



Senate Fiscal Agency  
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## BILL ANALYSIS



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House Bill 4303 (Substitute H-3 as passed by the House)  
House Bill 4329 (Substitute H-1 as passed by the House)  
House Bill 4330 (Substitute H-1 as passed by the House)  
Sponsor: Representative Kenneth Kurtz  
House Committee: Regulatory Reform  
Senate Committee: Regulatory Reform

Date Completed: 6-5-13

**CONTENT**

**House Bill 4303 (H-3)** would amend Article 18 (Mortuary Science) of the Occupational Code to do the following:

- Authorize the Department of Licensing and Regulatory Affairs (LARA) to issue a courtesy license to practice mortuary science to a person licensed in that profession in Indiana, Ohio, or Wisconsin if that state had a reciprocal opportunity for Michigan licensees.
- Specify that a courtesy license would be valid for two years.
- Specify activities in which the holder of a courtesy license could and could not engage.

**House Bill 4329 (H-1)** would amend the State License Fee Act to establish an application processing fee and an annual license fee for a courtesy license issued under House Bill 4303 (H-3).

**House Bill 4330 (H-1)** would amend Part 28 (Vital Records) of the Public Health Code to authorize the holder of a courtesy license under House Bill 4303 (H-3) to certify a death record and file it with the local registrar.

The bills would take effect 90 days after their enactment. House Bills 4329 (H-1) and 4330 (H-1) are tie-barred to House Bill 4303.

**House Bill 4303 (H-3)**

Under the bill, LARA could issue a courtesy license to engage in the practice of mortuary science to an individual whom the Department had determined met both of the following:

- He or she held a valid license issued by the State of Indiana, Ohio, or Wisconsin to practice mortuary science, funeral directing, or an equivalent occupation.
- The state that issued that license provided individuals licensed under Article 18 substantially the same opportunity to practice in that state as its licensees would be authorized to practice in Michigan under the bill.

A courtesy license issued under the bill would be valid for two years, beginning on the date it was issued or renewed.

A person who held a courtesy license could do any of the following:

- Remove a dead human body from the place of death in Michigan.
- Register with a local registrar under Section 1807 of the Occupational Code.
- Subject to Section 1807, transport a dead human body to or from the state in which he or she was licensed
- Subject to Section 1807, supervise the final disposition in Michigan of the human body of an individual who did not die in Michigan.

(Section 1807 requires the holder of a mortuary science license to register with the office of the registrar of each city or village in which the owner intends to practice, and allows a local registrar to grant a transportation permit to the holder of a mortuary science license coming from beyond the registrar's jurisdiction, upon being shown a copy of the license.)

The holder of a courtesy license issued under the bill could not do any of the following in Michigan:

- Operate a funeral establishment.
- Engage in the practice of embalming.
- Advertise mortuary science, funeral directing, or cremation services.
- Directly or indirectly own, manage, operate, maintain, or be employed by a cemetery or engage in any similar activity for which registration is required under the Cemetery Regulation Act.
- Violate Section 1810 of the Occupational Code.

(Section 1810 outlines prohibited conduct for mortuary science license holders, and requires a licensee who owns or operates a funeral establishment to train his or her employees pursuant to rules promulgated by LARA.)

The Department would have to ensure that a courtesy license was issued with the restrictions described in the bill.

### **House Bill 4329 (H-1)**

The State License Fee Act establishes license fees and other related fees for various regulated occupations.

Under the bill, the application processing fee for a courtesy mortuary science license under House Bill 4303 (H-3) would be \$135. The license fee for a courtesy mortuary science license would be \$135 per year.

### **House Bill 4330 (H-1)**

Part 28 of the Public Health Code requires a funeral director who is licensed under Article 18 of the Occupational Code to certify a death record and file it with the local registrar of the district where the death occurred within 72 hours after the death. Under the bill a death record would have to be certified and filed by a licensed funeral director or by an individual who held a courtesy license under House Bill 4303 (H-3).

Proposed MCL 339.1806a (H.B. 4303)  
MCL 338.2243 (H.B. 4329)  
333.2843 (H.B. 4330)

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on the Department of Licensing and Regulatory Affairs and no fiscal impact on local units of government. To the extent that the fees for courtesy mortuary science licenses would generate sufficient revenue to cover the cost of issuing the licenses, the bills would have no fiscal impact on LARA. If the fees did not raise sufficient revenue, the costs of issuing the licenses would be borne by existing Department resources. Alternatively, any fee revenue in excess of the cost of issuing the licenses would be used to support other occupational licensing programs.

Fiscal Analyst: Josh Sefton

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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.