

COURTESY MORTUARY SCIENCE LICENSE

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House Bill 4303 (as enacted)
Public Act 77 of 2013

House Bill 4329 (as enacted)
Public Act 78 of 2013

House Bill 4330 (as enacted)
Public Act 79 of 2013

Sponsor: Rep. Kenneth Kurtz
House Committee: Regulatory Reform
Senate Committee: Regulatory Reform

Second Analysis (9-13-13)

BRIEF SUMMARY: The bills established a courtesy mortuary science license for certain out-of-state licensees, establish application processing and license fees, and allowed 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 was 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.

Prior to these bills, final disposition of a dead body in Michigan had to be performed by a licensed Michigan funeral director. Creating a courtesy license for out-of-state funeral directors to practice limited mortuary science activities in Michigan would make Michigan funeral directors eligible to apply for courtesy cards in bordering states.

THE CONTENT OF THE BILL:

House Bill 4303 added 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 in the state in which the limited licensee is licensed.

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 or crematory, or engaging in any similar activity for which registration is required under the Cemetery Regulation Act.
- 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 restrictions established in the bill.

The bill takes effect 90 days after being signed into law.

Proposed MCL 339.1806a

House Bill 4329 amended 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 takes effect 90 days after being signed into law.

House Bill 4330 amended 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 takes effect 90 days after being signed into law.

ARGUMENTS:

For:

The bills would allow a person holding 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.

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Fiscal Analyst: Paul Holland

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