

SENATE BILL NO. 446

June 28, 2023, Introduced by Senators WEBBER, SINGH, WOJNO, SHINK and GEISS and referred to the Committee on Regulatory Affairs.

A bill to amend 1986 PA 255, entitled
"Prepaid funeral and cemetery sales act,"
by amending section 3 (MCL 328.213), as amended by 2004 PA 21.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 3. As used in this act:
- 2 (a) "Burial right" means a right of earth interment.
- 3 (b) "Casket" means ~~any~~**a** box or container consisting of 1 or
- 4 more parts in which a dead human body is placed before interment,
- 5 entombment, or cremation that may or may not be permanently

1 interred, entombed, or cremated with the dead human body. Casket
2 includes a permanent interment or entombment receptacle designed or
3 intended for use without a vault.

4 (c) "Catafalque" means an ornamental or decorative object or
5 structure placed beneath, over, or around a casket, vault, or a
6 dead human body before final disposition of the dead human body.

7 (d) "Cemetery" means 1, or a combination of more than 1, of
8 the following:

9 (i) A burial ground for earth interments.

10 (ii) A mausoleum for crypt entombments.

11 (iii) A crematory for the incineration of human remains, **other**
12 **than a crematory that is directly or indirectly owned, managed,**
13 **operated, or maintained by a person that owns a funeral**
14 **establishment, as allowed under section 1809c of the occupational**
15 **code, 1980 PA 299, MCL 339.1809c.**

16 (iv) A columbarium for the inurnment of cremated remains.

17 (e) "Cemetery burial vault or other outside container" means a
18 box or container used solely at the place of interment to
19 permanently surround or enclose a casket and to support the earth
20 above the casket after burial. Cemetery burial vault or other
21 outside container does not include a catafalque, a combination
22 unit, or ~~any a~~ product designed or intended to be used with a
23 catafalque or combination unit.

24 (f) "Cemetery merchandise" means merchandise described in
25 section 4(1)(k)(i).

26 (g) "Cemetery services" means cremations, grave openings and
27 closings, and ~~installation~~ **installations** of grave memorials.

28 (h) "Columbarium" means a building or other aboveground
29 structure that is affixed to land and is a permanent repository for

1 cremated human remains.

2 (i) "Combination unit" means ~~any~~**a** product consisting of a
3 unit or a series of units designed or intended to be used together
4 as both a casket and as a permanent burial receptacle.

5 (j) "Consideration" or "contract price" means money and other
6 property to be paid as total compensation to a contract seller or
7 provider for the funeral or cemetery services or merchandise, or
8 both, to be performed or furnished under a prepaid contract, late
9 payment penalties, payments required to be made to a governmental
10 agency at the time the contract is entered into, and income earned
11 on the funds. Money paid for the services to be performed under a
12 prepaid contract may be paid in a lump sum or in installments.

13 (k) "Contract beneficiary" means an individual specified or
14 implied in a prepaid contract for whom the funeral or cemetery
15 services or merchandise shall be performed or furnished after
16 death.

17 (l) "Contract buyer" means an individual, including a contract
18 beneficiary, who purchases merchandise or funeral or cemetery
19 services ~~pursuant to~~**under** a prepaid contract.

20 (m) "Contract seller" means a person ~~who~~**that** sells, makes
21 available, or provides prepaid contracts.

22 (n) "**Crematory**" means **a building or structure, within which**
23 **the remains of deceased individuals are or are intended to be**
24 **cremated.**

25 (o) ~~(n)~~"Crypt" means a chamber in a mausoleum of sufficient
26 size to entomb the uncremated remains of a deceased
27 ~~person~~**individual.**

28 (p) ~~(o)~~"Department" means the department of ~~labor and~~
29 ~~economic growth~~**licensing and regulatory affairs.**

1 Enacting section 1. This amendatory act does not take effect
2 unless Senate Bill No. 444 of the 102nd Legislature is enacted into
3 law.