

**Michigan Office of Administrative Hearings and Rules**  
**Administrative Rules Division (ARD)**

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Lansing, MI 48909  
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**REQUEST FOR RULEMAKING (RFR)**

**1. Department:**

Health and Human Services

**2. Bureau:**

Population Health and Community Services

**3. Promulgation type:**

Full Process

**4. Title of proposed rule set:**

Definition of Infectious Agents

**5. Rule numbers or rule set range of numbers:**

R 325.9031

**6. Estimated time frame:**

6 months

**Name of person filling out RFR:**

Mary Brennan

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**7. Describe the general purpose of these rules, including any problems the changes are intended to address.**

The purpose of this rule is to assist physicians and other medical personnel with the most up-to-date listing of infectious disease agents that must be reported to a funeral director. See MCL 333.2843b. The most recent addition to the listing is COVID-19. There are currently emergency rules in place due to the pandemic for notification to funeral home personnel if the cause of death in an individual was COVID-19. A permanent rule must be promulgated to include COVID-19 as an additional infectious agent.

**8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).**

Department Director

**A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).**

By authority conferred on the Department of Health and Human Services by sections 2221, 2226, 2233, 2253, 2262, and 2843b of the public health code, 1978 PA 368, MCL 333.2221, 333.2226, 333.2233, 333.2253, 333.2262, and 333.2843b; and Executive Reorganization Order No. 2015-1, MCL 400.227.

**B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.**

The rules are not mandated by any applicable constitutional or statutory provision.

**9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.**

The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

**10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?**

Guidelines for post mortem handling of human remains to prevent the spread of infectious disease are published by Centers for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA). There is no standard list of infectious agents that are required to be reported to funeral directors.

**11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?**

The rules were not listed on the department's annual regulatory plan for the current year.

**12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?**

Full Process

**13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.**

The rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

**14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.**

Recommendations were received from the Michigan Funeral Directors Association and incorporated into this amendment. The Bureau has not received, to the best of its knowledge, any other complaints or recommendations.

**15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.**

The rules were last evaluated in May 2020. Emergency rules are currently in effect. The current addition of COVID-19 to the listing reflects the need and purpose of both the rule and the intent behind the purpose of the rule.

**16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?**

There is only one rule and it is critically needed.

**17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.**

No