

# SENATE BILL NO. 445

June 28, 2023, Introduced by Senators WOJNO, WEBBER, SHINK, SINGH and GEISS and referred to the Committee on Regulatory Affairs.

A bill to amend 1968 PA 251, entitled  
"Cemetery regulation act,"  
by amending section 2 (MCL 456.522), as amended by 2008 PA 478.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. As used in this act:

2       (a) "Cemetery" means 1, or a combination of more than 1, of  
3 the following:

4       (i) A burial ground for earth interments.

5       (ii) A mausoleum for crypt entombments.

6       (iii) A crematory for the cremation ~~for~~**of** human remains, **other**

1 than a crematory that is directly or indirectly owned, managed,  
2 operated, or maintained by a person that owns a funeral  
3 establishment, as allowed under section 1809c of the occupational  
4 code, 1980 PA 299, MCL 339.1809c.

5 (iv) A columbarium for the inurnment of cremated remains.

6 (b) "Interment" means the disposition of human remains by  
7 earth interment, entombment, or inurnment.

8 (c) "Burial right" means a right of earth interment.

9 (d) "Entombment right" means the right of crypt entombment in  
10 a mausoleum or in an aboveground vault.

11 (e) "Columbarium right" means the right of inurnment in a  
12 columbarium for cremated remains.

13 (f) "Mausoleum" means a building or other aboveground  
14 structure that is affixed to land and is a permanent repository for  
15 human remains.

16 (g) "Crypt" means a chamber in a mausoleum of sufficient size  
17 to entomb the uncremated remains of a deceased ~~person~~**individual**.

18 (h) "Columbarium" means a building or other aboveground  
19 structure that is affixed to land and is a permanent repository for  
20 cremated human remains.

21 (i) "Crematory" means a building or structure, within which  
22 the remains of deceased ~~persons~~**individuals** are or are intended to  
23 be cremated.

24 (j) "Cremation" means the incineration of ~~the body of the a~~  
25 deceased ~~person~~**individual's body**.

26 (k) "Cemetery commissioner" or "commissioner" means the  
27 director of the department of ~~labor and economic growth~~**licensing**  
28 **and regulatory affairs**, or a designee of the director.

29 (l) "Endowment and perpetual care" means all general work

1 necessary to keep ~~the~~ cemetery property in a presentable condition  
 2 at all times, including, but not limited to, ~~the~~ **any of the**  
 3 **following:**

4 (i) **The** cutting of grass at reasonable intervals. ~~;~~ ~~the~~

5 (ii) **The** raking, cleaning, filling, seeding, and sodding of  
 6 graves. ~~;~~ ~~the~~

7 (iii) **The** replacement, pruning, or removal of shrubs and trees  
 8 ~~in order to assure~~ **ensure** access to interment rights. ~~;~~ ~~and the~~

9 (iv) **The** repair and maintenance of enclosures, buildings,  
 10 drives, walks, and the various memorial gardens.

11 (m) "Merchandise trust" means ~~trusts required by section 16,~~ **a**  
 12 **trust that is required under section 16 and is** composed of deposits  
 13 made in connection with merchandise and service sales made ~~prior to~~  
 14 **before** January 1, 2005.

15 (n) "Municipal corporation" means a county, city, village, or  
 16 township.

17 (o) "Regulated financial institution" means a state or  
 18 nationally chartered bank, savings and loan association or savings  
 19 bank, credit union, trust company, or other state or federally  
 20 chartered lending institution or a regulated affiliate or regulated  
 21 subsidiary of any of ~~these~~ **those** entities.

22 (p) "Person" means an individual, group of individuals, sole  
 23 proprietorship, partnership, limited liability company,  
 24 association, corporation, government agency, cemetery, or a  
 25 combination of ~~these~~ **those individuals and** legal entities.

26 (q) "Good moral character" means that term as defined **in**, and  
 27 determined under, 1974 PA 381, MCL 338.41 to 338.47.

28 (r) "Cemetery owner" means the person ~~who~~ **that** has title to  
 29 the cemetery.

1 (s) "Operator" means any of the following:

2 (i) A person, an officer of a person, a partner of a person, or  
3 a member or manager of a limited liability company, ~~who~~**that** holds  
4 more than 50% voting rights in a cemetery owner.

5 (ii) A person ~~who~~**that** is a member of the board of directors of  
6 a cemetery owner, a partner in a cemetery owner, or a member or  
7 manager of a limited liability company that is a cemetery owner.

8 (iii) An administrative official of the cemetery owner or the  
9 person described in subparagraph (i), comparable to a chief  
10 administrative officer, chief executive officer, or chief financial  
11 officer.

12 (t) "Affiliated person" means a person **that** directly or  
13 indirectly ~~controlling~~**controls** the cemetery and includes all of  
14 the following:

15 (i) A person ~~who~~**that** holds ~~at least~~**not less than** a 50%  
16 interest in a cemetery.

17 (ii) A person ~~who~~**that** is a member of the board of directors or  
18 a cemetery owner, a partner in a cemetery owner, or a member or  
19 manager of a limited liability company that is a cemetery owner.

20 (iii) ~~A person~~**An individual** who is an officer of ~~the~~**a** person  
21 ~~who~~**that** holds ~~at least~~**not less than** a 10% interest in a cemetery  
22 corporation or other entity ~~having~~**that has** control of the  
23 cemetery.

24 Enacting section 1. This amendatory act does not take effect  
25 unless Senate Bill No. 444 of the 102nd Legislature is enacted into  
26 law.