

House Bill 5245 (Substitute H-2 as passed by the House)
House Bill 5246 (Substitute H-1 as passed by the House)
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

Date Completed: 10-6-09

CONTENT

The bills would amend the Occupational Code to do the following:

- **Allow a mortuary science licensee to compile a list of names of unclaimed cremated remains (cremains) in order to determine whether a deceased individual was a veteran.**
- **Allow a funeral director to release the list to a federally chartered veterans service organization for confirmation of the deceased's eligibility for disposition at a veterans cemetery.**
- **Require a funeral director to send notice of intent to make a proper disposition of unclaimed cremains to people having the right to decide the disposition of the decedent's body.**
- **Allow the funeral director to arrange the disposition of the cremains with a veterans cemetery, if they remained unclaimed.**
- **Provide for civil and criminal immunity for a funeral director who complied with these provisions.**
- **Provide for civil immunity for a mortuary science licensee who properly disposed of unclaimed cremains at least six months after cremation and at least 30 days after notice to individuals having the right to decide disposition.**

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

House Bill 5245 (H-2)

Under the bill, a person licensed in the practice of mortuary science could compile a list of names of the unclaimed 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 under Section 1809a(1) (proposed by 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)

Under the bill, 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). Reasonable efforts would include mailing the notice to a person's last known address.

(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 proposed section of the Occupational Code would not supersede the provisions of Section 3206 of EPIC involving the priority of people having the right to make decisions relating to the disposition of a decedent's body.

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 cremains 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.

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

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

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

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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.