

HOUSE BILL NO. 5076

September 26, 2025, Introduced by Rep. Bierlein and referred to Committee on Government Operations.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 1805 and 1810 (MCL 339.1805 and 339.1810),
section 1805 as amended by 2020 PA 265 and section 1810 as amended
by 2023 PA 204.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1805. **(1)** An individual licensed to engage in the
2 practice of mortuary science under this article may, ~~disinfect or~~
3 ~~preserve a dead human body, entirely or in part, by the use of a~~

~~chemical substance, fluid, or gas in the body or by the
introduction of a chemical, substance, fluid, or gas into the body
by a vascular or hypodermic injection, or by direct application
into an organ or cavity~~ **subject to subsection (2), engage in the
practice of embalming** in preparation for burial or disposal ~~. The
individual licensed to engage in the practice of mortuary science
may direct the burial or disposal of a dead human body and may
maintain a funeral establishment for the preparation and
disposition, or for the care of a dead human body and may, in
connection with the individual's name or the name of the funeral
establishment use the words "funeral director", "undertaker",
"mortician", "mortuary science", or a word of similar meaning as
approved by the department.~~ **and engage in the practice of funeral
directing.**

(2) An individual licensed to engage in the practice of mortuary science under this article shall not engage in the practice of embalming unless the individual obtains prior written consent from the next of kin of the decedent or other legally authorized person on a form that includes both of the following:

(a) A statement on behalf of the individual licensed to engage in the practice of mortuary science that participation in a donation program will not prevent funeral proceedings, viewings, or memorial services.

(b) A signature from the next of kin of the decedent or other legally authorized person consenting to the embalming of the decedent.

(3) As used in this section, "donation program" means a program operated by or in conjunction with a medical school, hospital, or other entity authorized under state or federal law to

1 receive anatomical gifts, whole bodies, organs, or tissues for the
2 purpose of medical education, research, or transplantation.

3 Sec. 1810. (1) A person is subject to the penalties of article
4 6 if the person commits any of the following:

5 (a) Solicitation of a dead human body by a licensee or an
6 agent, assistant, representative, employee, or person acting on
7 behalf and with the knowledge and consent, express or implied, of
8 the licensee, whether the solicitation occurs after death or while
9 death is impending, or the procuring or allowing directly or
10 indirectly of a person to call ~~upon~~**on** an institution or individual
11 by whose influence a dead human body may be turned over to the
12 licensee or funeral establishment.

13 (b) Procuring a person known as capper, steerer, or solicitor
14 to obtain funeral directing or embalming, or allowing or permitting
15 a capper, steerer, or solicitor to obtain funeral directing or
16 embalming for a licensee or funeral establishment.

17 (c) The direct or indirect payment or offer of payment of a
18 commission by a licensee or an agent, representative, assistant, or
19 employee of the licensee for the purpose of securing business.

20 (d) Aiding or abetting a nonlicensee to engage in the practice
21 of funeral directing or embalming.

22 (e) Using profane, indecent, or obscene language in the
23 presence of a dead human body, or within the immediate hearing of
24 the family or relatives of a deceased, whose body has not yet been
25 interred or otherwise disposed of.

26 (f) Solicitation or acceptance by a licensee of a commission
27 or bonus or rebate in consideration of recommending or causing a
28 dead human body to be disposed of in a crematory, mausoleum, or
29 cemetery.

(g) Using a casket or part of a casket that has been previously used as a receptacle for, or in connection with, the burial or other disposition of a dead human body. This subdivision does not apply to a casket or part of a casket that was designed and manufactured for more than 1 use.

(h) A violation of any of the following:

(i) Section 2652, 2653, 2659, 2663, 2842, 2843, 2848, 2850, 2851, 2853, or 2854 of the public health code, 1978 PA 368, MCL 333.2652, 333.2653, 333.2659, 333.2663, 333.2842, 333.2843, 333.2848, 333.2850, 333.2851, 333.2853, and 333.2854, or the rules promulgated under those sections.

(ii) Sections 3206 to 3209 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206 to 700.3209.

(iii) A municipal or county ordinance or regulation affecting the handling, custody, care, or transportation of a dead human body.

(i) Refusing to promptly surrender the custody of a dead human body, ~~upon~~~~on~~ the express order of the person lawfully entitled to the custody.

(j) Failure to secure a permit for removal or burial of a dead human body before interment or disposal.

(k) Obtaining possession of or embalming a dead human body without first being expressly directed or authorized to do so by a relative of the decedent or a person entitled to custody. **For embalming a dead human body, authorization must be in accordance with section 1805(2).** This subdivision does not apply to the embalming of a dead human body if, in accordance with sections 3206 to 3209 of the estates and protected individuals code, 1998 PA 386, MCL 700.3206 to 700.3209, reasonable efforts to obtain the

1 authorization described in this subdivision have been made but were
2 not successful and more than 48 hours have elapsed since the
3 decedent's death.

4 (l) Knowingly making a false statement on a certificate of
5 death.

6 (m) Removing or embalming a dead human body if there is
7 information indicating the commission of a crime or an act of
8 violence in connection with the cause of death, unless permission
9 of the county medical examiner has first been obtained.

10 (n) If a public officer or employee, an official of a public
11 institution, convalescent home, private nursing home, maternity
12 home, public or private hospital, physician or surgeon, or any
13 other person having a professional relationship with a decedent, or
14 a county medical examiner or other public official having temporary
15 custody of the decedent, sending or causing to be sent to a person
16 or establishment licensed under this article the remains of a
17 deceased ~~person~~**individual** without having first made inquiry as to
18 the desires of the person with authority over the disposal of the
19 remains of the decedent under section 3206 of the estates and
20 protected individuals code, 1998 PA 386, MCL 700.3206, and of the
21 person that may be chargeable with the funeral expenses of the
22 decedent. If a person with authority over the disposal of the
23 remains of the decedent under section 3206 of the estates and
24 protected individuals code, 1998 PA 386, MCL 700.3206, is found,
25 the person's authority and directions shall govern the disposal of
26 the remains of the decedent.

27 (o) If a licensee, receiving remains in violation of the
28 requirements of subdivision (n) and making a charge for a service
29 in connection with the remains before the delivery of the remains

1 as stipulated by the person with authority over the disposal of the
2 remains of the decedent under section 3206 of the estates and
3 protected individuals code, 1998 PA 386, MCL 700.3206. This
4 subdivision does not prohibit a person or establishment licensed
5 under this article from charging and being reimbursed for services
6 rendered in connection with the removal of the remains of a
7 deceased person if the ~~person's~~**individual's** death was accidental
8 or violent, and rendering necessary services required until the
9 person with authority over the disposal of the remains of the
10 decedent under section 3206 of the estates and protected
11 individuals code, 1998 PA 386, MCL 700.3206, or the person that is
12 chargeable with the funeral expenses is notified.

13 (p) If a funeral establishment or a licensee, entering into an
14 agreement, directly or indirectly, in which the practice of
15 embalming or funeral directing is to be rendered in consideration
16 for the funeral establishment, licensee, or an agent, assistant, or
17 representative of the establishment or licensee, being designated
18 as beneficiary in an insurance policy or certificate. This
19 subdivision does not govern or limit the authority of a personal
20 representative, trustee, or other person that has a fiduciary
21 relationship with the deceased.

22 (q) Failure to comply with part 138 of the public health code,
23 1978 PA 368, MCL 333.13801 to 333.13832.

24 (r) Failure to comply with the prepaid funeral and cemetery
25 sales act, 1986 PA 255, MCL 328.211 to 328.235.

26 (2) The department, in consultation with the director of the
27 department of health and human services, shall promulgate rules
28 **under the administrative procedures act of 1969, 1969 PA 306, MCL**
29 **24.201 to 24.328**, to prescribe training standards for licensees and

1 nonlicensees that handle medical waste in a funeral establishment.
2 (3) A licensee that owns or operates a funeral establishment
3 shall train ~~its~~**the licensee's** employees in accordance with the
4 rules promulgated under subsection (2).