



HOUSE BILL No. 5472

February 29, 2000, Introduced by Rep. Tabor and referred to the Committee on Senior Health, Security and Retirement.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
by amending section 2080 (MCL 500.2080), as amended by 1986 PA
318.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2080. (1) It ~~shall be~~ IS unlawful for any life or
2 accident insurer authorized to do business in this state to own,
3 manage, supervise, operate, or maintain a mortuary or undertaking
4 establishment, or to permit its officers, agents, or employees to
5 own or maintain ~~any such funeral~~ A MORTUARY or undertaking
6 establishment.

7 (2) Except as otherwise provided in subsection (6), it
8 ~~shall be~~ IS unlawful for any life insurance, sick or funeral
9 benefit company, or any company, corporation, or association
10 engaged in a similar business to contract or agree with any

1 funeral director, undertaker, or mortuary to the effect that
2 ~~such~~ THE funeral director, undertaker, or mortuary shall con-
3 duct the funeral of any person insured by ~~such~~ THAT company,
4 corporation, or association.

5 (3) A funeral establishment, cemetery, or seller shall not
6 be licensed as an insurance agent under chapter 12 other than as
7 a limited licensee pursuant to this subsection and chapter 12. A
8 funeral establishment, cemetery, or seller shall not be a limited
9 life insurance agent unless that funeral establishment, cemetery,
10 or seller provides a written assurance to the commissioner at the
11 time of application for the limited licensure and with each
12 LICENSE renewal ~~thereof~~ that he or she has read and understands
13 the conditions contained in subsection (9) and agrees to comply
14 with those conditions. A person licensed as a limited life
15 insurance agent under this subsection and chapter 12 ~~shall be~~
16 IS authorized and licensed to sell only associated life insurance
17 policies or annuity contracts and ~~shall~~ IS not ~~be~~ authorized
18 or licensed to sell any other type of insurance policy or annuity
19 contract. A person licensed as a limited life insurance agent
20 under this subsection and chapter 12 to sell associated life
21 insurance policies or annuity contracts shall not sell cemetery
22 goods or services or funeral goods or services unless all of the
23 conditions provided in subsection (9) are met. A person licensed
24 as a life insurance agent, other than a limited life insurance
25 agent, shall not sell cemetery goods or services or funeral goods
26 or services or be associated with a funeral establishment,
27 cemetery, or seller. Notwithstanding any other provision in this

1 act, a funeral establishment, cemetery, or seller may advise
2 customers or potential customers of the availability of life
3 insurance, the proceeds of which may be assigned pursuant to
4 subsection (6), and may provide application forms and other
5 information in regard to ~~such~~ THAT life insurance. If an
6 application form is provided, the funeral establishment, ceme-
7 tery, or seller shall also provide to the person a list annually
8 prepared by the commissioner setting forth the life insurance
9 companies offering in Michigan associated life insurance policies
10 or annuity contracts. The list shall include the name, address,
11 and telephone number of an agent for each of the life insurance
12 companies listed. The list also shall include a statement that a
13 person who is insured under any life insurance policy or annuity
14 contract may assign all or a portion of the proceeds, not to
15 exceed the amount provided in subsection (6)(g), of the existing
16 life insurance policy or annuity contract for the payment of
17 funeral services and goods or cemetery services or goods to any
18 funeral establishment, cemetery, or seller ~~which~~ THAT has
19 accepted any other assignment of an associated life insurance
20 policy or annuity contract during that calendar year. The
21 funeral establishment, cemetery, or seller shall accept an
22 assignment on the proceeds from any associated or nonassociated
23 life insurance policy or annuity contract pursuant to
24 subsection (6), and this requirement on the funeral establish-
25 ment, cemetery, or seller shall be set forth in the statement
26 prepared by the ~~insurance~~ commissioner. The assignor or the
27 person or persons legally entitled to make funeral arrangements

1 for the person whose life was insured may contract with the
2 funeral establishment, cemetery, or seller of his or her choice
3 for the rendering of the funeral goods or services or cemetery
4 goods or services. ~~Each~~ EXCEPT AS PROVIDED IN THIS SECTION,
5 EACH associated life insurance policy or annuity contract deliv-
6 ered or issued for delivery in this state shall ~~have a death~~
7 ~~benefit that is sufficient to cover the initial contract price of~~
8 ~~the cemetery goods or services or funeral goods or services and~~
9 ~~that increases~~ INCREASE at an annual rate of not less than the
10 consumer price index. A LIFE INSURANCE COMPANY OFFERING ASSOCI-
11 ATED LIFE INSURANCE OR ANNUITY CONTRACTS IN THIS STATE MAY OFFER
12 LIFE INSURANCE OR ANNUITY CONTRACTS THAT DO NOT GUARANTEE AN
13 INCREASE AT AN ANNUAL RATE OF NOT LESS THAN THE CONSUMER PRICE
14 INDEX, BUT ONLY IF THE SELLER IS PROVIDED WITH THE OPTION OF
15 OFFERING BOTH INDEXED AND NON-INDEXED LIFE INSURANCE OR ANNUITY
16 CONTRACTS TO FUND CEMETERY GOODS AND SERVICES OR FUNERAL GOODS OR
17 SERVICES. IN ADDITION, EACH ASSOCIATED LIFE INSURANCE POLICY OR
18 ANNUITY CONTRACT SHALL DISCLOSE THE DEATH BENEFIT AND ANY REDUC-
19 TION IN THE DEATH BENEFIT IF IT IS A LIMITED DEATH BENEFIT
20 POLICY. EACH APPLICATION FOR AN ASSOCIATED LIFE INSURANCE POLICY
21 THAT PROVIDES FOR A LIMITED DEATH BENEFIT SHALL CONTAIN AN
22 ACKNOWLEDGMENT FROM THE APPLICANT THAT THE APPLICANT HAS BEEN
23 NOTIFIED OF THE LIMITED DEATH BENEFIT AND THE PERIOD OF THE
24 LIMITATION. ANY LIMITED DEATH BENEFIT PERIOD SHALL NOT EXCEED 2
25 YEARS.

26 (4) A person shall not be designated as the beneficiary in
27 any policy of life or accident insurance whereby the beneficiary,

1 directly or indirectly, shall, in return for all or a part of the
2 proceeds of ~~such~~ THE policy of insurance, furnish cemetery
3 services or goods or funeral services or goods in connection
4 ~~therewith~~ WITH THE POLICY.

5 (5) Except as otherwise provided in subsection (6), it
6 ~~shall be~~ IS unlawful for any life or accident, or sick or
7 funeral benefit company, or any person, company, corporation, or
8 association, to offer or furnish goods or services or anything
9 but money to its insureds or to ~~his or her~~ THEIR heirs, repre-
10 sentatives, attorneys, relatives, associates, or assigns in any
11 connection with, or by way of encumbrance, assignment, payment,
12 settlement, satisfaction, discharge, or release of any insurance
13 policy. However, this subsection ~~shall~~ DOES not prohibit any
14 company, corporation, or association from furnishing medical,
15 surgical, or hospital service.

16 (6) Notwithstanding any other provision in this act, a life
17 insurer may write a life insurance policy or annuity contract
18 ~~which is~~ subject to an assignment of the proceeds of the insur-
19 ance policy or annuity contract as payment for cemetery services
20 or goods or funeral services or goods as provided in this subsec-
21 tion regardless of the relationship between the life insurer and
22 the assignee. An assignment of the proceeds of the insurance
23 policy or annuity contract pursuant to this subsection shall be
24 in writing on a form approved by the commissioner. A predeath
25 assignment of the proceeds of a life insurance policy or annuity
26 contract as payment for cemetery or funeral services or goods is

1 void unless all of the following conditions and criteria are
2 met:

3 (a) The assignment is an inseparable part of the contract
4 for the cemetery services or goods or funeral services or goods
5 for which the assigned proceeds serve as payment.

6 (b) The assignment is revocable by the assignor, assignor's
7 successor, or if the assignor is the insured by the representa-
8 tive of the insured's estate prior to the provision of the ceme-
9 tery services or goods or funeral services or goods.

10 (c) The contract for funeral services or goods or cemetery
11 services or goods and the assignment provide that upon revocation
12 of the assignment, the contract for the cemetery services or
13 goods or funeral services or goods is revoked and cemetery serv-
14 ices or goods or funeral services or goods may be obtained from
15 any cemetery, funeral establishment, or seller.

16 (d) The assignment contains the following disclosure in
17 boldfaced type:

18 "This assignment may be revoked by the assignor or
19 assignor's successor or, if the assignor is also the insured and
20 deceased, by the representative of the insured's estate before
21 the rendering of the cemetery services or goods or funeral serv-
22 ices or goods. If the assignment is revoked, the death benefit
23 under the life insurance policy or annuity contract shall be paid
24 in accordance with the beneficiary designation under the insur-
25 ance policy or annuity contract."

26 (e) The assignment provides for all of the following:

1 (i) That the actual price of the cemetery services or goods
2 or funeral services or goods delivered at the time of death may
3 be more than or less than the price set forth in the assignment.

4 (ii) For the assignment of an associated life insurance
5 policy or annuity contract, that any increase in the price of the
6 cemetery services or goods or funeral services or goods shall not
7 exceed the ultimate death benefit under the life insurance policy
8 or annuity contract.

9 (iii) For the assignment of a nonassociated life insurance
10 policy or annuity contract, that any increase in the price of the
11 cemetery services or goods or the funeral services or goods shall
12 not exceed the consumer price index or the retail price list in
13 effect when the death occurs, whichever is less.

14 (iv) That if the ultimate death benefit under a life insur-
15 ance policy or annuity contract exceeds the price of the cemetery
16 services or goods or funeral services or goods at the time of
17 performance, the excess amount shall be distributed to the bene-
18 ficiary designated under the life insurance policy or annuity
19 contract or the insured's estate.

20 (v) That any addition to or modification of the contract for
21 cemetery services or goods or funeral services or goods does not
22 revoke the assignment or the contract for the cemetery services
23 or goods or funeral services or goods ~~which~~ THAT are not
24 affected by the addition or modification for which the assigned
25 proceeds are payment unless the assignment is revoked.

26 (f) The assignment is limited to that portion of the
27 proceeds of the life insurance policy or annuity contract ~~which~~

1 THAT is needed to pay for the cemetery services or goods or
2 funeral services or goods for which the assignor has contracted.

3 (g) In the case of an associated life insurance policy or
4 annuity contract, the death benefit of the life insurance policy
5 or annuity contract ~~which~~ THAT is subject to the assignment
6 does not exceed ~~-\$5,000.00~~ \$15,000.00 when the first premium
7 payment is made on the life insurance policy or annuity
8 contract. In the case of a nonassociated life insurance policy
9 or annuity contract, the initial amount of proceeds assigned does
10 not exceed ~~-\$5,000.00~~ \$15,000.00. The maximum amounts in this
11 subdivision shall be adjusted annually in accordance with the
12 consumer price index.

13 (h) The assignment shall contain the dispute resolution
14 rights ~~set forth~~ in subsection (8). After the death of the
15 insured but before the cemetery services or goods or funeral
16 services or goods are provided, the funeral establishment, ceme-
17 tery, or seller shall provide to a representative of the
18 insured's estate a separate document entitled, "dispute resolu-
19 tion disclosure statement," which shall clearly set forth the
20 dispute resolution rights ~~set forth~~ in subsection (8). The
21 dispute resolution disclosure statement shall be filed with the
22 commissioner and shall be considered approved unless disapproved
23 within 30 days after the submission. The language used to ~~set~~
24 ~~forth~~ DESCRIBE the dispute resolution rights in subsection (8)
25 shall be written in a manner calculated to be understood by a
26 person of ordinary intelligence.

1 (i) The assignor and not the assignee is responsible for
2 making the premium payments due on the life insurance policy or
3 annuity contract. This subdivision does not apply to an insur-
4 ance agent when acting as a fiduciary pursuant to section 1207.

5 (j) After the death of the insured but before the cemetery
6 services or goods or funeral services or goods are provided, the
7 representative of the insured's estate is provided with a current
8 price list for the cemetery services or goods or funeral services
9 or goods provided pursuant to the assignment.

10 (k) At the time the assignment is made, the assignee com-
11 plies with the price disclosure rules of the federal trade com-
12 mission prescribed in 16 C.F.R. ~~—~~ part 453, whether or not the
13 rules by their own terms apply to the offering.

14 (l) At the time the assignment is made, the assignor certi-
15 fies that the insured does not have in effect other life insur-
16 ance policies or annuity contracts that have been assigned as
17 payment for cemetery goods or services or funeral goods or serv-
18 ices ~~which~~ THAT together with the additional assignment would
19 have an aggregate face value in excess of the limitation provided
20 in subdivision ~~(h)~~ (G).

21 (m) For the assignment of a nonassociated life insurance
22 policy or annuity contract, the assignment complies with both of
23 the following:

24 (i) The assignment ~~is sufficient to cover the initial con-~~
25 ~~tract price of the cemetery goods or services or funeral goods or~~
26 ~~services~~ CLEARLY DISCLOSES WHETHER THE AMOUNT ASSIGNED IS
27 SUFFICIENT TO COVER THE INITIAL CONTRACT PRICE OF THE CEMETERY

1 GOODS OR SERVICES OR FUNERAL GOODS OR SERVICES, AND IF NOT, ANY
2 OBLIGATION THAT EXISTS TO PAY FOR THE DIFFERENCE BETWEEN THE CON-
3 TRACT PRICE OF THE CEMETERY GOODS OR SERVICES OR FUNERAL GOODS OR
4 SERVICES AND THE AMOUNT ASSIGNED.

5 (ii) The assignment provides that any increase in the price
6 of the cemetery services or goods or the funeral services or
7 goods shall not exceed the consumer price index or the retail
8 price list in effect when the death occurs, whichever is less.

9 (7) An insurer or an insurance agent shall not make a false
10 or misleading statement, oral or written, regarding an assignment
11 subject to subsection (6) or regarding the rights or obligations
12 of any party or prospective party to ~~such an~~ THAT assignment.

13 An insurer or an insurance agent shall not advertise or promote
14 an assignment subject to subsection (6) in a manner ~~which~~ THAT
15 is false, misleading, deceptive, or unfair. The commissioner
16 shall promulgate rules regulating the solicitation of plans pro-
17 moting assignments subject to subsection (6) to protect against
18 solicitations ~~which~~ THAT are intimidating, vexatious, fraudu-
19 lent, or misleading, or which take unfair advantage of a person's
20 ignorance or emotional vulnerability.

21 (8) After the cemetery services or goods or funeral services
22 or goods are provided, the funeral establishment, cemetery, or
23 seller shall provide to a representative of the insured's estate
24 a statement to be signed by the representative of the insured's
25 estate authorizing the release of the assignment proceeds for the
26 payment of the cemetery services or goods or funeral services or
27 goods. The insurer shall release to the funeral establishment,

1 cemetery, or seller the assignment proceeds upon receipt of the
2 authorization statement signed by a representative of the
3 insured's estate. If a representative of the insured's estate
4 fails to sign the authorization statement, the following shall
5 take place:

6 (a) The funeral establishment, cemetery, or seller shall
7 provide the representative of the insured's estate with a dispute
8 resolution notice, a copy of which is to be sent to the insurer
9 and the ~~insurance~~ commissioner that states all of the
10 following:

11 (i) That the funeral establishment, cemetery, or seller has
12 provided the cemetery services or goods or funeral services or
13 goods.

14 (ii) That a representative of the insured's estate has
15 refused to authorize the insurer to release the assignment pro-
16 ceeds for the payment of the cemetery services or goods or
17 funeral services or goods.

18 (iii) That a representative of the insured's estate may seek
19 arbitration to resolve the payment dispute.

20 (b) Upon the receipt of the dispute resolution notice
21 described in subdivision (a), the insurer shall retain the
22 assignment proceeds for 30 days. The insurer shall release the
23 assignment proceeds to the funeral establishment, cemetery, or
24 seller if after the expiration of the 30 days the insurer is not
25 informed that arbitration proceedings have been commenced, or
26 pursuant to the award of the arbitrator.

1 (c) The funeral establishment, cemetery, seller, or a
2 representative of the insured's estate may commence arbitration
3 proceedings to determine the disposition of the assignment
4 proceeds. Arbitration shall be conducted pursuant to the rules
5 and procedures of the American arbitration association. Expenses
6 of the arbitration shall be shared equally by the insured's
7 estate and the assignee unless otherwise ordered by the
8 arbitrator.

9 (d) Nothing in this subsection ~~shall limit~~ LIMITS the
10 right of any party involved in the payment dispute to seek other
11 recourse permitted by law.

12 (9) A life insurance agent shall not sell or solicit the
13 sale of a life insurance policy or annuity contract with the
14 intention of having the purchaser assign the proceeds of the
15 policy or contract to a funeral establishment, cemetery, or
16 seller with which the agent is associated unless all of the fol-
17 lowing conditions are met:

18 (a) The agent ~~shall disclose~~ DISCLOSES in writing to the
19 purchaser the nature of his or her association with the funeral
20 establishment, cemetery, or seller and that both the funeral
21 establishment, cemetery, or seller and the agent will or may
22 profit from the transaction, if that is the case.

23 (b) ~~A~~ IF THE funeral establishment, cemetery, or seller
24 ~~which~~ accepts assignments pursuant to subsection (6), ~~shall~~
25 ~~also offer~~ IT ALSO OFFERS to sell or provide cemetery goods or
26 services or funeral goods or funeral services pursuant to prepaid
27 funeral contracts as provided in the prepaid funeral contract

1 funding act, 1986 PA 255, MCL 328.211 TO 328.235, pursuant to the
2 trust provisions of the cemetery regulation act, ~~Act No. 251 of~~
3 ~~the Public Acts of 1968, being sections 456.521 to 456.543 of the~~
4 ~~Michigan Compiled Laws~~ 1968 PA 251, MCL 456.521 TO 456.543.

5 (c) If the contemplated assignment is to be made to pay the
6 cost of cemetery goods or services or funeral goods or funeral
7 services, the agent ~~shall disclose~~ DISCLOSES in writing to the
8 purchaser that the cemetery goods or services or funeral goods or
9 services may also be purchased prior to death by making payment
10 directly to a funeral establishment, cemetery, or seller who will
11 hold funds in escrow for the benefit of the purchaser pursuant to
12 the prepaid funeral contract funding act, 1986 PA 255, MCL
13 328.211 TO 328.235, or in trust pursuant to the provisions of the
14 cemetery regulation act, ~~Act No. 251 of the Public Acts of 1968~~
15 1968 PA 251, MCL 456.521 TO 456.543. The written disclosure
16 shall also state that upon cancellation of the prepaid funeral
17 contract, the purchaser is entitled to a refund of at least 90%
18 of the principal and income earned.

19 (d) The sale of cemetery goods or services or funeral goods
20 or services ~~shall~~ IS not ~~be~~ conditioned on the purchaser
21 buying or agreeing to buy a life insurance policy or annuity con-
22 tract or on the assignment of the proceeds of the policy or con-
23 tract to that funeral establishment, cemetery, or seller.

24 (e) The sale of a life insurance policy or annuity contract
25 ~~shall~~ IS not ~~be~~ conditioned on the purchaser buying or agree-
26 ing to buy cemetery goods or services or funeral goods or
27 services from the funeral establishment, cemetery, or seller with

1 which the agent is associated or on the assignment of the
2 proceeds of the policy or contract to that funeral establishment,
3 cemetery, or seller.

4 (f) A discount from the current price of cemetery goods or
5 services or funeral goods or services ~~shall~~ IS not ~~be~~ offered
6 as an inducement to purchase or assign a life insurance policy or
7 annuity contract.

8 (g) The life insurance policy or annuity contract sold by
9 the agent may be canceled by the purchaser within 10 days after
10 the receipt of the policy or annuity contract, in which event a
11 full refund of all premiums shall be paid to the purchaser.

12 (h) The agent ~~shall disclose~~ DISCLOSES in writing to the
13 purchaser that the funeral establishment, cemetery, or seller
14 with which the agent is associated will accept assignments of
15 life insurance policies or annuity contracts sold by any other
16 licensed agent.

17 (10) The commissioner or any other person, in order to force
18 compliance with subsection (6) or (7), may bring an action in a
19 circuit court in any county in which the assignee or insurance
20 agent or any other person has solicited or sold a life insurance
21 policy or annuity contract that is assigned pursuant to
22 subsection (6), whether or not that person has purchased the life
23 insurance policy or annuity contract or is personally aggrieved
24 by a violation of this section. The court may award damages and
25 issue equitable orders in accordance with the Michigan court
26 rules to restrain conduct in violation of this section.

1 (11) Any person violating any of the provisions of this
2 section ~~shall be deemed~~ IS guilty of a misdemeanor, and each
3 violation ~~thereof shall be~~ IS a separate offense ~~and upon con-~~
4 ~~viction shall be punished~~ PUNISHABLE by a fine not exceeding
5 \$1,000.00 or by imprisonment for not more than 6 months, or both.
6 ~~such fine and imprisonment within the discretion of the courts.~~

7 (12) In addition to the penalty provided in subsection (11),
8 if, after a hearing conducted pursuant to the administrative pro-
9 cedures act of 1969, ~~Act No. 306 of the Public Acts of 1969,~~
10 ~~being sections 24.201 to 24.328 of the Michigan Compiled Laws~~
11 1969 PA 306, MCL 24.201 TO 24.328, the commissioner determines a
12 person has violated this section, the commissioner may order the
13 person to pay a civil fine of not more than \$10,000.00 for each
14 violation and may also impose other sanctions provided pursuant
15 to chapter 12. The money collected under this subsection shall
16 be deposited in the funeral consumers education and advocacy
17 fund. The funeral consumers education and advocacy fund is cre-
18 ated within the insurance bureau. The fund shall be administered
19 by the commissioner. The money in the fund shall be used to do
20 both of the following:

21 (a) To promote the education of consumers with regard to the
22 prearrangement and purchase of cemetery or funeral services or
23 goods through the purchase and assignment of life insurance or
24 annuity contracts.

25 (b) To provide legal assistance to persons who were injured
26 as a result of a violation of this section.

1 (13) For purposes of this section, a life insurance agent is
2 associated with a funeral establishment, cemetery, or seller if
3 any of the following apply:

4 (a) The agent is a funeral establishment, cemetery, or
5 seller.

6 (b) The agent owns an interest, directly or indirectly, in a
7 corporation or other entity ~~which~~ THAT holds an interest in a
8 funeral establishment, cemetery, or seller.

9 (c) The agent is an officer, employee, or agent of a funeral
10 establishment, cemetery, or seller.

11 (d) The agent is an officer, employee, or agent of a corpo-
12 ration or other entity ~~which~~ THAT holds an interest, either
13 directly or indirectly, in a funeral establishment, cemetery, or
14 seller, or in a corporation or other entity ~~which~~ THAT holds an
15 interest, directly or indirectly, in a corporation or other
16 entity ~~which~~ THAT holds an interest in a funeral establishment,
17 cemetery, or seller.

18 (14) As used in this section:

19 (a) "Associated life insurance policy or annuity contract"
20 is a life insurance policy or annuity contract that is marketed,
21 designed, and intended to be assigned as payment for cemetery
22 goods or services or funeral goods or services.

23 (b) "Casket" means any box or container consisting of 1 or
24 more parts in which a dead human body is placed prior to inter-
25 ment, entombment, or cremation which may or may not be per-
26 manently interred, entombed, or cremated with the dead human
27 body. A permanent interment or entombment receptacle ~~which~~

1 THAT is designed or intended for use without a cemetery burial
2 vault or other outside container ~~shall~~ IS also ~~be~~ considered
3 a casket.

4 (c) "Catafalque" means an ornamental or decorative object or
5 structure ~~which~~ THAT is placed beneath, over, or around a
6 casket, vault, or a dead human body prior to final disposition of
7 the dead human body.

8 (d) "Cemetery" means that term as defined in but not neces-
9 sarily regulated under section 2 of the cemetery regulation act,
10 ~~Act No. 251 of the Public Acts of 1968, being section 456.522 of~~
11 ~~the Michigan Compiled Laws 1968 PA 251, MCL 456.522, or an offi-~~
12 ~~cer, agent, or employee thereof~~ OF A CEMETERY.

13 (e) "Cemetery burial vault or other outside container" means
14 a box or container ~~which~~ THAT is used solely at the place of
15 interment to permanently surround or enclose a casket and to sup-
16 port the earth above the casket after burial.

17 (f) "Cemetery goods" means land or interests in land,
18 crypts, lawn crypts, mausoleum crypts, or niches that are sold by
19 a cemetery. In addition, cemetery goods shall include cemetery
20 burial vaults or other outside containers, markers, monuments,
21 urns, and merchandise items used for the purpose of memorializing
22 a decedent and placed on or in proximity to a place of interment
23 or entombment of a casket, catafalque, or vault or to a place of
24 inurnment ~~which are~~ sold by a cemetery.

25 (g) "Cemetery services" means those services customarily
26 performed by a cemetery.

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

5 (i) "Consumer price index" means the annual average percen-
6 tage increase in the Detroit consumer price index for all items
7 for the prior 12-month period as reported by the United States
8 department of labor and as certified by the commissioner.

9 (j) "Funeral establishment" means a funeral establishment or
10 a person who is engaged in the practice of mortuary science as
11 those terms are defined in section 1801 of the occupational code,
12 ~~Act No. 299 of the Public Acts of 1980, being section 339.1801~~
13 ~~of the Michigan Compiled Laws~~ 1980 PA 299, MCL 339.1801, or an
14 officer, agent, or employee ~~thereof~~ OF THAT ESTABLISHMENT OR
15 PERSON.

16 (k) "Funeral goods" means items of merchandise ~~which~~ THAT
17 will be used in connection with a funeral or an alternative to a
18 funeral or final disposition of human remains including, but not
19 limited to, caskets, other burial containers, combination units,
20 and catafalques. Funeral goods does not include cemetery goods.

21 (l) "Funeral services" means services customarily performed
22 by a person who is licensed pursuant to sections 1801 to 1812 of
23 the occupational code, ~~Act No. 299 of the Public Acts of 1980,~~
24 ~~being sections 339.1801 to 339.1812 of the Michigan Compiled~~
25 ~~Laws~~ 1980 PA 299, MCL 339.1801 TO 339.1812. Funeral services
26 ~~includes~~ INCLUDE, but ~~is~~ ARE not limited to, care of human
27 remains, embalming, preparation of human remains for final

1 disposition, professional services relating to a funeral or an
2 alternative to a funeral or final disposition of human remains,
3 transportation of human remains, limousine services, use of
4 facilities or equipment for viewing human remains, visitation,
5 memorial services, or services ~~which~~ THAT are used in connec-
6 tion with a funeral or alternative to a funeral, coordinating or
7 conducting funeral rites or ceremonies, and other services pro-
8 vided in connection with a funeral, alternative to a funeral, or
9 final disposition of human remains.

10 (M) "LIMITED DEATH BENEFIT POLICY" MEANS A LIFE INSURANCE
11 POLICY THAT HAS A DEATH BENEFIT EQUAL TO THE SUM OF THE PREMIUMS
12 PAID AT THE TIME OF DEATH FOR A PERIOD OF TIME NOT TO EXCEED 2
13 YEARS AFTER THE POLICY IS ISSUED, PLUS INTEREST ON THE PREMIUM
14 PAID AT THE RATE OF 10% COMPOUNDED ANNUALLY.

15 (N) ~~(m)~~ "Nonassociated life insurance policy or annuity
16 contract" means a life insurance policy or annuity contract that
17 is not marketed to be assigned, designed to be assigned, or
18 intended to be assigned as payment for cemetery goods or services
19 or funeral goods or services.

20 (O) ~~(n)~~ "Representative of insured's estate" means the
21 person or persons legally entitled to make the funeral arrange-
22 ments for the person whose life was insured.

23 (P) ~~(o)~~ "Seller" means a person who offers to sell ceme-
24 tery goods or services or funeral goods or services or any agent,
25 officer, or employee ~~thereof~~ OF THAT PERSON.