

HOUSE BILL NO. 5077

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~~
4 ~~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~~ **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, subject to subsection (2), engage in the practice of funeral directing.**

(2) An individual licensed to engage in the practice of mortuary science under this article shall not subcontract the care of a dead human body to another funeral director or facility 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 all of the following:

(a) The name, address, and phone number of the subcontracted funeral director or facility.

(b) The reason for subcontracting with the funeral director or facility.

(c) Any potential changes in services or costs.

(d) A signature from the next of kin of the decedent or other legally authorized person consenting to the subcontracting of care of the decedent to another funeral director or facility.

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

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

9 (b) Procuring a person known as capper, steerer, or solicitor
10 to obtain funeral directing or embalming, or allowing or permitting
11 a capper, steerer, or solicitor to obtain funeral directing or
12 embalming for a licensee or funeral establishment.

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

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

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

22 (f) Solicitation or acceptance by a licensee of a commission
23 or bonus or rebate in consideration of recommending or causing a
24 dead human body to be disposed of in a crematory, mausoleum, or
25 cemetery.

26 (g) Using a casket or part of a casket that has been
27 previously used as a receptacle for, or in connection with, the
28 burial or other disposition of a dead human body. This subdivision
29 does not apply to a casket or part of a casket that was designed

1 and manufactured for more than 1 use.

2 (h) A violation of any of the following:

3 (i) Section 2652, 2653, 2659, 2663, 2842, 2843, 2848, 2850,
4 2851, 2853, or 2854 of the public health code, 1978 PA 368, MCL
5 333.2652, 333.2653, 333.2659, 333.2663, 333.2842, 333.2843,
6 333.2848, 333.2850, 333.2851, 333.2853, and 333.2854, or the rules
7 promulgated under those sections.

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

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

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

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

18 (k) Obtaining possession of, ~~or~~**embalming, or subcontracting**
19 **the care of** a dead human body without first being expressly
20 directed or authorized to do so by a relative of the decedent or a
21 person entitled to custody. **For subcontracting the care of a dead**
22 **human body, authorization must be in accordance with section**
23 **1805(2).** This subdivision does not apply to the embalming of a dead
24 human body if, in accordance with sections 3206 to 3209 of the
25 estates and protected individuals code, 1998 PA 386, MCL 700.3206
26 to 700.3209, reasonable efforts to obtain the authorization
27 described in this subdivision have been made but were not
28 successful and more than 48 hours have elapsed since the decedent's
29 death.

1 (l) Knowingly making a false statement on a certificate of
2 death.

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

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

24 (o) If a licensee, receiving remains in violation of the
25 requirements of subdivision (n) and making a charge for a service
26 in connection with the remains before the delivery of the remains
27 as stipulated by the person with authority over the disposal of the
28 remains of the decedent under section 3206 of the estates and
29 protected individuals code, 1998 PA 386, MCL 700.3206. This

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

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

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

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

(2) The department, in consultation with the director of the department of health and human services, shall promulgate rules **under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328**, to prescribe training standards for licensees and nonlicensees that handle medical waste in a funeral establishment.

(3) A licensee that owns or operates a funeral establishment shall train ~~its~~**the licensee's** employees in accordance with the

1 rules promulgated under subsection (2).