

HOUSE BILL NO. 4955

September 07, 2023, Introduced by Reps. Price, Pohutsky, Hope, Koleszar, Brixie, Dievendorf, Morse, Glanville, Rheingans, Arbit, Wilson, Tsernoglou, Steckloff, Liberati, Stone, Paiz, Byrnes, Mentzer, Breen, Skaggs, Wegela, Brabec, Hood, Hoskins, Haadsma, Conlin, MacDonell, Hill, Grant, Morgan and Weiss and referred to the Committee on Health Policy.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending section 1810 (MCL 339.1810), as amended by 2020 PA 265.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1810. (1) A person ~~shall be~~ **is** subject to the penalties
2 of article 6 if the person commits ~~1~~ **any** of the following:

3 (a) Solicitation of a dead human body by a ~~licensed person~~
4 **licensee** or an agent, assistant, representative, employee, or
5 person acting on behalf and with the knowledge and consent, express
6 or implied, of the ~~licensed person,~~ **licensee**, whether the

1 solicitation occurs after death or while death is impending, or the
2 procuring or allowing directly or indirectly of a person to call
3 upon an institution or individual by whose influence a dead human
4 body may be turned over to the ~~licensed person~~ **licensee** or funeral
5 establishment.

6 (b) Procuring a person known as capper, steerer, or solicitor
7 to obtain funeral directing or embalming, or allowing or permitting
8 a capper, steerer, or solicitor to obtain funeral directing or
9 embalming for a ~~licensed person~~ **licensee** or funeral establishment.

10 (c) The direct or indirect payment or offer of payment of a
11 commission by a ~~licensed person~~ **licensee** or an agent,
12 representative, assistant, or employee of the ~~licensed person~~
13 **licensee** for the purpose of securing business.

14 (d) Aiding or abetting ~~an unlicensed person~~ **a nonlicensee** to
15 engage in the practice of funeral directing or embalming.

16 (e) Using profane, indecent, or obscene language in the
17 presence of a dead human body, or within the immediate hearing of
18 the family or relatives of a deceased, whose body has not yet been
19 interred or otherwise disposed of.

20 (f) Solicitation or acceptance by a ~~licensed person~~ **licensee**
21 of a commission or bonus or rebate in consideration of recommending
22 or causing a dead human body to be disposed of in a crematory,
23 mausoleum, or cemetery.

24 (g) Using a casket or part of a casket that has been
25 previously used as a receptacle for, or in connection with, the
26 burial or other disposition of a dead human body. This subdivision
27 does not apply to a casket or part of a casket that was designed
28 and manufactured for more than 1 use.

29 (h) A violation of any of the following:

1 (i) Section 2652, 2653, 2659, 2663, ~~2836~~, 2842, 2843, 2848,
2 2850, 2851, 2853, or 2854 of the public health code, 1978 PA 368,
3 MCL 333.2652, 333.2653, 333.2659, 333.2663, ~~333.2836~~, 333.2842,
4 333.2843, 333.2848, 333.2850, 333.2851, 333.2853, and 333.2854, or
5 the rules promulgated under those sections.

6 (ii) Sections 3206 to 3209 of the estates and protected
7 individuals code, 1998 PA 386, MCL 700.3206 to 700.3209.

8 (iii) A municipal or county ordinance or regulation affecting
9 the handling, custody, care, or transportation of a dead human
10 body.

11 (i) Refusing to promptly surrender the custody of a dead human
12 body, upon the express order of the person lawfully entitled to the
13 custody.

14 (j) Failure to secure a permit for removal or burial of a dead
15 human body before interment or disposal.

16 (k) Obtaining possession of or embalming a dead human body
17 without first being expressly directed or authorized to do so by a
18 relative of the decedent or a person entitled to custody. This
19 subdivision does not apply to the embalming of a dead human body if
20 in accordance with sections 3206 to 3209 of the estates and
21 protected individuals code, 1998 PA 386, MCL 700.3206 to 700.3209,
22 reasonable efforts to obtain the authorization described in this
23 subdivision have been made but were not successful and more than 48
24 hours have elapsed since the decedent's death.

25 (l) Knowingly making a false statement on a certificate of
26 death.

27 (m) Removing or embalming a dead human body if there is
28 information indicating the commission of a crime or an act of
29 violence in connection with the cause of death, unless permission

1 of the county medical examiner has first been obtained.

2 (n) If a public officer or employee, an official of a public
3 institution, convalescent home, private nursing home, maternity
4 home, public or private hospital, physician or surgeon, or any
5 other person having a professional relationship with a decedent, or
6 a county medical examiner or other public official having temporary
7 custody of the decedent, sending or causing to be sent to a person
8 or establishment licensed under this article the remains of a
9 deceased person without having first made inquiry as to the desires
10 of the person with authority over the disposal of the remains of
11 the decedent under section 3206 of the estates and protected
12 individuals code, 1998 PA 386, MCL 700.3206, and of the person that
13 may be chargeable with the funeral expenses of the decedent. If a
14 person with authority over the disposal of the remains of the
15 decedent under section 3206 of the estates and protected
16 individuals code, 1998 PA 386, MCL 700.3206, is found, the person's
17 authority and directions shall govern the disposal of the remains
18 of the decedent.

19 (o) If a licensee, receiving remains in violation of the
20 requirements of subdivision (n) and making a charge for a service
21 in connection with the remains before the delivery of the remains
22 as stipulated by the person with authority over the disposal of the
23 remains of the decedent under section 3206 of the estates and
24 protected individuals code, 1998 PA 386, MCL 700.3206. This
25 subdivision ~~shall~~ **does** not ~~prevent~~ **prohibit** a person or
26 establishment licensed under this article from charging and being
27 reimbursed for services rendered in connection with the removal of
28 the remains of a deceased person ~~in case of~~ **if the person's death**
29 **was** accidental or violent, ~~death,~~ and rendering necessary services

1 required until the person with authority over the disposal of the
 2 remains of the decedent under section 3206 of the estates and
 3 protected individuals code, 1998 PA 386, MCL 700.3206, or the
 4 person that is chargeable with the funeral expenses is notified.

5 (p) If a funeral establishment or a licensee, entering ~~upon~~
 6 **into** an agreement, directly or indirectly, in which the practice of
 7 embalming or funeral directing is to be rendered in consideration
 8 for the funeral establishment, ~~licensed person,~~ **licensee**, or an
 9 agent, assistant, or representative of the establishment or
 10 ~~licensed person,~~ **licensee**, being designated as beneficiary in an
 11 insurance policy or certificate. This subdivision does not govern
 12 or limit the authority of a personal representative, trustee, or
 13 other person that has a fiduciary relationship with the deceased.

14 (q) Failure to comply with part 138 of the public health code,
 15 1978 PA 368, MCL 333.13801 to 333.13832.

16 (r) Failure to comply with the prepaid funeral and cemetery
 17 sales act, 1986 PA 255, MCL 328.211 to 328.235.

18 (2) The department, in consultation with the director of
 19 ~~public~~ **the department of health and human services**, shall
 20 promulgate rules to prescribe training standards for licensees and
 21 nonlicensees that handle medical waste in a funeral establishment.

22 (3) A licensee that owns or operates a funeral establishment
 23 shall train its employees in accordance with the rules promulgated
 24 under subsection (2).

25 Enacting section 1. This amendatory act does not take effect
 26 unless Senate Bill No. ____ or House Bill No. 4950 (request no.
 27 00312'23 a *) of the 102nd Legislature is enacted into law.