

OCCUPATIONAL CODE (EXCERPT)
Act 299 of 1980

339.1809a Disposition of unclaimed cremated remains; immunity from liability; definitions.

Sec. 1809a.

(1) An individual who is licensed to engage in the practice of mortuary science is immune from civil liability for the proper disposition of unclaimed cremated remains if the funeral establishment maintains and safeguards the unclaimed cremated remains until proper disposition of the remains and any of the following are met:

(a) The disposition of the unclaimed cremated remains is made 6 months or longer after the date of cremation and, if notice is required under subsection (2), at least 30 days after the date the notice is sent.

(b) The disposition is authorized by a special fiduciary or special personal representative under section 3206(8) of the estates and protected individuals code, 1998 PA 386, MCL 700.3206.

(c) The disposition is authorized by a medical examiner under section 3206(9)(a) of the estates and protected individuals code, 1998 PA 386, MCL 700.3206.

(2) Except as provided in subsection (3), a funeral director claiming immunity under subsection (1) shall make reasonable efforts to provide written notice of intent to make proper disposition of the unclaimed cremated remains to the individuals who have the right to make decisions relating to the disposition of a decedent's body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206. Reasonable efforts include, but are not limited to, mailing the notice to the last known addresses of those individuals.

(3) Written notice under subsection (2) is not required for any of the following:

(a) A proper disposition of unclaimed cremated remains by transfer of the remains to any relative of the decedent that is made more than 1 year after the date of cremation.

(b) Any proper disposition of unclaimed cremated remains that is made more than 2 years after the date of cremation.

(4) If unclaimed cremated remains are removed from or transferred to a cemetery, the mortuary science licensee shall present a written statement to the cemetery certifying compliance with the requirements of subsection (1), and subsection (2) if applicable, at the time the unclaimed cremated remains are removed or presented for proper disposition.

(5) If unclaimed cremated remains are determined to belong to a veteran, a cemetery that relies on a written statement presented by an individual who is licensed in the practice of mortuary science under subsection (4) is immune from civil liability against a claim for damages by the individuals who have the right to make decisions related to the disposition of a decedent's body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, for having interred, entombed, or inurned cremated remains without their authorization.

(6) This section does not supersede the provisions of section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206, involving the priority of individuals who have the right to make decisions relating to the disposition of a decedent's body under that section except that if those individuals who have the right to make decisions related to the disposition of a decedent's body claim the cremated remains after proper disposition under subsection (4), then any costs associated with disinterring or removing the cremated remains from the place of interment, entombment, or inurnment, and other costs associated with their further placement are the responsibility of those individuals, unless otherwise agreed.

(7) As used in this section:

(a) "Armed forces" means that term as defined in section 103 of the skilled trades regulation act, 2016 PA 407, MCL 339.5103.

(b) "Proper disposition" means either of the following:

(i) Interment, entombment, or inurnment of unclaimed cremated remains in a cemetery in this state. In the case of the unclaimed cremated remains of a veteran of the armed forces, proper disposition includes the interment, entombment, or inurnment in a cemetery designated solely for veterans by the United States Department of Veterans Affairs or by the department of military and veterans affairs.

(ii) A transfer of unclaimed cremated remains to any relative of the decedent that occurs more than 6 months after the date of cremation.

(c) "Unclaimed cremated remains" means the cremated remains of a dead human body that has not been picked up by or delivered to an individual who has the right to make decisions relating to the disposition of a decedent's body under section 3206 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206.

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