

**SUBSTITUTE FOR
SENATE BILL NO. 696**

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 1801 and 1809 (MCL 339.1801 and 339.1809),
section 1801 as amended by 2006 PA 300.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1801. As used in this article:

2 (a) "Funeral establishment" means a place of business used in
3 the care and preparation for burial or transportation of a dead
4 human body or a place where ~~a person~~**an individual** represents that
5 ~~the person~~**he or she** is engaged in the profession of undertaking or
6 the practice of mortuary science.

7 (b) "Holder of a license for the practice of mortuary science"
8 means ~~a person~~**an individual** who satisfactorily completes a course



1 in mortuary science, ~~who~~ passes an examination ~~prescribed in~~
 2 **required under** this article, serves the required resident training,
 3 and is issued a license for the practice of mortuary science.

4 (c) "Practice of embalming" means the disinfecting or
 5 preserving of a dead human body, entirely or in part, by the use of
 6 a chemical substance, fluid, or gas in the body or by the
 7 introduction of the chemical substance, fluid, or gas into the body
 8 by a vascular or hypodermic injection, or by direct application
 9 into an organ or cavity.

10 (d) "Practice of funeral directing" means engaging in or
 11 representing oneself as engaging in the supervising of the burial
 12 and disposal of a dead human body, ~~maintaining~~ **managing** a funeral
 13 establishment for the preparation, disposition, and care of a dead
 14 human body, ~~or using,~~ in connection with the user's name or
 15 funeral establishment, the word "funeral director", "funeral
 16 service professional", "undertaker", or "mortician", or any other
 17 title embodying the words "mortuary science" or otherwise implying
 18 that ~~one~~ **the individual** is engaged as a funeral director.

19 (e) "Practice of mortuary science" means the practice of
 20 embalming or the practice of funeral directing, or both.

21 (f) "Resident trainee" means ~~a person~~ **an individual** who is
 22 engaged in learning the practice of embalming or funeral directing
 23 or the practice of mortuary science under the instruction and
 24 personal supervision of a holder of a license for the practice of
 25 mortuary science in this state.

26 Sec. 1809. (1) **All of the following apply to the ownership and**
 27 **management of a funeral establishment:**

28 (a) A funeral establishment shall be ~~operated~~ **managed** by a
 29 ~~person~~ **an individual** who is the holder of a license for the



1 practice of mortuary science. ~~The establishment shall have~~
2 ~~conspicuously displayed at its entrance the name of the person~~
3 ~~licensed to conduct the establishment. The name of the person~~
4 ~~owning the funeral establishment shall be registered with the~~
5 ~~department. Failure to make full and complete disclosure of the~~
6 ~~owners shall be grounds for the revocation of the establishment~~
7 ~~license.~~**The manager shall ensure that the funeral establishment**
8 **complies with all applicable laws.**

9 (b) A funeral establishment shall notify the department in
10 writing of the name of the individual appointed as the manager of
11 the funeral establishment and conspicuously display the name of the
12 manager at the entrance of the funeral establishment.

13 (c) A manager of a funeral establishment shall not reside more
14 than 75 miles from that funeral establishment.

15 (d) Except as provided in subsection (2), an individual shall
16 not manage more than 1 funeral establishment.

17 (e) If a new manager is appointed for a funeral establishment,
18 the funeral establishment shall notify the department in writing of
19 the name of the new manager not more than 30 days after the date of
20 his or her appointment.

21 (2) The board shall establish a panel to receive and approve
22 or deny requests for waivers to allow an individual to act as the
23 manager of 2 funeral establishments under this subsection. The
24 panel shall be comprised of the chair of the board, or the chair's
25 designee, and 2 or more board members. All of the following apply
26 to a request for a waiver under this subsection:

27 (a) The prospective manager shall request the waiver. The
28 request must include the following:

29 (i) The prospective manager's name and mortuary science license



1 number.

2 (ii) The name and license number of each funeral establishment
3 affected.

4 (iii) Documentation supporting the existence of the factors
5 listed in subdivision (b).

6 (b) The panel shall not grant a waiver under this subsection
7 unless all of the following factors are met:

8 (i) The funeral establishments are located in the same county
9 or contiguous counties.

10 (ii) The population density of the county in which each of the
11 funeral establishments is located is less than the population
12 density for this state, based on data from the most recent
13 decennial census.

14 (iii) The funeral establishments are located within 90 miles of
15 each other.

16 (c) If the panel denies a request for a waiver under this
17 subsection, the individual who requested the waiver may submit a
18 request to the director for a review of the panel's decision. All
19 of the following apply to a review under this subdivision:

20 (i) The director shall not consider a request for a review that
21 is received by the director more than 30 days after the mailing
22 date of the panel's decision to deny the waiver.

23 (ii) The request for a review must be in writing and include
24 the factor or factors described in subdivisions (a) and (b) that
25 support a waiver under this subsection. The department may provide
26 a request form for purposes of this subparagraph.

27 (iii) The director shall conduct a review in a manner that is
28 consistent with article 5.



1 (iv) After reviewing the panel's decision, the director may
 2 overturn or uphold the panel's decision. The decision of the
 3 director is final.

4 (3) ~~(2) A person~~ **An individual** whose license ~~has been~~ **is**
 5 revoked under this article shall not ~~operate~~ **manage**, either
 6 directly or indirectly, or hold an interest in, a funeral
 7 establishment. This subsection ~~shall~~ **does** not prohibit a ~~person~~ **an**
 8 **individual** whose license ~~has been~~ **is** revoked from leasing property
 9 owned by the ~~person~~ **individual** for use as a funeral establishment
 10 if the ~~person~~ **individual** does not participate in the control or
 11 profit of the funeral establishment, ~~otherwise~~ **other** than as a
 12 lessor of the premises for a fixed rental **that is** not dependent
 13 ~~upon~~ **on** earnings.

14 (4) ~~(3)~~ A branch establishment shall be ~~operated~~ **managed** by a
 15 ~~person~~ **an individual** who is the holder of a license for the
 16 practice of mortuary science. **The manager shall ensure that the**
 17 **branch establishment complies with all applicable laws.**

18 (5) ~~(4)~~ The department and the board may inspect the premises
 19 in which funeral directing is conducted, ~~or where~~ embalming is
 20 practiced, or ~~where~~ an applicant ~~proposes~~ **intends** to practice.

21 (6) ~~(5)~~ A funeral establishment shall contain a preparation
 22 room equipped with tile, cement, or composition floor and necessary
 23 drainage and ventilation, and contain each necessary instrument or
 24 supply for the preparation and embalming of a dead human body for
 25 burial, transportation, or other disposition.

26 (7) ~~(6)~~ A branch establishment shall comply with each
 27 requirement or rule relating to a funeral establishment.

28 Enacting section 1. This amendatory act takes effect 90 days
 29 after the date it is enacted into law.

