

## Reforms to Mortuary Science Laws Effective March 24, 2021 (Published April 21, 2021)

During the 2019-2020 legislative session, several laws passed that impacted mortuary science licensees and the licensing fees they pay. This document summarizes the changes to Article 18 of the Occupational Code made based on the passage of [Public Act 265 of 2020](#) and [Public Act 334 of 2020](#). They modify licensing requirements, impact the practice of mortuary science, and increase license fees. For more information on [Public Act 138 of 2020](#), which passed earlier in the 2019-2020 legislative session, visit [michigan.gov/mortuaryscience](http://michigan.gov/mortuaryscience).

### **Licensing Requirements**

Effective March 24, 2021, to obtain a funeral establishment license, applicants are required to disclose the persons with an ownership interest in the funeral establishment.

In addition, applicants for an individual mortuary science license must meet the following four requirements:

1. An applicant must have graduated from a school that is accredited by an agency recognized by the United States Secretary of Education as a specialized accrediting agency in mortuary science.
2. An applicant must pass an exam administered and developed by a national or international association of funeral service licensing boards.
3. An applicant must satisfactorily pass a Michigan examination.
4. An applicant must be of good moral character.

Individuals with a mortuary science license in another state seeking a license in Michigan by reciprocity must have completed a mortuary science educational program and satisfactorily passed both the national and state examination to obtain a mortuary science license in Michigan.

Starting with the renewal of a mortuary science license on October 31, 2025, licensees will be required to complete at least four hours of eligible continuing education courses during each calendar year. Compliance with this requirement must be demonstrated before an individual license may be renewed. Two of the four hours of continuing education hours must be dedicated to embalming and restorative art skills, ethics, grief counseling, occupational health and safety, communicable diseases, laws relating to the practice of funeral directing, prepaid funeral sales, consumer protection, or Federal Trade Commission rules.

### **Storage and Transportation of Dead Human Bodies and Cremated Remains**

Public Act 265 clarifies and makes consistent with the Public Health Code the requirements and responsibilities of mortuary science licensees related to the handling of dead human bodies and cremated remains. Licensees are responsible for the storage and transportation of dead human bodies including being expressly authorized to designate an employee or other person to transport or store a dead human body. The law further clarifies that a licensee is not responsible for transportation or storage of a body if the body is the subject of an anatomical gift, in

possession of a county medical examiner, or if it is removed from the place of death by police, fire, or other emergency personnel.

Public Act 265 also clarifies the immunity provision related to unclaimed cremated remains. Licensees are immune from civil liability based on the proper disposition of unclaimed cremated remains if they *maintain and safeguard* the remains, and any of the following occurs:

- Disposition occurs 6 months or longer after the date of cremation, and the licensee makes reasonable efforts to provide written notice of the disposition to the appropriate individuals.
- The remains are transferred to any relative of the decedent more than 1 year after the date of cremation.
- The disposition is made more than 2 years after the date of cremation.
- The disposition is authorized by a special fiduciary or personal representative.
- The disposition is authorized by a county medical examiner.

In all cases other than where the remains are transferred to a relative of the decedent, the disposition must be by interment, entombment, or inurnment in a Michigan cemetery.

### **License Fee Increase**

Public Act 334 of 2020 amends the State License Fee Act by increasing the license fees of funeral establishments and mortuary science licenses. Beginning October 1, 2021, fees for the individual mortuary science license and funeral establishment license will increase over the next three license cycles. For more information on the amounts and timing of the increases, see section 43 of the State License Fee act, [MCL 338.2243](#).