

# Legislative Analysis

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## **FUNERAL REPRESENTATIVE**

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 551 (Substitute S-1 as passed by the Senate)**

**Sponsor: Sen. Tonya Schuitmaker**

**House Committee: Judiciary**

**Senate Committee: Judiciary**

**Complete to 2-22-16**

Analysis available at  
<http://www.legislature.mi.gov>

## **SUMMARY:**

The bill would enable a person (declarant) to designate a funeral representative who would have the right and power to make decisions about funeral arrangements and the handling, disposition, or disinterment of the declarant's body after death. This would include, but not be limited to, decisions about cremation, and the right to possess cremated remains of the decedent.

Briefly, the bill would amend the Estates and Protected Individuals Code to do the following:

- ❖ Revise the order of priority for the individuals who have the right and power to make decisions about funeral arrangements and the disposition of a decedent's body, and include a designated funeral representative among those individuals.
- ❖ Authorize an adult of sound mind to designate another adult of sound mind as a funeral representative, granting that person the right and power to make decisions about funeral arrangements and the disposition of the declarant's body.
- ❖ Allow a declarant to designate a successor funeral representative in the event the first person named did not accept, was incapacitated, resigned, or was removed.
- ❖ Specify individuals who could not serve as a funeral representative for a declarant, including people associated with a funeral establishment, cemetery, or crematory who would provide services for the declarant.
- ❖ Specify circumstances under which a funeral representative designation would be revoked, including the representative's resignation, failure to locate the funeral representative after reasonable efforts, or the funeral representative's refusal to act within 48 hours after receiving notice of the decedent's death.
- ❖ Specify that a divorce or annulment of a marriage would revoke a nomination of a divorced individual's former spouse or a relative of the former spouse to serve as a funeral representative for the decedent.
- ❖ Specify that a divorce or annulment would bar the former spouse from exercising a power to make decisions about funeral arrangements and the handling, disposition, and disinterment of the decedent's body or cremated remains.
- ❖ Specify that the felonious and intentional killing or the conviction for the abuse, neglect, or exploitation of a decedent would revoke a nomination of the killer or felon to serve as a funeral representative for the decedent and would bar that person from exercising a power to make decisions about funeral arrangements and the handling, disposition, and disinterment of the decedent's body or cremated remains.

- ❖ Revise provisions for petitioning the court when there is a disagreement as to who has the right and power to make decisions about funeral arrangements and the disposition of a decedent's body.
- ❖ Repeal Section 3208 of EPIC which provides that in the case of a disagreement or if no one can be located, certain individuals could petition the court to determine who has the authority to exercise the rights and powers over a decedent's body and funeral arrangements

MCL 700.1104 et al.

**FISCAL IMPACT:**

The bill would have no fiscal impact on the state or on local units of government.

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