

HOUSE BILL NO. 5663

April 25, 2024, Introduced by Reps. Rigas, Borton, Johnsen, DeBoyer, Outman, Cavitt, Markkanen, Jaime Greene, Hoadley, Schmaltz, Fox, Kunse, Paiz, Paquette, Thompson, Harris, St. Germaine, Beson, Bollin, Mentzer, DeSana, Carra, Dievendorf, Posthumus, Aragona, Friske, Maddock, Alexander and McKinney and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2848 (MCL 333.2848), as amended by 2023 PA 209.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2848. (1) Except as otherwise provided in sections 2844
2 and 2845, a funeral director or person acting as a funeral
3 director, who first assumes custody of a dead body, not later than
4 72 hours after death or the finding of a dead body and before final
5 disposition of the body, shall obtain authorization for the final
6 disposition. The authorization for final disposition of a dead body

1 must be issued on a form prescribed by the state registrar and
2 signed by the local registrar or the state registrar.

3 (2) Unless the mother has provided written consent for
4 research on the dead fetus under section 2688, before final
5 disposition of a dead fetus, irrespective of the duration of
6 pregnancy, the funeral director or person assuming responsibility
7 for the final disposition of the fetus or fetal remains shall
8 obtain from the parents, or parent if the mother is unmarried, an
9 authorization for final disposition on a form prescribed and
10 furnished or approved by the state registrar. The authorization may
11 allow final disposition to be by a funeral director, the individual
12 in charge of the institution where the fetus was delivered or
13 miscarried, or an institution or agency authorized to accept
14 donated bodies, fetuses, or fetal remains under this act. The
15 parents, or parent if the mother is unmarried, may direct the final
16 disposition to be interment or cremation as those terms are defined
17 in section 2 of the cemetery regulation act, 1968 PA 251, MCL
18 456.522, or incineration. After final disposition, the funeral
19 director, the individual in charge of the institution, or other
20 person making the final disposition shall retain the permit for not
21 less than 7 years. This section as amended by 2012 PA 499 does not
22 require a religious service or ceremony as part of the final
23 disposition of fetal remains.

24 (3) If final disposition is by cremation, the medical examiner
25 of the county in which death occurred shall sign the authorization
26 for final disposition.

27 (4) A body may be moved from the place of death to be prepared
28 for final disposition with the consent of the physician or county
29 medical examiner who certifies the cause of death.

1 (5) A permit for disposition issued under the law of another
2 state that accompanies a dead body or dead fetus brought into this
3 state is authorization for final disposition of the dead body or
4 dead fetus in this state.

5 (6) **If a dead fetus that has completed less than 20 weeks of**
6 **gestation or weighs under 400 grams is delivered or miscarried in**
7 **an institution, a parent must be provided an opportunity to elect**
8 **the final disposition of that fetus or the fetal remains.**