

MORTUARY SCIENCE STUDENTS

Phone: (517) 373-8080
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Senate Bill 239 as reported from House committee

Sponsor: Sen. Stephanie Chang

1st House Committee: Regulatory Reform

2nd House Committee: Ways and Means

Senate Committee: Regulatory Reform

Complete to 6-4-19

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: Senate Bill 239 would amend Article 18 of the Michigan Occupational Code to exempt mortuary science students from certain provisions limiting embalming-related actions to resident trainees or those licensed in mortuary science.

FISCAL IMPACT: Senate Bill 239 would not have a significant fiscal impact on any unit of state or local government.

THE APPARENT PROBLEM:

Administrative Rule R 339.18921(1)(b) states that the Department of Licensing and Regulatory Affairs (LARA) adopts by reference the standards in the American Board of Funeral Service Education (ABFSE) accreditation manual. Rule 6.9.1 of the ABFSE manual requires that each student of mortuary science actively participate in at least ten embalmings in order to fulfill the clinical embalming component of the curriculum.

Currently, as described below, the Occupational Code prohibits anyone but a mortuary science licensee or a resident trainee from embalming.

In November of 2018, LARA set May 31, 2019, as the date by which the legislature must resolve the conflict between rule and statute.

THE CONTENT OF THE BILL:

Senate Bill 239 would amend the Michigan Occupational Code to exempt mortuary science students from certain provisions limiting embalming-related actions to resident trainees or those licensed in mortuary science.

Currently, only a mortuary science licensee or a resident trainee under the supervision of a mortuary science licensee can place a chemical on or in a dead human body. The bill would extend this ability to a student enrolled in a higher education in mortuary science at a school, college, or university accredited by the applicable accrediting agency in funeral services or mortuary science.

The bill would take effect 90 days after enactment.

MCL 339.1803

ARGUMENTS:

For:

Supporters of the bill argued that in order protect the certification of the 781 students who have graduated since 1991 from Wayne State’s mortuary science program—the only accredited mortuary science program in Michigan—as well as the 21 who will graduate this year, the bill must be allowed to resolve the apparent conflict between rule and law. Additionally, proponents argued, failure to act in a timely manner could affect the functioning of funeral homes across the state, inasmuch as funeral homes, which are typically small, family-run businesses, would be adversely affected if the licensure of those working at those businesses were in jeopardy.

Against:

No arguments opposing the bill were offered in House committee.

POSITIONS:

The following entities indicated support for the bill:

- Department of Licensing and Regulatory Affairs (6-4-19)
- Wayne State University School of Mortuary Science (6-4-19)
- Service Corporation International (5-21-19)
- Michigan Funeral Directors Association (6-4-19)

Legislative Analyst: Jenny McInerney
Fiscal Analyst: Marcus Coffin

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.