

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5246

A bill to amend 1980 PA 299, entitled
"Occupational code,"
(MCL 339.101 to 339.2919) by amending the title, as amended by 1993
PA 93, and by adding section 1809a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to revise, consolidate, and classify the laws of this
3 state regarding the regulation of certain occupations **AND TO**
4 **REGULATE CERTAIN PERSONS AND ACTIVITIES RELATIVE TO THOSE**
5 **OCCUPATIONS**; to create a board for each of those occupations; to
6 establish the powers and duties of certain departments and agencies
7 and the boards of each occupation; to provide for the promulgation
8 of rules; to provide for certain fees; to provide for penalties and
9 civil fines; to establish rights, relationships, and remedies of
10 certain persons under certain circumstances; **TO PROVIDE IMMUNITY**

House Bill No. 5246 (S-1) as amended November 10, 2009

1 FROM CERTAIN CIVIL LIABILITY FOR CERTAIN ENTITIES AND CERTAIN

2 RELATED OCCUPATIONS UNDER CERTAIN CIRCUMSTANCES; to repeal certain

3 parts of this act on a specific date; and to repeal certain acts

4 and parts of acts.

5 SEC. 1809A. (1) A PERSON LICENSED IN THE PRACTICE OF MORTUARY

6 SCIENCE IS IMMUNE FROM CIVIL LIABILITY FOR THE PROPER DISPOSITION

7 OF UNCLAIMED CREMATED REMAINS IF THE PROPER DISPOSITION WAS MADE 6

8 MONTHS OR LONGER AFTER THE DATE OF CREMATION AND AT LEAST 30 DAYS

9 AFTER THE DATE THE NOTICE REQUIRED UNDER THIS SUBSECTION IS SENT. A

10 FUNERAL DIRECTOR CLAIMING IMMUNITY UNDER THIS SECTION SHALL MAKE

11 REASONABLE EFFORTS TO PROVIDE WRITTEN NOTICE OF INTENT TO MAKE

12 PROPER DISPOSITION OF THE UNCLAIMED CREMATED REMAINS TO THE PERSONS

13 HAVING THE RIGHT TO MAKE DECISIONS RELATING TO THE DISPOSITION OF A

14 DECEDENT'S BODY UNDER SECTION 3206 OF THE ESTATES AND PROTECTED

15 INDIVIDUALS CODE, 1998 PA 386, MCL 700.3206. REASONABLE EFFORTS

16 INCLUDE, BUT ARE NOT LIMITED TO, MAILING THE NOTICE TO THE LAST

17 KNOWN ADDRESS OF THAT PERSON. IF UNCLAIMED CREMATED REMAINS ARE

18 REMOVED FROM OR TRANSFERRED TO A CEMETERY, THE MORTUARY SCIENCE

19 LICENSEE SHALL PRESENT A WRITTEN STATEMENT TO THE CEMETERY

20 CERTIFYING COMPLIANCE WITH THE REQUIREMENTS IMPOSED IN THIS

21 SUBSECTION AT THE TIME THE UNCLAIMED CREMATED REMAINS ARE REMOVED

22 OR PRESENTED FOR PROPER DISPOSITION.

23 (2) [IN THE CASE OF UNCLAIMED CREMATED REMAINS DETERMINED TO BELONG
24 TO A VETERAN,] A CEMETERY RELYING UPON A WRITTEN STATEMENT PRESENTED BY A
PERSON LICENSED IN THE PRACTICE OF MORTUARY SCIENCE UNDER

25 SUBSECTION (1) IS IMMUNE FROM CIVIL LIABILITY AGAINST A CLAIM FOR

26 DAMAGES BY THE PERSONS HAVING THE RIGHT TO MAKE DECISIONS RELATED

27 TO THE DISPOSITION OF A DECEDENT'S BODY UNDER SECTION 3206 OF THE

1 ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.3206,
2 FOR HAVING INTERRED, ENTOMBED, OR INURNED CREMATED REMAINS WITHOUT
3 THEIR AUTHORIZATION.

4 (3) THIS SECTION DOES NOT SUPERSEDE THE PROVISIONS OF SECTION
5 3206 OF THE ESTATES AND PROTECTED INDIVIDUALS CODE, 1998 PA 386,
6 MCL 700.3206, INVOLVING THE PRIORITY OF PERSONS HAVING THE RIGHT TO
7 MAKE DECISIONS RELATING TO THE DISPOSITION OF A DECEDENT'S BODY
8 UNDER THAT SECTION EXCEPT THAT IF THOSE PERSONS HAVING THE RIGHT TO
9 MAKE DECISIONS RELATED TO THE DISPOSITION OF A DECEDENT'S BODY
10 CLAIM THE CREMATED REMAINS AFTER PROPER DISPOSITION UNDER
11 SUBSECTION (1), THEN ANY COSTS ASSOCIATED WITH DISINTERRING OR
12 REMOVING THE CREMATED REMAINS FROM THE PLACE OF INTERMENT,
13 ENTOMBMENT, OR INURNMENT, AND OTHER COSTS ASSOCIATED WITH THEIR
14 FURTHER PLACEMENT SHALL BE BORNE BY THOSE PERSONS, UNLESS OTHERWISE
15 AGREED.

16 (4) AS USED IN THIS SECTION:

17 (A) "PROPER DISPOSITION" MEANS INTERMENT, ENTOMBMENT, OR
18 INURNMENT OF UNCLAIMED CREMATED REMAINS IN A CEMETERY IN THIS
19 STATE. IN THE CASE OF THE UNCLAIMED CREMATED REMAINS OF A VETERAN
20 OF THE UNITED STATES ARMED FORCES, PROPER DISPOSITION INCLUDES THE
21 INTERMENT, ENTOMBMENT, OR INURNMENT IN A CEMETERY DESIGNATED SOLELY
22 FOR VETERANS BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR
23 BY THE MICHIGAN DEPARTMENT OF VETERANS AFFAIRS.

24 (B) "UNCLAIMED CREMATED REMAINS" MEANS THE CREMATED REMAINS OF
25 A DEAD HUMAN BODY THAT HAS NOT BEEN PICKED UP OR DELIVERED TO A
26 PERSON HAVING THE RIGHT TO MAKE DECISIONS RELATING TO THE
27 DISPOSITION OF A DECEDENT'S BODY UNDER SECTION 3206 OF THE ESTATES

1 **AND PROTECTED INDIVIDUALS CODE, 1998 PA 386, MCL 700.3206.**

2 Enacting section 1. This amendatory act takes effect July 1,
3 2010.

4 Enacting section 2. This amendatory act does not take effect
5 unless House Bill No. 5245 of the 95th Legislature is enacted into
6 law.