

HOUSE BILL No. 4142

February 9, 1989, Introduced by Reps. Bennane, DeMars and Gubow and referred to the Committee on Public Health.

A bill to amend section 1810 of Act No. 299 of the Public Acts of 1980, entitled "Occupational code," being section 339.1810 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

6 (a) Solicitation of a dead human body by a licensed person
7 or an agent, assistant, representative, employee, or a person
8 acting on behalf and with the knowledge and consent, express or
9 implied, of the licensed person, whether the solicitation occurs

1 after death or while death is impending; or the procuring or
2 allowing directly or indirectly of a person to call upon an
3 institution or individual by whose influence a dead human body
4 may be turned over to the licensed person or funeral
5 establishment.

6 (b) Procuring a person known as capper, steerer, or solici-
7 tor to obtain funeral directing or embalming; or allowing or per-
8 mitting a capper, steerer, or solicitor to obtain funeral direct-
9 ing or embalming for a licensed person or funeral establishment.

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

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

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

20 (f) Solicitation or acceptance by a licensed person of a
21 commission or bonus or rebate in consideration of recommending or
22 causing a dead human body to be disposed of in a crematory, mau-
23 soleum, or cemetery.

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

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

4 (i) Refusing to promptly surrender the custody of a dead
5 human body, upon the express order of the person lawfully enti-
6 tled to the custody.

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

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

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

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

19 (n) If a public officer or employee, an official of a public
20 institution, convalescent home, private nursing home, maternity
21 home, public or private hospital, physician or surgeon, or any
22 other person having a professional relationship with a decedent
23 or county medical examiner or other public official having tempo-
24 rary custody of the decedent, sending or causing to be sent to a
25 person or establishment licensed under this article the remains
26 of a deceased person without having first made inquiry as to the
27 desires of the next of kin and of the person who may be

1 chargeable with the funeral expenses of the decedent. If kin is
2 found, the person's authority and directions shall govern the
3 disposal of the remains of the decedent.

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

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

23 (Q) FAILURE TO COMPLY WITH THE INFECTIOUS MEDICAL WASTE
24 REGULATORY ACT.

25 (2) THE DEPARTMENT, IN CONSULTATION WITH THE DIRECTOR OF
26 PUBLIC HEALTH, SHALL PROMULGATE RULES TO PRESCRIBE TRAINING

1 STANDARDS FOR LICENSEES AND NONLICENSEES WHO HANDLE INFECTIOUS
2 MEDICAL WASTE IN A FUNERAL ESTABLISHMENT.

3 (3) A LICENSEE WHO OWNS OR OPERATES A FUNERAL ESTABLISHMENT
4 SHALL TRAIN HIS OR HER EMPLOYEES PURSUANT TO THE RULES PROMUL-
5 GATED UNDER SUBSECTION (2).

6 Section 2. This amendatory act shall take effect March 1,
7 1990.

8 Section 3. This amendatory act shall not take effect unless
9 Senate Bill No. ____ or House Bill No. 4136 (request
10 no. 00587'89) of the 85th Legislature is enacted into law.