

Legislative Analysis



APPOINTMENT OF FUNERAL REPRESENTATIVE

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<http://www.house.mi.gov/hfa>

House Bill 4599 as introduced
Sponsor: Rep. Andy Schor
Committee: Judiciary
Complete to 11-30-15

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

SUMMARY:

This bill would amend the Estates and Protected Individuals Code by including a *funeral representative* appointed by an individual as a person allowed to make decisions about funeral arrangements and the handling, disposition, or internment of the individual's body, in addition to the individual's family.

In order for an individual to name a funeral representative, the designation must be in writing, signed, witnessed by two qualified witnesses, dated, and executed voluntarily. To be qualified, a witness must not be closely related to the individual or likely to profit from the death, or hold positions with certain interested institutions.

Michigan is one of the few states currently without a law allowing an individual to name someone to carry out funeral arrangements. Without this added designation, the closest relative to the deceased, according to an order of priority in MCL 700.2103, is charged with making these decisions. This can lead to complications, as when a person's multiple children or siblings have equal priority, and decisions are made by "a majority of the individuals." Similarly, if a person does not have any close relatives, the order of priority might lead to a distant cousin making these decisions, rather than a trusted friend.

MCL 700.3206 et al.

FISCAL IMPACT:

The bill does not appear to have a significant fiscal impact.

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