

## COURTESY MORTUARY SCIENCE LICENSE

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**House Bills 4303 (H-2), 4329 (H-1), and 4330 (H-1) as reported**

**Sponsor: Rep. Kenneth Kurtz**

**Committee: Regulatory Reform**

**Revised First Analysis (4-15-13)**

**BRIEF SUMMARY:** The bills would establish a courtesy mortuary science license for certain out-of-state licensees, establish application processing and license fees, and allow individuals holding a courtesy mortuary science license to certify death records.

**FISCAL IMPACT:** These bills would likely have a neutral fiscal impact on the Department of Licensing and Regulatory Affairs (LARA), as LARA has determined that the amount of the courtesy mortuary science licensing program application processing and annual licensing fees will generate sufficient revenue to offset the increased administration expenditures engendered by the courtesy mortuary science licensing program.

### **THE APPARENT PROBLEM:**

According to the Michigan Funeral Directors Association, this legislation is prompted by the enacting of "courtesy card" legislation in 2012 by the states of Ohio and Indiana. Generally speaking, "courtesy cards" allow funeral directors to conduct certain aspects of the funeral directing business across state borders without having to obtain a full-fledged license; this includes such services as the removal of bodies, certification of death certificates, and supervising final disposition, among other things. In order to be eligible to obtain a "courtesy card" in Ohio or Indiana, funeral directors must come from a neighboring state with a reciprocity statute in place.

Under current law, final disposition of a dead body in Michigan must be performed by a licensed Michigan funeral director. In creating a courtesy license for out-of-state funeral directors to practice limited mortuary science activities, Michigan funeral directors would then become eligible to apply for courtesy cards in bordering states.

### **THE CONTENT OF THE BILL:**

**House Bill 4303 (H-2)** would add a new Section 1806a to Article 18 of the Occupational Code to allow the Department of Licensing and Regulatory Affairs (LARA) to issue a courtesy license to engage in mortuary science to an individual if LARA determines (1) the person holds a valid license to practice mortuary science, funeral directing, or an equivalent occupation in Indiana, Ohio, or Wisconsin, and (2) the state that issued the license provides Michigan licensees substantially the same opportunity to practice in that state (reciprocity).

### Permitted activity

Individuals holding a limited license would be allowed to do any of the following:

- Remove dead human bodies from places of death in Michigan.
- Register with a local registrar in each city or village where the licensee intends to practice. [This is currently required for individuals licensed under Article 18.]
- Transport dead bodies to or from the state in which he or she is licensed.
- Supervise the final disposition in the state of the human body of an individual that died out-of-state.

### Prohibited activity

Individuals holding a limited license would be prohibited from doing any of the following:

- Operating a funeral establishment.
- Embalming.
- Advertising mortuary science, funeral directing, or cremation services.
- Directly or indirectly owning, managing, operating, maintaining, or being employed by a cemetery.
- Violating Section 1810, which contains prohibited activities for individuals licensed to engage in mortuary science.

Limited mortuary science licenses would be valid for two years beginning on the date of issuance or renewal. LARA would be required to ensure that limited licenses are issued within the limitations established in the bill.

Proposed MCL 339.1806a

**House Bill 4329 (H-1)** would amend the State License Fee Act (MCL 333.2843) to set the application processing fee and annual license fee for limited mortuary science licenses at \$135 each. The annual license fee for a limited mortuary science license would be the same as for a mortuary science license. The bill is tie-barred to House Bill 4303.

**House Bill 4330 (H-1)** would amend the Public Health Code (MCL 333.2843) to allow individuals in possession of a limited mortuary science license to certify a death record. The bill is tie-barred to House Bill 4303.

### ***ARGUMENTS:***

#### ***For:***

The bill would allow a person that holds a valid license to practice mortuary science, funeral directing, or an equivalent occupation in Indiana, Ohio, or Wisconsin to operate on a courtesy license in Michigan and perform certain limited functions, provided that state has a reciprocity law in place. Doing so will also allow Michigan funeral directors and mortuary scientists to perform limited functions under a courtesy card in other states.

This allows greater flexibility in end-of-life planning for families that are already struggling with the death of a loved one.

***Against:***

There was no opposition expressed at the committee level.

***POSITIONS:***

The Michigan Department of Licensing and Regulatory Affairs is neutral on the bills. (3-19-13)

The Michigan Funeral Directors Association supports the bills. (3-19-13)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.