

HOUSE BILL No. 5906

March 18, 2008, Introduced by Reps. Emmons and Meekhof and referred to the Committee on Military and Veterans Affairs and Homeland Security.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
(MCL 339.101 to 339.2919) by adding section 1807a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1807A. (1) A PERSON ENGAGED IN THE PRACTICE OF FUNERAL
2 DIRECTING SHALL MAKE A DETERMINATION OF WHETHER A DECEASED PERSON,
3 WHOSE REMAINS HAVE BEEN SUBMITTED TO A FUNERAL ESTABLISHMENT FOR
4 FINAL DISPOSITION BY CREMATION, IS A VETERAN OF THE ARMED SERVICES.
5 THE DETERMINATION SHALL BE MADE AT, OR SHORTLY AFTER, THE TIME THE
6 ORDER OF DISPOSITION FOR CREMATION IS SIGNED. THE FUNERAL DIRECTOR
7 SHALL DIRECT THE INQUIRY TO THE PERSON WITH AUTHORITY OVER THE
8 DISPOSAL OF THE REMAINS OF THE DECEDENT. IF THERE IS ANY DOUBT OF

1 THE PERSON'S STATUS AS A VETERAN, THE FUNERAL DIRECTOR, IF THERE IS
2 NO PERSON WITH AUTHORITY OVER THE DISPOSAL OF THE REMAINS OF THE
3 DECEDENT, OR THE PERSON WITH AUTHORITY OVER THE DISPOSAL OF THE
4 REMAINS OF THE DECEDENT SHALL NOTIFY IN WRITING THE NEAREST STATE
5 OR NATIONAL VETERANS CEMETERY. IF THE DECEASED IS DETERMINED, IN
6 ANY MANNER, TO BE A VETERAN OF THE ARMED SERVICES, THE FUNERAL
7 DIRECTOR SHALL GIVE NOTICE TO THE PERSON WITH AUTHORITY OVER THE
8 DISPOSAL OF THE REMAINS OF THE DECEDENT AS TO THAT STATUS AND
9 ADVISE THAT PERSON THAT THE VETERAN MAY BE ELIGIBLE TO BE INTERRED
10 AT AN APPROPRIATE VETERANS CEMETERY.

11 (2) IF THE REMAINS OF A VETERAN ARE NOT CLAIMED BY A PERSON
12 WITH AUTHORITY OVER THE DISPOSAL OF THE REMAINS OF THE DECEDENT,
13 THE FUNERAL DIRECTOR SHALL HOLD ANY CREMATED REMAINS FOR AT LEAST 6
14 MONTHS. AT THE EXPIRATION OF 6 MONTHS OR LONGER, THE FUNERAL
15 DIRECTOR SHALL SEND WRITTEN NOTICE TO A PERSON WITH AUTHORITY OVER
16 THE DISPOSAL OF THE REMAINS OF THE DECEDENT REQUESTING DISPOSITION
17 INSTRUCTIONS. IF A WRITTEN RESPONSE TO THE WRITTEN NOTICE IS NOT
18 RECEIVED WITHIN 30 DAYS AFTER THE NOTICE IS SENT, THE FUNERAL
19 DIRECTOR SHALL ATTEMPT TO ARRANGE FOR THE DISPOSITION OF THE
20 REMAINS OF ANY VETERAN IN A STATE OR NATIONAL VETERANS CEMETERY.
21 THE FUNERAL DIRECTOR MAY RELEASE ANY RELEVANT INFORMATION TO THE
22 VETERANS ADMINISTRATION OR A VETERANS ORGANIZATION.

23 (3) A FUNERAL DIRECTOR COMPLYING WITH THIS SECTION IS IMMUNE
24 FROM ANY CRIMINAL OR CIVIL LIABILITY REGARDING THE RELEASE OF
25 INFORMATION RELATIVE TO THE DETERMINATION OF THE STATUS AS A
26 VETERAN OR ANY AVAILABLE INTERNMENT AS A VETERAN OR FOR THE RELEASE
27 OF THE REMAINS TO A VETERANS CEMETERY.

1 (4) AS USED IN THIS SECTION:

2 (A) "PERSON WITH AUTHORITY OVER THE DISPOSAL OF THE REMAINS OF
3 THE DECEDENT" MEANS THAT PERSON AS DETERMINED UNDER SECTION 3206 OF
4 THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL
5 700.3206.

6 (B) "VETERANS ORGANIZATION" MEANS AN ASSOCIATION OR OTHER
7 ENTITY ORGANIZED FOR THE BENEFITS OF VETERANS THAT HAS BEEN
8 RECOGNIZED OR CHARTERED BY THE UNITED STATES CONGRESS AND INCLUDES,
9 BUT IS NOT LIMITED TO, THE AMERICAN LEGION, THE LEGION OF HONOR,
10 THE PATRIOT GUARD, THE MISSING IN AMERICA PROJECT, AND THE VIETNAM
11 VETERANS OF AMERICA.