



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4870 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Representative Bruce Caswell
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Estates and Protected Individuals Code (EPIC) to:

- Use the order of priority of inheritance established under Section 2103 of EPIC for a person who dies intestate (without a will) as the presumed order of priority of individuals who would have the rights and powers to make decisions about a decedent's body.
- Specify the person (e.g., a guardian or personal representative, or the county public administrator or medical examiner) who would have those rights and powers if no one in the order of priority existed, exercised the rights and powers, or could be located.
- Allow an individual, other than a person with priority or a person described above, to file an action in circuit court to challenge the presumption and be determined as the individual who would have the authority to make decisions about a decedent's body.
- Require that decisions be made by majority if the rights and powers were shared.
- Allow an individual with the rights and powers to make decisions about a decedent's body or a funeral establishment that had custody of the body to petition the probate court to determine who had the authority to make these decisions, if there were a disagreement between individuals who shared the rights and powers or if one or more individuals in the order of priority could not be located.
- Specify activities for which a funeral establishment would not be responsible or liable.
- Specify that a funeral establishment, mortician, cemetery, or crematory could rely on the bill's order of priority and the instruction of a person in the order of priority or determined by the court to be the party to exercise the rights and powers to make decisions about a decedent's body.
- Provide that the bill would not affect an anatomical gift.

The bill is tie-barred to House Bills 4891 and 5836, which would amend the Occupational Code and the Public Health Code, respectively, to refer to a person with authority under Section 3206 of EPIC (which House Bill 4870 (S-1) would add), instead of other named parties.

MCL 700.1104 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 6-28-06

Fiscal Analyst: Stephanie Yu

floor\hb4870

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.