

**SUBSTITUTE FOR
SENATE BILL NO. 544**

A bill to amend 1980 PA 299, entitled
"Occupational code,"
(MCL 339.101 to 339.2677) by adding article 18A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **ARTICLE 18A**

2 **Sec. 1851. As used in this article:**

3 (a) "Applicant" means a person that submits an application for
4 license or certificate of registration under this article.

5 Applicant includes each individual identified in the application as
6 an owner, operator, officer, director, partner, member, or manager
7 of the applicant.

8 (b) "Authorized person" means an entity listed in section
9 1857.

1 (c) "Authorized vehicle" means a vehicle, used by a removal
2 service to transport a dead human body, that has passed an
3 inspection by the department under section 1855.

4 (d) "County medical examiner" means an individual appointed to
5 that position under 1953 PA 181, MCL 52.201 to 52.216.

6 (e) "Crematory owner" means a person that owns a crematory and
7 holds a valid permit issued under section 14 of the cemetery
8 regulation act, 1968 PA 251, MCL 456.534.

9 (f) "Funeral establishment" means that term as defined in
10 section 1801.

11 (g) "Health facility" means a health facility or agency
12 licensed under article 17 of the public health code, 1978 PA 368,
13 MCL 333.20101 to 333.22260.

14 (h) "Holder of a license for the practice of mortuary science"
15 means that term as defined in section 1801.

16 (i) "Holding room" means a room equipped with a refrigeration
17 unit within a refrigeration facility wherein a dead human body is
18 stored.

19 (j) "Institution of higher education" means a college,
20 university, community college, or junior college described in
21 section 4, 5, or 6 of article 8 of the state constitution of 1963
22 or established under section 7 of article 8 of the state
23 constitution of 1963.

24 (k) "Licensee" means a person that holds a refrigeration
25 facility license issued under section 1853.

26 (l) "Medical school" means that term as defined in section 2701
27 of the public health code, 1978 PA 368, MCL 333.2701.

28 (m) "Organ procurement organization" means that term as
29 defined in section 10102 of the public health code, 1978 PA 368,

1 MCL 333.10102.

2 (n) "Practice of mortuary science" means that term as defined
3 in section 1801.

4 (o) "Refrigeration facility" means a place of business that
5 operates independently of a funeral establishment or crematory
6 owner that maintains a holding room.

7 (p) "Registrant" means a person that holds a removal service
8 certificate of registration issued under section 1855.

9 (q) "Removal service" means a person that operates
10 independently of a funeral establishment that handles the initial
11 removal of a dead human body and transports the dead human body in
12 an authorized vehicle to and from an authorized person.

13 Sec. 1853. (1) A person shall not operate a refrigeration
14 facility without a refrigeration facility license.

15 (2) The department shall issue a refrigeration facility
16 license that is valid for 2 years to an applicant that meets all of
17 the following conditions:

18 (a) Submits an application to the department with all of the
19 following information:

20 (i) The name of the applicant.

21 (ii) The name of the individual who will serve as the manager
22 of the refrigeration facility as described in section 1859.

23 (iii) The address of the refrigeration facility.

24 (iv) The name that the applicant will use to conduct business.

25 (v) Any other information required by the department.

26 (b) The applicant discloses the applicant's criminal history
27 to the department.

28 (c) The applicant is of good moral character.

29 (d) The refrigeration facility and location listed on the

1 application pass an inspection conducted by the department.

2 (3) A license issued under this section is valid for only the
3 location of the refrigeration facility listed in the application.

4 (4) A licensee shall report a change in the location of the
5 refrigeration facility immediately to the department as prescribed
6 by rule. A licensee shall not operate a refrigeration facility at a
7 new location until the department conducts an inspection of the
8 facility and the facility passes the inspection.

9 (5) This section does not apply to any of the following
10 entities:

11 (a) A health facility.

12 (b) A medical school.

13 (c) An organ procurement organization.

14 (d) An institution of higher education that accepts whole
15 human body donations for the purpose of research and education.

16 Sec. 1855. (1) The department shall issue a removal service
17 certificate of registration that is valid for 2 years to an
18 applicant that meets all of the following conditions:

19 (a) Submits an application to the department with all of the
20 following information:

21 (i) The name of the applicant.

22 (ii) The name of the individual who will serve as the manager
23 of the removal service.

24 (iii) The address of the removal service.

25 (iv) The name that the applicant will use to conduct business.

26 (v) Any other information required by the department.

27 (b) The applicant discloses the applicant's criminal history
28 to the department.

29 (c) The applicant is of good moral character.

1 (d) Each vehicle used by the applicant to transport a dead
2 human body meets certain requirements, including, but not limited
3 to, all of the following as determined by the department after the
4 department conducts an inspection of the vehicle:

5 (i) Is enclosed.

6 (ii) Is constructed to secure the dead human body face up
7 within the vehicle.

8 (iii) Is used only for the retrieval and transport of a dead
9 human body.

10 (2) The department shall issue a decal to a registrant that
11 indicates the vehicle is an authorized vehicle. Display of the
12 decal must be as prescribed by rule.

13 (3) A registrant shall use only an authorized vehicle to
14 transport a dead human body.

15 Sec. 1857. A licensee or registrant shall not contract to
16 provide services under this article unless the contract is with any
17 of the following entities:

18 (a) A health facility.

19 (b) A county medical examiner.

20 (c) A funeral establishment.

21 (d) A medical school.

22 (e) An organ procurement organization.

23 (f) An institution of higher education that accepts whole
24 human body donations for the purpose of research and education.

25 Sec. 1859. (1) A refrigeration facility shall designate a
26 holder of a license for the practice of mortuary science as a
27 manager of the refrigeration facility. The manager shall supervise
28 the handling and sheltering of a dead human body at the
29 refrigeration facility. The manager shall not otherwise engage in

1 the practice of mortuary science while acting as a manager for a
2 refrigeration facility.

3 (2) A holder of a license for the practice of mortuary science
4 shall not manage more than 1 refrigeration facility. A holder of a
5 license for the practice of mortuary science who manages a funeral
6 establishment under section 1809 shall not manage a refrigeration
7 facility.

8 (3) A manager of a refrigeration facility shall not reside
9 more than 100 miles from the refrigeration facility.

10 Sec. 1861. (1) On receipt of a dead human body, a licensee,
11 manager, or other authorized personnel shall ensure that a dead
12 human body stored at a refrigeration facility is handled in the
13 following manner:

14 (a) Is stored at a temperature between 36 degrees Fahrenheit
15 and 39 degrees Fahrenheit.

16 (b) Is clothed or covered while being refrigerated.

17 (c) Is not stored directly on the ground.

18 (d) Is stored as only 1 dead human body per table tray or
19 container, unless otherwise authorized by a person who has
20 authority to make arrangements for a dead human body under section
21 3206 of the estates and protected individuals code, 1998 PA 386,
22 MCL 700.3206.

23 (e) Is face up while being stored or transported.

24 (f) Is not stored over another dead human body, unless the
25 dead human body is stored on a rack that has sufficient strength to
26 support the dead human body.

27 (2) If a refrigeration facility that is storing a dead human
28 body is not contacted by an entity that the refrigeration facility
29 contracted with under section 1857 regarding the dead human body

1 within 14 days after the refrigeration facility receives the dead
2 human body, the manager of the refrigeration facility shall contact
3 the medical examiner described in section 3206(9)(a) of the estates
4 and protected individuals code, 1998 PA 386, MCL 700.3206, to
5 proceed with the final disposition of the dead human body.

6 Sec. 1863. A refrigeration facility must have a holding room
7 that meets all of the following:

8 (a) Is not accessible by the general public.

9 (b) Maintains a temperature between 36 degrees Fahrenheit and
10 39 degrees Fahrenheit.

11 (c) Complies with all other applicable public health and
12 safety laws.

13 Sec. 1865. (1) A registrant shall not transport a dead human
14 body unless either of the following applies:

15 (a) The registrant has received authorization to transport a
16 dead human body from a holder of a license for the practice of
17 mortuary science, a county medical examiner, or an organ
18 procurement agency.

19 (b) The registrant is transferring a dead human body from a
20 health facility to a licensed refrigeration facility.

21 (2) A registrant must have equipment that includes, but is not
22 limited to, the following:

23 (a) 1 lightweight and 1 heavyweight body bag.

24 (b) A cot that is secured or restrained inside an authorized
25 vehicle to prevent movement during transport.

26 (c) A cot cover for each cot used.

27 (d) A first-aid kit.

28 (e) A fire extinguisher.

29 (f) Protective clothing that meets the needs of the

1 registrant's employees that accompany the removal of a dead human
2 body, including, but not limited to, disposable gowns, shoe covers,
3 protective eyewear, gloves, masks, or waterproof aprons.

4 (3) A registrant shall maintain the equipment listed under
5 subsection (2) in a clean and sanitary manner and have it available
6 whenever a dead human body is stored or in transit.

7 (4) A registrant shall disinfect a container that was used in
8 the removal of a dead human body after the removal and before the
9 container is used again.

10 Sec. 1867. (1) A registrant that transports a dead human body
11 in an authorized vehicle must do both of the following:

12 (a) Conceal the body from public view.

13 (b) Place the body face up in a body bag or rigid container to
14 withstand transportation and prevent bodily fluids from leaking and
15 odors from escaping.

16 (2) A registrant shall maintain the authorized vehicle and
17 equipment used to transport a dead human body in a clean and
18 sanitary manner.

19 (3) If an authorized vehicle can hold more than 1 dead human
20 body, the dead human bodies must be placed face up in separate body
21 bags or containers and secured with space between the bodies to
22 prevent the contact of a dead human body with another.

23 Sec. 1869. An employee of a licensee or registrant must
24 possess identification of the employee's employer that includes the
25 employer's license or registration number and the employer's name.

26 Sec. 1871. (1) The department shall establish a system for the
27 identification of a dead human body received for removal by a
28 licensee or registrant. The identification system must be able to
29 track the identity of the dead human body from the time the body is

1 received by a licensee or registrant to the time the dead human
2 body is delivered to an authorized person.

3 (2) After the initial inspection for licensure or
4 certification, the department may conduct a random inspection of a
5 facility, location, or vehicle of a licensee or registrant. A
6 licensee or registrant shall allow a representative of the
7 department to enter the licensee's or registrant's premises during
8 regular business hours to inspect and determine whether the
9 facility, location, or vehicles meet the requirements of this
10 article or rules promulgated under this article.

11 (3) The department shall promulgate rules to implement this
12 article under the administrative procedures act of 1969, 1969 PA
13 306, MCL 24.201 to 24.328.

14 Sec. 1873. (1) A licensee or registrant must comply with all
15 local, state, and federal laws that apply to the licensee or
16 registrant.

17 (2) A person may operate a refrigeration facility and a
18 removal service at the same location if all other applicable
19 requirements of this article are met.

20 Enacting section 1. This amendatory act does not take effect
21 unless Senate Bill No. 545 of the 102nd Legislature is enacted into
22 law.