used together as both a casket and as a permanent burial  
6 receptacle.

7 (i) "Consumer price index" means the annual average percen-  
8 tage increase in the Detroit consumer price index for all items  
9 for the prior 12-month period as reported by the United States  
10 department of labor and as certified by the commissioner.

11 (j) "Funeral establishment" means a funeral establishment or  
12 a person who is engaged in the practice of mortuary science as  
13 those terms are defined in section 1801 of the occupational code,  
14 ~~Act No. 299 of the Public Acts of 1980, being section 339.1801~~  
15 ~~of the Michigan Compiled Laws~~ 1980 PA 299, MCL 339.1801, or an  
16 officer, agent, or employee ~~thereof~~ OF THAT ESTABLISHMENT OR  
17 PERSON.

18 (k) "Funeral goods" means items of merchandise ~~which~~ THAT  
19 will be used in connection with a funeral or an alternative to a  
20 funeral or final disposition of human remains including, but not  
21 limited to, caskets, other burial containers, combination units,  
22 and catafalques. Funeral goods does not include cemetery goods.

23 (l) "Funeral services" means services customarily performed  
24 by a person who is licensed pursuant to sections 1801 to 1812 of  
25 the occupational code, ~~Act No. 299 of the Public Acts of 1980,~~  
26 ~~being sections 339.1801 to 339.1812 of the Michigan Compiled~~  
27 ~~Laws~~ 1980 PA 299, MCL 339.1801 TO 339.1812. Funeral services

**HB5797, As Passed House, December 4, 2002**

18

1 ~~includes, but is~~ INCLUDE, BUT ARE not limited to, care of human  
2 remains, embalming, preparation of human remains for final dispo-  
3 sition, professional services relating to a funeral or an alter-  
4 native to a funeral or final disposition of human remains, trans-  
5 portation of human remains, limousine services, use of facilities  
6 or equipment for viewing human remains, visitation, memorial  
7 services, or services ~~which~~ THAT are used in connection with a  
8 funeral or alternative to a funeral, coordinating or conducting  
9 funeral rites or ceremonies, and other services provided in con-  
10 nection with a funeral, alternative to a funeral, or final dispo-  
11 sition of human remains.

12 (m) "Nonassociated life insurance policy or annuity  
13 contract" means a life insurance policy or annuity contract that  
14 is not marketed to be assigned, designed to be assigned, or  
15 intended to be assigned as payment for cemetery goods or services  
16 or funeral goods or services.

17 (n) "Representative of insured's estate" means the person or  
18 persons legally entitled to make the funeral arrangements for the  
19 person whose life was insured.

20 (o) "Seller" means a person who offers to sell cemetery  
21 goods or services or funeral goods or services or any agent,  
22 officer, or employee ~~thereof~~ OF THAT PERSON.