

# SENATE BILL NO. 544

October 03, 2023, Introduced by Senators KLINEFELT, CHANG and SHINK and referred to the Committee on Regulatory Affairs.

A bill to amend 1980 PA 299, entitled  
"Occupational code,"  
(MCL 339.101 to 339.2677) by adding article 18A.

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

1 **ARTICLE 18A**  
2 **Sec. 1851. As used in this article:**  
3 **(a) "Applicant" means a person that submits an application for**  
4 **license or certificate of registration under this article.**  
5 **Applicant includes each individual identified in the application as**

1 an owner, operator, officer, director, partner, member, or manager  
2 of the applicant.

3 (b) "Authorized person" means an entity listed in section  
4 1857.

5 (c) "Authorized vehicle" means a vehicle, used by a removal  
6 service to transport a dead human body, that has passed an  
7 inspection by the department under section 1855.

8 (d) "County medical examiner" means an individual appointed to  
9 that position under 1953 PA 181, MCL 52.201 to 52.216.

10 (e) "Crematory owner" means a person that owns a crematory and  
11 holds a valid permit issued under section 14 of the cemetery  
12 regulation act, 1968 PA 251, MCL 456.534.

13 (f) "Funeral establishment" means that term as defined in  
14 section 1801.

15 (g) "Health facility" means a health facility or agency  
16 licensed under article 17 of the public health code, 1978 PA 368,  
17 MCL 333.20101 to 333.22260.

18 (h) "Holder of a license for the practice of mortuary science"  
19 means that term as defined in section 1801.

20 (i) "Holding room" means a room equipped with a refrigeration  
21 unit within a refrigeration facility wherein a dead human body is  
22 stored.

23 (j) "Licensee" means a person that holds a refrigeration  
24 facility license issued under section 1853.

25 (k) "Medical school" means that term as defined in section  
26 2701 of the public health code, 1978 PA 368, MCL 333.2701.

27 (l) "Organ procurement organization" means that term as defined  
28 in section 10102 of the public health code, 1978 PA 368, MCL  
29 333.10102.

1 (m) "Practice of mortuary science" means that term as defined  
2 in section 1801.

3 (n) "Refrigeration facility" means a place of business that  
4 operates independently of a funeral establishment or crematory  
5 owner that maintains a holding room.

6 (o) "Registrant" means a person that holds a removal service  
7 certificate of registration issued under section 1855.

8 (p) "Removal service" means a professional service that  
9 operates independently of a funeral establishment that handles the  
10 initial removal of a dead human body and transports the dead human  
11 body in an authorized vehicle to and from an authorized person.

12 Sec. 1853. (1) A person shall not operate a refrigeration  
13 facility without a refrigeration facility license.

14 (2) The department shall issue a refrigeration facility  
15 license that is valid for 2 years to an applicant that meets all of  
16 the following conditions:

17 (a) Submits an application to the department with all of the  
18 following information:

19 (i) The name of the applicant.

20 (ii) The name of the individual who will serve as the manager  
21 of the refrigeration facility as described in section 1859.

22 (iii) The address of the refrigeration facility.

23 (iv) The name that the applicant will use to conduct business.

24 (v) Any other information required by the department.

25 (b) The applicant discloses the applicant's criminal history  
26 to the department.

27 (c) The applicant is of good moral character.

28 (d) The refrigeration facility and location listed on the  
29 application pass an inspection conducted by the department.

1           (3) A license issued under this section is valid for only the  
2 location of the refrigeration facility listed in the application.

3           (4) A licensee shall report a change in the location of the  
4 refrigeration facility immediately to the department as prescribed  
5 by rule. A licensee shall not operate a refrigeration facility at a  
6 new location until the department conducts an inspection of the  
7 facility and the facility passes the inspection.

8           (5) The department shall assess a fee against a licensee that  
9 does not renew a license within 30 days after the expiration date  
10 of the license and continues to operate as a refrigeration  
11 facility.

12           Sec. 1855. (1) The department shall issue a removal service  
13 certificate of registration that is valid for 2 years to an  
14 applicant that meets all of the following conditions:

15           (a) Submits an application to the department with all of the  
16 following information:

17           (i) The name of the applicant.

18           (ii) The name of the individual who will serve as the manager  
19 of the removal service.

20           (iii) The address of the removal service.

21           (iv) The name that the applicant will use to conduct business.

22           (v) Any other information required by the department.

23           (b) The applicant discloses the applicant's criminal history  
24 to the department.

25           (c) The applicant is of good moral character.

26           (d) Each vehicle used by the applicant to transport a dead  
27 human body meets certain requirements, including, but not limited  
28 to, all of the following as determined by the department after the  
29 department conducts an inspection of the vehicle:

1 (i) Is enclosed.

2 (ii) Is constructed to secure the dead human body face up  
3 within the vehicle.

4 (iii) Is used only for the retrieval and transport of a dead  
5 human body.

6 (2) The department shall issue a decal to a registrant that  
7 indicates the vehicle is an authorized vehicle. Display of the  
8 decal must be as prescribed by rule.

9 (3) A registrant shall use only an authorized vehicle to  
10 transport a dead human body.

11 (4) The department may assess a fee to a registrant that does  
12 not renew a certificate of registration within 30 days after the  
13 expiration date of the certificate of registration and continues to  
14 operate as a removal service.

15 Sec. 1857. A licensee or registrant shall not contract to  
16 provide services under this article unless the contract is with any  
17 of the following entities:

18 (a) A health facility.

19 (b) A county medical examiner.

20 (c) A funeral establishment.

21 (d) A medical school.

22 (e) An organ procurement organization.

23 Sec. 1859. (1) A refrigeration facility shall designate a  
24 holder of a license for the practice of mortuary science as a  
25 manager of the refrigeration facility. The manager shall supervise  
26 the handling and sheltering of a dead human body at the  
27 refrigeration facility. The manager shall not otherwise engage in  
28 the practice of mortuary science while acting as a manager for a  
29 refrigeration facility.

1           (2) A holder of a license for the practice of mortuary science  
2 shall not manage more than 1 refrigeration facility. A holder of a  
3 license for the practice of mortuary science who manages a funeral  
4 establishment under section 1809 shall not manage a refrigeration  
5 facility.

6           (3) A manager of a refrigeration facility shall not reside  
7 more than 100 miles from the refrigeration facility.

8           Sec. 1861. (1) After the receipt of a dead human body by a  
9 licensed refrigeration facility, any of the following persons shall  
10 conduct a reasonable good-faith effort to locate the individual who  
11 has the right to make decisions related to the dead human body as  
12 described in section 3206 of the estates and protected individuals  
13 code, 1998 PA 386, MCL 700.3206, to receive authorization from the  
14 individual to transfer the dead human body to a licensed funeral  
15 establishment:

16           (a) A family member, personal representative, or nominated  
17 personal representative of the decedent.

18           (b) A health facility or veteran's facility that provided  
19 medical treatment to the decedent during the final illness or  
20 immediately before the decedent's death.

21           (c) The manager of the refrigeration facility.

22           (2) On receipt of a dead human body, a licensee, manager, or  
23 other authorized personnel shall ensure that a dead human body  
24 stored at a refrigeration facility is handled in the following  
25 manner:

26           (a) Is stored at a temperature between 36 degrees Fahrenheit  
27 and 39 degrees Fahrenheit.

28           (b) Is clothed or covered while being refrigerated.

29           (c) Is not stored directly on the ground.

1 (d) Is stored as only 1 dead human body per table tray or  
2 container, unless otherwise authorized by a person who has  
3 authority to make arrangements for a dead human body under section  
4 3206 of the estates and protected individuals code, 1998 PA 386,  
5 MCL 700.3206.

6 (e) Is face up while being stored or transported.

7 (f) Is not stored over another dead human body, unless the  
8 dead human body is stored on a rack that has sufficient strength to  
9 support the dead human body.

10 Sec. 1863. A refrigeration facility must have a holding room  
11 that meets all of the following:

12 (a) Is not accessible by the general public.

13 (b) Maintains a temperature between 36 degrees Fahrenheit and  
14 39 degrees Fahrenheit.

15 (c) Complies with all other applicable public health and  
16 safety laws.

17 Sec. 1865. (1) A registrant shall not transport a dead human  
18 body unless either of the following applies:

19 (a) The registrant has received authorization to transport a  
20 dead human body from a holder of a license for the practice of  
21 mortuary science, a county medical examiner, or an organ  
22 procurement agency.

23 (b) The registrant is transferring a dead human body from a  
24 health facility to a licensed refrigeration facility.

25 (2) A registrant must have equipment that includes, but is not  
26 limited to, the following:

27 (a) 1 lightweight and 1 heavyweight body bag.

28 (b) A cot that is secured or restrained inside an authorized  
29 vehicle to prevent movement during transport.

1 (c) A cot cover for each cot used.

2 (d) A first-aid kit.

3 (e) A fire extinguisher.

4 (f) Protective clothing that meets the needs of the  
5 registrant's employees that accompany the removal of a dead human  
6 body, including, but not limited to, disposable gowns, shoe covers,  
7 protective eyewear, gloves, masks, or waterproof aprons.

8 (3) A registrant shall maintain the equipment listed under  
9 subsection (2) in a clean and sanitary manner and have it available  
10 whenever a dead human body is stored or in transit.

11 (4) A registrant shall disinfect a container that was used in  
12 the removal of a dead human body after the removal and before the  
13 container is used again.

14 Sec. 1867. (1) A registrant that transports a dead human body  
15 in an authorized vehicle must do all of the following:

16 (a) Conceal the body from public view.

17 (b) Place the body face up in a body bag or rigid container to  
18 withstand transportation and prevent bodily fluids from leaking and  
19 odors from escaping.

20 (c) Transport the body with a transportation permit issued  
21 under section 1807.

22 (2) A registrant shall maintain the authorized vehicle and  
23 equipment used to transport a dead human body in a clean and  
24 sanitary manner.

25 (3) If an authorized vehicle can hold more than 1 dead human  
26 body, the dead human bodies must be placed face up in separate body  
27 bags or containers and secured with space between the bodies to  
28 prevent the contact of a dead human body with another.

29 Sec. 1869. An employee of a licensee or registrant must



1 possess identification of the employee's employer that includes the  
2 employer's license or registration number and the employer's name.

3       Sec. 1871. (1) The department shall establish a system for the  
4 identification of a dead human body received for removal by a  
5 licensee or registrant. The identification system must be able to  
6 track the identity of the dead human body from the time the body is  
7 received by a licensee or registrant to the time the dead human  
8 body is delivered to an authorized person.

9       (2) After the initial inspection for licensure or  
10 certification, the department may conduct a random inspection of a  
11 facility, location, or vehicle of a licensee or registrant. A  
12 licensee or registrant shall allow a representative of the  
13 department to enter the licensee's or registrant's premises during  
14 regular business hours to inspect and determine whether the  
15 facility, location, or vehicles meet the requirements of this  
16 article or rules promulgated under this article.

17       (3) The department shall promulgate rules to implement this  
18 article under the administrative procedures act of 1969, 1969 PA  
19 306, MCL 24.201 to 24.328.

20       Sec. 1873. A licensee or registrant must comply with all  
21 local, state, and federal laws that apply to the licensee or  
22 registrant.

23       Enacting section 1. This amendatory act does not take effect  
24 unless Senate Bill No. 545 of the 102nd Legislature is enacted into  
25 law.