

HOUSE BILL No. 5832

May 7, 1998, Introduced by Reps. Varga, Alley, Brackenridge, Vaughn and Scranton and referred to the Committee on Regulatory Affairs.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 1804, 1809, and 1811 (MCL 339.1804,
339.1809, and 339.1811); and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1804. (1) An individual whose name appears in connec-
2 tion with that of a funeral establishment ~~shall be~~ IS consid-
3 ered as actively engaged in the practice of funeral directing or
4 the practice of mortuary science and ~~shall be~~ IS the holder of
5 a license for the practice of mortuary science. ~~If a funeral~~
6 ~~establishment is a corporation or partnership, each active member~~
7 ~~of the corporation or partnership, together with each individual~~
8 ~~whose name appears or is used in connection with the name of the~~
9 ~~corporation or partnership, shall be the holder of a license for~~
10 ~~the practice of mortuary science.~~

1 (2) This article ~~shall~~ DOES not prevent a funeral
2 establishment from using or continuing to use an otherwise lawful
3 corporate or partnership name after the death or retirement of a
4 member if each active member or employee is properly licensed
5 under this article.

6 Sec. 1809. (1) A funeral establishment shall be operated by
7 a person who is the holder of a license for the practice of mor-
8 tuary science. The FUNERAL establishment shall have conspicu-
9 ously displayed at its entrance the name of the person OR PERSONS
10 licensed to conduct the establishment. The name of the person OR
11 PERSONS owning the funeral establishment shall be registered with
12 the department. Failure to make full and complete disclosure of
13 the owners ~~shall be~~ IS grounds for the revocation of the
14 FUNERAL establishment license. EACH OWNER, OFFICER, OR PARTNER
15 SHALL BE OF GOOD MORAL CHARACTER. THIS REQUIREMENT APPLIES TO
16 EACH OWNER; EACH OFFICER AND EACH SHAREHOLDER WHO OWNS 10% OR
17 MORE OF THE STOCK IN THE CASE OF A CORPORATION; AND EACH PARTNER
18 IN THE CASE OF A PARTNERSHIP. THE DEPARTMENT SHALL DENY THE
19 APPLICATION FOR OR RENEWAL OF A LICENSE FOR A FUNERAL ESTABLISH-
20 MENT UNLESS THE OPERATOR OF THE FUNERAL ESTABLISHMENT IS A HOLDER
21 OF A LICENSE FOR THE PRACTICE OF MORTUARY SCIENCE.

22 (2) A person whose license has been revoked under this
23 article; THE CEMETERY REGULATION ACT, 1968 PA 251, MCL 456.521 TO
24 456.543; OR THE PREPAID FUNERAL CONTRACT FUNDING ACT, 1986 PA
25 255, MCL 328.211 TO 328.235, OR HAS BEEN DETERMINED BY THE
26 DEPARTMENT OR A COURT OF COMPETENT JURISDICTION TO HAVE ENGAGED
27 IN ACTIVITIES REGULATED BY THESE ACTS WITHOUT BEING LICENSED OR

1 REGISTERED shall not operate either directly or indirectly or
2 hold an interest in a funeral establishment. This subsection
3 ~~shall~~ DOES not prohibit a person whose license has been revoked
4 from leasing property owned by the person for use as a funeral
5 establishment if the person does not participate in the control
6 or profit of the funeral establishment ~~otherwise~~ OTHER than as
7 a lessor of the premises for a fixed rental not dependent upon
8 earnings.

9 (3) A branch establishment shall be operated by a person who
10 is the holder of a license for the practice of mortuary science.

11 (4) The department and the board may inspect the premises in
12 which funeral directing is conducted, ~~or~~ where embalming is
13 practiced, or where an applicant proposes to practice.

14 (5) A funeral establishment shall contain a preparation room
15 equipped with tile, cement, or composition floor and necessary
16 drainage and ventilation, and contain each necessary instrument
17 or supply for the preparation and embalming of a dead human body
18 for burial, transportation, or other disposition.

19 ~~(6) A branch establishment shall comply with each require-~~
20 ~~ment or rule relating to a funeral establishment.~~

21 Sec. 1811. (1) The purchase of a vault or similar recepta-
22 cle designed or intended to enclose or receive a casket, coffin,
23 or other similar container from a particular individual, partner-
24 ship, association, or corporation shall not be required as a con-
25 dition to burial in a cemetery in this state. THIS SECTION DOES
26 NOT PROHIBIT A PERSON FROM PROVIDING A DISCOUNT FOR THE PURCHASE
27 OF FUNERAL SERVICES AND A CEMETERY LOT OR MERCHANDISE SO LONG AS

1 THE PRICE CHARGED COVERS THE ACTUAL COST OF THE SERVICES AND
2 MERCHANDISE. There shall not be a discrimination by price, burial
3 fee, or otherwise by reason of a failure to purchase the vault or
4 similar receptacle from or under the direction of the cemetery or
5 the owner of the cemetery.

6 (2) This section shall not limit the right of a cemetery to
7 require the use of a vault in a burial in the cemetery.

8 (3) THIS SECTION DOES NOT ALLOW A FUNERAL ESTABLISHMENT TO
9 REFUSE THE USE OF FUNERAL GOODS BOUGHT FROM ANOTHER VENDOR.

10 Enacting section 1. Section 1812 of the occupational code,
11 1980 PA 299, MCL 339.1812, is repealed.

12 Enacting section 2. This amendatory act does not take
13 effect unless all of the following bills of the 89th Legislature
14 are enacted into law:

15 (a) Senate Bill No. _____ or House Bill No. _____ (request
16 no. 05006'97 *).

17 (b) Senate Bill No. _____ or House Bill No. _____ (request
18 no. 05006'97 a *).

19 (c) Senate Bill No. _____ or House Bill No. _____ (request
20 no. 05214'97 **).