

Act No. 15
Public Acts of 1990
Approved by the Governor
February 24, 1990
Filed with the Secretary of State
February 26, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Reps. Bennane, DeMars and Gubow

ENROLLED HOUSE BILL No. 4142

AN ACT to amend section 1810 of Act No. 299 of the Public Acts of 1980, entitled "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of the department of licensing and regulation and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; and to repeal certain acts and parts of acts," being section 339.1810 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 1810 of Act No. 299 of the Public Acts of 1980, being section 339.1810 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 1810. (1) A person shall be subject to the penalties of article 6 if the person commits 1 of the following:

(a) Solicitation of a dead human body by a licensed person or an agent, assistant, representative, employee, or a person acting on behalf and with the knowledge and consent, express or implied, of the licensed person, whether the solicitation occurs after death or while death is impending; or the procuring or allowing directly or indirectly of a person to call upon an institution or individual by whose influence a dead human body may be turned over to the licensed person or funeral establishment.

(b) Procuring a person known as capper, steerer, or solicitor to obtain funeral directing or embalming; or allowing or permitting a capper, steerer, or solicitor to obtain funeral directing or embalming for a licensed person or funeral establishment.

(c) The direct or indirect payment or offer of payment of a commission by a licensed person or an agent, representative, assistant, or employee of the licensed person for the purpose of securing business.

(d) Aiding or abetting an unlicensed person to engage in the practice of funeral directing or embalming.

(e) Using profane, indecent, or obscene language in the presence of a dead human body, or within the immediate hearing of the family or relatives of a deceased, whose body has not yet been interred or otherwise disposed of.

(f) Solicitation or acceptance by a licensed person of a commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in a crematory, mausoleum, or cemetery.

(g) Using a casket or part of a casket which has been previously used as a receptacle for, or in connection with, the burial or other disposition of a dead human body.

(h) A violation of a state law or municipal or county ordinance or regulation affecting the handling, custody, care or transportation of a dead human body.

(i) Refusing to promptly surrender the custody of a dead human body, upon the express order of the person lawfully entitled to the custody.

(j) Failure to secure a permit for removal or burial of a dead human body before interment or disposal.

(k) Obtaining possession or embalming a dead human body without first being expressly directed or authorized to do so by a relative of the deceased person or a person entitled to custody.

(l) Knowingly making a false statement on a certificate of death.

(m) Removing or embalming a dead human body if there is information indicating crime or violence in connection with the cause of death, unless permission of the county medical examiner has first been obtained.

(n) If a public officer or employee, an official of a public institution, convalescent home, private nursing home, maternity home, public or private hospital, physician or surgeon, or any other person having a professional relationship with a decedent or county medical examiner or other public official having temporary custody of the decedent, sending or causing to be sent to a person or establishment licensed under this article the remains of a deceased person without having first made inquiry as to the desires of the next of kin and of the person who may be chargeable with the funeral expenses of the decedent. If kin is found, the person's authority and directions shall govern the disposal of the remains of the decedent.

(o) If a licensee, receiving remains in violation of the requirements of subdivision (n) and making a charge for a service in connection with the remains before the delivery of the remains as stipulated by the kin. This subdivision shall not prevent a person or establishment licensed under this article from charging and being reimbursed for services rendered in connection with the removal of the remains of a deceased person in case of accidental or violent death, and rendering necessary services required until the next of kin or the person who is chargeable with the funeral expenses is notified.

(p) If a funeral establishment or a licensee, entering upon an agreement, directly or indirectly, in which the practice of embalming or funeral directing is to be rendered in consideration for the funeral establishment, licensed person or an agent, assistant, or representative of the establishment or licensed person, being designated as beneficiary in an insurance policy or certificate. This subdivision shall not govern or limit the authority of an administrator or executor, trustee, or other person having a fiduciary relationship with the deceased.

(q) Failure to comply with part 138 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.13801 to 333.13819 of the Michigan Compiled Laws.

(2) The department, in consultation with the director of public health, shall promulgate rules to prescribe training standards for licensees and nonlicensees who handle medical waste in a funeral establishment.

(3) A licensee who owns or operates a funeral establishment shall train his or her employees pursuant to the rules promulgated under subsection (2).

Section 2. This amendatory act shall take effect upon the expiration of 90 days after the date of its enactment.

Section 3. This amendatory act shall not take effect unless all of the following bills of the 85th Legislature are enacted into law:

(a) Senate Bill No. 69.

(b) House Bill No. 4136.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.