

# SENATE BILL NO. 696

January 08, 2020, Introduced by Senator OUTMAN and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1801 and 1809 (MCL 339.1801 and 339.1809), section 1801 as amended by 2006 PA 300.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1801. As used in this article:

2           (a) "Funeral establishment" means a place of business used in  
3 the care and preparation for burial or transportation of a dead  
4 human body or a place where ~~a person~~ **an individual** represents that  
5 ~~the person~~ **he or she** is engaged in the profession of undertaking or

1 the practice of mortuary science.

2 (b) "Holder of a license for the practice of mortuary science"  
3 means ~~a person~~**an individual** who satisfactorily completes a course  
4 in mortuary science, ~~who~~ passes an examination ~~prescribed in~~  
5 **required under** this article, serves the required resident training,  
6 and is issued a license for the practice of mortuary science.

7 (c) "Practice of embalming" means the disinfecting or  
8 preserving of a dead human body, entirely or in part, by the use of  
9 a chemical substance, fluid, or gas in the body or by the  
10 introduction of the chemical substance, fluid, or gas into the body  
11 by a vascular or hypodermic injection, or by direct application  
12 into an organ or cavity.

13 (d) "Practice of funeral directing" means engaging in or  
14 representing oneself as engaging in the supervising of the burial  
15 and disposal of a dead human body, ~~+~~~~maintaining~~**managing** a funeral  
16 establishment for the preparation, disposition, and care of a dead  
17 human body, ~~+~~or using, in connection with the user's name or  
18 funeral establishment, the word "funeral director", "funeral  
19 service professional", "undertaker", or "mortician", or any other  
20 title embodying the words "mortuary science" or otherwise implying  
21 that ~~one~~**the individual** is engaged as a funeral director.

22 (e) "Practice of mortuary science" means the practice of  
23 embalming or the practice of funeral directing, or both.

24 (f) "Resident trainee" means ~~a person~~**an individual** who is  
25 engaged in learning the practice of embalming or funeral directing  
26 or the practice of mortuary science under the instruction and  
27 personal supervision of a holder of a license for the practice of  
28 mortuary science in this state.

29 Sec. 1809. (1) **All of the following apply to the ownership and**

1 **management of a funeral establishment:**

2 (a) A funeral establishment shall be ~~operated~~**managed** by a  
3 ~~person~~**an individual** who is the holder of a license for the  
4 practice of mortuary science. ~~The establishment shall have~~  
5 ~~conspicuously displayed at its entrance the name of the person~~  
6 ~~licensed to conduct the establishment. The name of the person~~  
7 ~~owning the funeral establishment shall be registered with the~~  
8 ~~department. Failure to make full and complete disclosure of the~~  
9 ~~owners shall be grounds for the revocation of the establishment~~  
10 ~~license.~~**The manager shall ensure that the funeral establishment**  
11 **complies with all applicable laws.**

12 (b) A funeral establishment shall notify the department in  
13 writing of the name of the individual appointed as the manager of  
14 the funeral establishment and conspicuously display the name of the  
15 manager at the entrance of the funeral establishment.

16 (c) A manager of a funeral establishment shall not reside more  
17 than 75 miles from that funeral establishment.

18 (d) Except as provided in subsection (2), an individual shall  
19 not manage more than 1 funeral establishment.

20 (e) If a new manager is appointed for a funeral establishment,  
21 the funeral establishment shall notify the department in writing of  
22 the name of the new manager not more than 30 days after the date of  
23 his or her appointment.

24 (2) The board shall establish a panel to receive and approve  
25 or deny requests for waivers to allow an individual to act as the  
26 manager of 2 funeral establishments under this subsection. The  
27 panel shall be comprised of the chair of the board, or the chair's  
28 designee, and 2 or more board members. All of the following apply  
29 to a request for a waiver under this subsection:

1 (a) The prospective manager shall request the waiver. The  
2 request must include the following:

3 (i) The prospective manager's name and mortuary science license  
4 number.

5 (ii) The name and license number of each funeral establishment  
6 affected.

7 (iii) Documentation supporting the existence of the factors  
8 listed in subdivision (b).

9 (b) The panel shall not grant a waiver under this subsection  
10 unless all of the following factors are met:

11 (i) The funeral establishments are located in the same county  
12 or contiguous counties.

13 (ii) The population density of the county in which each of the  
14 funeral establishments is located is less than the population  
15 density for this state, based on data from the most recent  
16 decennial census.

17 (iii) The funeral establishments are located within 75 miles of  
18 each other.

19 (c) If the panel denies a request for a waiver under this  
20 subsection, the individual who requested the waiver may submit a  
21 request to the director for a review of the panel's decision. All  
22 of the following apply to a review under this subdivision:

23 (i) The director shall not consider a request for a review that  
24 is received by the director more than 30 days after the mailing  
25 date of the panel's decision to deny the waiver.

26 (ii) The request for a review must be in writing and include  
27 the factor or factors described in subdivisions (a) and (b) that  
28 support a waiver under this subsection. The department may provide  
29 a request form for purposes of this subparagraph.

1           (iii) The director shall conduct a review in a manner that is  
2 consistent with article 5.

3           (iv) After reviewing the panel's decision, the director may  
4 overturn or uphold the panel's decision. The decision of the  
5 director is final.

6           (3) ~~(2) A person~~**An individual** whose license has ~~been~~**is**  
7 revoked under this article shall not ~~operate~~**manage**, either  
8 directly or indirectly, or hold an interest in, a funeral  
9 establishment. This subsection ~~shall~~**does** not prohibit ~~a person~~**an**  
10 **individual** whose license has ~~been~~**is** revoked from leasing property  
11 owned by the ~~person~~**individual** for use as a funeral establishment  
12 if the ~~person~~**individual** does not participate in the control or  
13 profit of the funeral establishment, ~~otherwise~~**other** than as a  
14 lessor of the premises for a fixed rental **that is** not dependent  
15 ~~upon~~**on** earnings.

16           (4) ~~(3)~~A branch establishment shall be ~~operated~~**managed** by a  
17 ~~person~~**an individual** who is the holder of a license for the  
18 practice of mortuary science. **The manager shall ensure that the**  
19 **branch establishment complies with all applicable laws.**

20           (5) ~~(4)~~The department and the board may inspect the premises  
21 in which funeral directing is conducted, ~~or where~~embalming is  
22 practiced, or ~~where~~an applicant ~~proposes~~**intends** to practice.

23           (6) ~~(5)~~A funeral establishment shall contain a preparation  
24 room equipped with tile, cement, or composition floor and necessary  
25 drainage and ventilation, and contain each necessary instrument or  
26 supply for the preparation and embalming of a dead human body for  
27 burial, transportation, or other disposition.

28           (7) ~~(6)~~A branch establishment shall comply with each  
29 requirement or rule relating to a funeral establishment.

1           Enacting section 1. This amendatory act takes effect 90 days  
2 after the date it is enacted into law.