

DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF THE STATE REGISTRAR

DISINTERMENT--REINTERMENT

(By authority conferred on the department of public health by section 2853 of Act No. 368 of the Public Acts of 1978, as amended, being S333.2853 of the Michigan Compiled Laws)

R 325.8051 Discovery of remains; notification of police required; exception.

Rule 1. A person who inadvertently discovers a burial or parts of a human skeleton shall immediately notify the police authority of the jurisdiction where the remains are found. If preliminary inspection by the police authority indicates that the remains are those of a prehistoric or historic native American, the state archaeologist of the Michigan history division, department of state, shall be immediately notified of the finding. This rule does not apply to archaeological excavations conducted by representatives of established scientific institutions or societies.

History: 1982 AACS.

R 325.8052 Disinterment permit; application; fee.

Rule 2. (1) A request for a disinterment permit shall be made to the local health officer in whose district the cemetery is located, and the request shall be made on an affidavit which is signed by a licensed funeral director and by a person or persons as follows:

- (a) The surviving spouse.
- (b) If no surviving spouse, then by all surviving children.
- (c) If no surviving children, then by the surviving parents.
- (d) If no surviving parents, then by all surviving brothers and sisters.

(2) The request shall be accompanied by a fee established by the local health department pursuant to section 2444 of Act No. 368 of the Public Acts of 1978, as amended, being S333.2444 of the Michigan Compiled Laws.

History: 1982 AACS.

R 325.8053 Affidavit content.

Rule 3. An affidavit shall contain all of the following information:

- (a) The name and address of the licensed funeral director to whom the permit is to be issued.
- (b) The name and address of the person petitioning for the permit.
- (c) The name of the lot or the burial right owner.
- (d) The name of the deceased.
- (e) The present location of the grave, including the lot number, the section number, or other location, such as a location in a mausoleum.
- (f) Reinterment location.
- (g) Relationship of petitioner to deceased.
- (h) Reason for disinterment.
- (i) Approval of all persons who may have a claim for the deceased as specified in R 325.8052.
- (j) Written consent of the lot or burial space owner or owners, if other than petitioner.

History: 1982 AACS.

R 325.8054 Local health officer; duties.

Rule 4. The local health officer or his or her designated representative shall do all of the following:

- (a) Review the affidavit for disinterment-reinterment.
- (b) Issue the disinterment-reinterment permit if the consent required by R 325.8052(1) has been obtained, or deny the disinterment-reinterment permit if the consent required by R 325.8052(1) has not been obtained.
- (c) Provide instructions or guidance to the funeral director on the handling of the disinterred body which is necessary to protect the health of the public and those handling the disinterred body.
- (d) Retain the affidavit for a period of not less than 5 years.

History: 1982 AACS.

R 325.8055 Disinterment of cremated remains; opening casket; permit not required.

Rule 5. (1) A permit is not required to disinter cremated remains. A request to disinter cremated remains may be made to the cemetery by the next surviving kin, as designated in R 325.8052, on an affidavit described in R 325.8053. The affidavit shall be maintained as part of the permanent records of the cemetery from which the cremated remains are removed.

(2) A permit is not required to open a casket to remove an article or to place an article in a casket.

History: 1982 AACS.

R 325.8056 Cemetery retention of permit.

Rule 6. A duplicate copy of the permit shall be maintained as part of the permanent records of the cemetery from which the deceased was removed.

History: 1982 AACS.

R 325.8057 Transportation of disinterred body.

Rule 7. A disinterred body shall not be accepted for transportation by common or contract carrier unless it has been enclosed in a container which insures against leakage, offensive odors, and other menaces to the public health and safety. A disinterred body may be transported by private vehicle, under the supervision of a licensed funeral director, if enclosed in any suitable container which insures against leakage, offensive odors, and other menaces to the public health and safety. The licensed funeral director in charge of disinterment shall be responsible for the proper conduct of the disinterment and removal.

History: 1982 AACS.