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BILL ANALYSIS



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House Bill 5245 (Substitute H-2 as reported without amendment)
House Bill 5246 (Substitute H-1 as reported without amendment)
Sponsor: Representative Gino Polidori (H.B. 5245)
Representative Kenneth Kurtz (H.B. 5246)
House Committee: Military and Veterans Affairs and Homeland Security
Senate Committee: Senior Citizens and Veterans Affairs

CONTENT

House Bill 5245 (H-2) would amend the Occupational Code to allow a person licensed in the practice of mortuary science to compile a list of names of the unclaimed cremated remains (cremains) held in his or her possession for six months or more, for the purpose of determining whether one or more of the deceased individuals was a veteran of the United States Armed Services.

A funeral director could release the list of names to any federally chartered veterans service organization (VSO) to confirm with the National Cemetery Administration's central scheduling office in St. Louis, Missouri, whether the deceased was eligible for proper disposition at a veterans cemetery. The VSO would have to report to the funeral director regarding the names of confirmed veterans or spouses of veterans.

If unclaimed cremains were determined to be eligible for proper disposition at a veterans cemetery, the funeral director would have to send written notice of intent to make a proper disposition of the cremains as described in House Bill 5246 (H-1). If the unclaimed cremains of a confirmed veteran were not claimed by the people to whom the notice was sent, the funeral director could arrange for the proper disposition of the cremains with a State or national veterans cemetery.

A funeral director complying with these provisions would be immune from criminal or civil liability arising from compliance.

House Bill 5246 (H-1) would amend the Occupational Code to specify that a person licensed in the practice of mortuary science would be immune from civil liability for the proper disposition of unclaimed cremains if the proper disposition were made at least six months after the date of cremation and at least 30 days after the date of the notice required by the bill.

A funeral director claiming immunity under the bill would have to make reasonable efforts to provide written notice of intent to make proper disposition of the unclaimed cremains to the people having the right to make decisions relating to the disposition of a decedent's body under Section 3206 of the Estates and Protected Individuals Code (EPIC). (Section 3206 identifies the individuals who are presumed to have the right and power to make decisions about funeral arrangements and the handling, disposition, or disinterment of a decedent's body, including decisions about cremation and the right to possess cremains, and specifies their priority.)

The bill would define "proper disposition" as interment, entombment, or inurnment of unclaimed cremated remains in a cemetery in this State. In the case of the unclaimed remains of a veteran of the U.S. Armed Forces, proper disposition would include the interment, entombment, or inurnment in a cemetery designated solely for veterans by the U.S. Department of Veterans Affairs or by the Michigan Department of Military and Veterans Affairs.

"Unclaimed cremated remains" would mean the cremated remains of a dead human body that have not been picked up or delivered to a person having the right to make decisions relating to the disposition of a decedent's body under Section 3206 of EPIC.

The bills are tie-barred and would take effect on July 1, 2010.

Proposed MCL 339.1809b (H.B. 5245)
Proposed MCL 339.1809a (H.B. 5246)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Date Completed: 10-7-09

Fiscal Analyst: Elizabeth Pratt
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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.