

# HOUSE BILL NO. 5119

June 24, 2021, Introduced by Rep. Wakeman and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 2848 (MCL 333.2848), as amended by 2012 PA 499.

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

1           Sec. 2848. (1) Except as otherwise provided in sections 2844  
2 and 2845, a funeral director or person acting as a funeral  
3 director, who first assumes custody of a dead body, not later than  
4 72 hours after death or the finding of a dead body and before final  
5 disposition of the body, shall obtain authorization for the final

1 disposition. The authorization for final disposition of a dead body  
2 ~~shall~~**must** be issued on a form prescribed by the state registrar  
3 and signed by the local registrar or the state registrar.

4 (2) Except as otherwise provided in section 2836, or unless  
5 the mother has provided written consent for research on the dead  
6 fetus under section 2688, before final disposition of a dead fetus,  
7 irrespective of the duration of pregnancy, the funeral director or  
8 person assuming responsibility for the final disposition of the  
9 fetus or fetal remains shall obtain from the parents, or parent if  
10 the mother is unmarried, an authorization for final disposition on  
11 a form prescribed and furnished or approved by the state registrar.  
12 The authorization may allow final disposition to be by a funeral  
13 director, the individual in charge of the institution where the  
14 fetus was delivered or miscarried, or an institution or agency  
15 authorized to accept donated bodies, fetuses, or fetal remains  
16 under this act. The parents, or parent if the mother is unmarried,  
17 may direct the final disposition to be interment or cremation as  
18 those terms are defined in section 2 of the cemetery regulation  
19 act, 1968 PA 251, MCL 456.522, or incineration. After final  
20 disposition, the funeral director, the individual in charge of the  
21 institution, or other person making the final disposition shall  
22 retain the permit for not less than 7 years. This section as  
23 amended by the amendatory act that added this sentence does not  
24 require a religious service or ceremony as part of the final  
25 disposition of fetal remains.

26 (3) If final disposition is by cremation, the medical examiner  
27 of the county in which death occurred shall sign the authorization  
28 for final disposition. **Only a county board of commissioners may**  
29 **adopt and charge a fee for the actual costs incurred by its medical**

1 examiner in approving a cremation under this subsection, not to  
2 exceed \$75.00. A fee charged under this subsection must only be  
3 used to offset the costs incurred by the medical examiner in  
4 approving a cremation under this subsection.

5 (4) A body may be moved from the place of death to be prepared  
6 for final disposition with the consent of the physician or county  
7 medical examiner who certifies the cause of death.

8 (5) A permit for disposition issued under the law of another  
9 state that accompanies a dead body or dead fetus brought into this  
10 state is authorization for final disposition of the dead body or  
11 dead fetus in this state.