

REFERENCE TITLE: funeral practices; transportation protection agreements

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2255

Introduced by
Representative Wilmeth

AN ACT

AMENDING SECTION 32-1301, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 257, SECTION 3; AMENDING SECTION 32-1301, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 279, SECTION 1; AMENDING TITLE 32, CHAPTER 12, ARTICLE 3.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1378; RELATING TO FUNERAL PRACTICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1301, Arizona Revised Statutes, as amended by
3 Laws 2022, chapter 257, section 3, is amended to read:

4 32-1301. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Accredited" means being recognized or authorized by the
7 American board of funeral service education.

8 2. "Administrative costs and expenses" means the cost of copies,
9 transcripts, court reporter and witness fees, reimbursement for mileage
10 and office of administrative hearings costs.

11 3. "Alkaline hydrolysis" means a form of final disposition that
12 includes all of the following:

13 (a) Reducing a dead human body to essential elements through a
14 water-based dissolution process using alkaline chemicals, heat, agitation
15 and pressure to accelerate natural decomposition.

16 (b) Processing the hydrolyzed remains after they are removed from
17 the alkaline hydrolysis vessel.

18 (c) Placing the processed remains in a hydrolyzed remains
19 container.

20 (d) Releasing the hydrolyzed remains to an appropriate party.

21 4. "Alkaline hydrolysis container":

22 (a) Means a hydrolyzable or biodegradable closed container or pouch
23 that is resistant to leakage of bodily fluids, that encases a dead human
24 body and into which the body is placed before the container's insertion
25 into an alkaline hydrolysis vessel.

26 (b) Includes a hydrolyzable or biodegradable alternative container
27 or casket.

28 5. "Alkaline hydrolysis facility" means a building or structure
29 containing one or more alkaline hydrolysis vessels for alkaline
30 hydrolysis.

31 6. "Alkaline hydrolysis operator" means a person who is trained to
32 carry out the process of alkaline hydrolysis.

33 7. "Alkaline hydrolysis vessel" means the container in which
34 alkaline hydrolysis is performed.

35 8. "Alternative container" means any unfinished wood box or other
36 nonmetal receptacle or enclosure, without ornamentation or a fixed
37 interior lining, that is designed for encasing human remains.

38 9. "Authorizing agent" means a person who is legally entitled to
39 order the cremation, disinterment or embalming of human remains pursuant
40 to section 32-1365.02.

41 10. "Beneficiary" means a person whose future funeral arrangements
42 will be handled by a funeral establishment pursuant to a prearranged
43 funeral agreement.

44 11. "Board" means the state board of funeral directors and
45 embalmers.

1 12. "Business entity" includes any corporation, association,
2 limited liability company, professional corporation, partnership, limited
3 partnership, sole proprietorship, business trust, trust, joint venture and
4 other business entity.

5 13. "Casket" means a rigid container that is designed to
6 permanently encase human remains and that is usually constructed of wood,
7 metal or synthetic substances and ornamented and lined with fabric.

8 14. "Change of ownership" means a transfer of a controlling legal
9 or equitable interest in a licensed funeral establishment or crematory
10 resulting from a sale or merger. If the establishment or crematory is
11 operated by a business entity, any transfer of the ownership of ten
12 percent or more of the entity constitutes a change of ownership.

13 15. "Conviction" means a criminal adjudication or conviction by any
14 state or federal court of competent jurisdiction, including a judgment
15 based on a no contest plea, without regard to whether civil rights have
16 been restored.

17 16. "Cremated remains" means the remaining bone fragments after
18 cremation.

19 17. "Cremation" means the heating process that reduces human
20 remains to bone fragments by combustion and evaporation.

21 18. "Cremation container" means a leak and spill resistant, rigid,
22 combustible, closed receptacle into which human remains are placed before
23 cremation.

24 19. "Cremationist" means a person who operates a crematory retort,
25 who performs the actual cremation of human remains and who may be licensed
26 pursuant to article 6 of this chapter.

27 20. "Crematory" means a building or portion of a building that is
28 licensed pursuant to article 6 of this chapter and that houses a retort in
29 which only human remains are cremated.

30 21. "Disciplinary action" means an action taken by the board to
31 revoke or suspend a license or registration, to impose probationary
32 requirements or civil penalties or to issue a letter of censure or
33 reprimand to any person who is subject to this chapter and who violates
34 any provision of this chapter or rules adopted by the board.

35 22. "Embalmer" means a person who is licensed pursuant to this
36 chapter and who is engaged in embalming.

37 23. "Embalmer's assistant" means a person who is registered
38 pursuant to this chapter and who is engaged in embalming without the
39 supervision of a licensed embalmer.

40 24. "Embalming" means the implementation of reconstructive
41 procedures and the process of disinfecting and preserving a dead human
42 body to retard organic decomposition by treating the body to reduce the
43 presence and growth of organisms.

1 25. "Financial institution" means a bank, savings and loan
2 association, trust company or credit union that is lawfully doing business
3 in this state and that is not affiliated with a funeral establishment.

4 26. "Fixed price prearranged funeral agreement funded by trust"
5 means any agreement or combination of agreements that establishes a fixed
6 price for funeral goods and services, that requires a funeral
7 establishment to provide those funeral goods and services at the price
8 levels in effect at the time of the execution of the agreement and that
9 requires the purchaser to convey all or a portion of the accrued interest
10 to the funeral establishment at the time that the funeral goods and
11 services are actually provided.

12 27. "Funded by insurance" means that monies for a prearranged
13 funeral agreement are paid directly to an insurance company licensed
14 pursuant to title 20 on behalf of the beneficiary of the agreement.

15 28. "Funeral directing" means arranging, directing or providing a
16 service in the disposition of dead human bodies for compensation.

17 29. "Funeral director" means a person who is licensed pursuant to
18 this chapter and who is engaged in funeral directing.

19 30. "Funeral establishment" means a business at a specific location
20 that is licensed pursuant to this chapter and that is devoted to the care,
21 storage or preparation for final disposition or transportation of dead
22 human bodies.

23 31. "Funeral goods and services":

24 (a) Means any personal property or services that are typically sold
25 or provided in connection with the final disposition of human remains,
26 including caskets, alternative containers, outer burial containers,
27 cremation containers, transportation containers, funeral clothing or
28 accessories, monuments, grave markers, urns, embalming services, funeral
29 directing services and similar funeral or burial items.

30 (b) Does not include:

31 (i) Goods and services sold by cemeteries.

32 (ii) SERVICES PROVIDED PURSUANT TO A TRANSPORTATION PROTECTION
33 AGREEMENT.

34 32. "Good moral character" means that a person:

35 (a) Has not been convicted of a class 1 or 2 felony by a court of
36 competent jurisdiction.

37 (b) Has not, within five years of applying for licensure or
38 registration, been convicted of a felony or misdemeanor if the offense has
39 a reasonable relationship to the person's proposed area of licensure or
40 registration.

41 (c) Has not, within five years of applying for licensure or
42 registration, committed any act involving dishonesty, fraud,
43 misrepresentation, breach of fiduciary duty, gross negligence or
44 incompetence if the act has a reasonable relationship to the person's
45 proposed area of licensure or registration.

1 (d) Is not currently incarcerated in or on community supervision
2 after a period of imprisonment in a local, state or federal penal
3 institution or on criminal probation.

4 (e) Has not engaged in fraud or misrepresentation in connection
5 with an application for licensure or registration under this chapter or an
6 examination required for licensure or registration.

7 (f) Has not, within five years of applying for licensure or
8 registration, had a license, registration or endorsement revoked or
9 suspended by the board or by the funeral services licensing authority of
10 any other jurisdiction.

11 (g) Has not surrendered a license, registration or endorsement to
12 the board or the funeral licensing authority of any other jurisdiction in
13 lieu of disciplinary action.

14 (h) Has not practiced funeral directing or embalming without a
15 license in this state or any other jurisdiction that requires licensure to
16 perform these activities.

17 33. "Holding facility" means a designated area for retaining human
18 remains.

19 34. "Human remains" means a lifeless human body or parts of a human
20 body that allow a reasonable inference that death occurred.

21 35. "Intern" means a person who is licensed pursuant to this
22 chapter and who is engaged in either or both of the following:

23 (a) Embalming under the supervision of a licensed embalmer.

24 (b) Arranging and directing funerals under the supervision of a
25 licensed funeral director.

26 36. "Intern trainee" means a person who intends to enter training
27 as an intern and who is temporarily employed by a funeral establishment.

28 37. "License" means a written authorization that is issued by the
29 board and that entitles a person to act as a funeral director, embalmer,
30 intern or alkaline hydrolysis operator or to operate a funeral
31 establishment, crematory or alkaline hydrolysis facility in this state.

32 38. "Licensee" means a person to whom the board has issued a
33 license to act as a funeral director, embalmer, intern or alkaline
34 hydrolysis operator or to operate a funeral establishment, crematory or
35 alkaline hydrolysis facility in this state.

36 39. "Manage" means:

37 (a) That a responsible funeral director exercises control and
38 oversight over all employees of a funeral establishment and over funeral
39 transactions, including caring for dead human bodies, funeral services and
40 activities and documenting and retaining records.

41 (b) That a responsible cremationist exercises control and oversight
42 over all employees of a crematory and crematory operations.

43 40. "National board examination" means the test or tests given by
44 the conference of funeral service examining boards to determine the entry

1 level knowledge and skills of a person regarding funeral directing and
2 embalming.

3 41. "Net interest" means interest earned on a prearranged funeral
4 trust account minus applicable taxes, reasonable and necessary charges
5 made by the financial institution and the annual service fee allowed to be
6 deducted by the funeral establishment according to section 32-1391.06,
7 subsection B.

8 42. "Outer burial container" means a container that is designed for
9 placement in a grave around a casket, including burial vaults, grave boxes
10 and grave liners.

11 43. "Owner":

12 (a) Means a person who owns ten percent or more of a business
13 entity.

14 (b) Does not include shareholders of companies who have a class of
15 common equity stock listed or authorized to be listed on the New York
16 stock exchange or the American stock exchange or listed on the NASDAQ
17 stock market.

18 44. "Person legally responsible" means the person responsible for
19 burying a dead body as determined in section 36-831.

20 45. "Prearranged funeral agreement" means any agreement or
21 combination of agreements under which a payment is made before the death
22 of the intended beneficiary for funeral goods and services to be delivered
23 or performed after the death of the beneficiary.

24 46. "Prearranged funeral trust account" means a trust account that
25 is established at a financial institution and into which all monies paid
26 on behalf of a beneficiary pursuant to a prearranged funeral agreement are
27 deposited.

28 47. "Preparation" means washing, shaving, dressing or arranging
29 hair on, applying cosmetics to or positioning bodily features on a dead
30 human body and placing the dead human body in a casket.

31 48. "Processed cremated remains" means cremated remains after they
32 are pulverized and cleaned, leaving primarily small bone fragments.

33 49. "Provisionally accredited" means being granted candidacy status
34 by the American board of funeral service education.

35 50. "Registration" means a written authorization that is issued by
36 the board and that entitles a person to act as an assistant funeral
37 director, an embalmer's assistant or a prearranged funeral salesperson in
38 this state.

39 51. "Responsible cremationist" means a licensed cremationist who
40 manages a crematory.

41 52. "Responsible funeral director" means a person who is licensed
42 pursuant to this chapter, who is engaged in funeral directing and who
43 manages and is accountable for a funeral establishment.

44 53. "Retort" means an enclosed space within which cremation takes
45 place.

1 54. "State equivalent examination" means the test or tests that are
2 provided by the conference of funeral service examining boards and offered
3 by the board to determine the entry level knowledge and skills of a person
4 regarding funeral directing and embalming.

5 55. "Supervise" or "supervision" means that a licensed embalmer has
6 responsibility for and is within sight and sound of a licensed intern who
7 is embalming a dead human body or a student who is assisting in embalming
8 a dead human body.

9 56. "Temporary container" means a receptacle that is usually made
10 of cardboard, rigid plastic or another similar material and that is
11 designed to hold processed cremated remains until they are placed in an
12 urn or another permanent container.

13 57. "TRANSPORTATION PROTECTION AGREEMENT" MEANS AN AGREEMENT THAT
14 PRIMARILY PROVIDES OR ARRANGES FOR SERVICES THAT ARE RELATED TO PREPARING
15 HUMAN REMAINS OR CREMATED REMAINS FOR THE PURPOSE OF TRANSPORTATION.

16 ~~57.~~ 58. "Trust funds" means all monies that are deposited on
17 behalf of a beneficiary of a prearranged funeral agreement funded by trust
18 and all accrued net interest. Trust funds shall be considered an account
19 kept in suspense until distributed to the beneficiary, the funeral
20 establishment or the estate of the beneficiary in accordance with this
21 article.

22 ~~58.~~ 59. "Universal precautions" means the universal blood and
23 fluid precautions recommended by the centers for disease control of the
24 United States public health service to prevent the transmission of
25 bloodborne and bodily fluid-borne infectious diseases.

26 ~~59.~~ 60. "Unprofessional conduct" includes the following acts,
27 whether occurring in this state or elsewhere:

28 (a) Committing a class 1 or 2 felony.

29 (b) Committing a felony or misdemeanor if the offense has a
30 reasonable relationship to funeral directing or embalming. Conviction by
31 any court of competent jurisdiction or a plea of no contest is conclusive
32 evidence of the commission.

33 (c) Providing false, misleading or deceptive information on an
34 application for licensure or registration pursuant to this chapter or on
35 an examination required for licensure or registration.

36 (d) Bribing or offering to bribe, directly or indirectly, a member
37 of the board to influence the member's actions in performing the member's
38 duties.

39 (e) Wilfully interfering with an embalmer, funeral director or
40 cremationist who has lawful custody of a dead human body in performing the
41 embalmer's, funeral director's or cremationist's duty to embalm or prepare
42 the body for burial, transportation or cremation.

43 (f) Paying or causing monies or other valuable consideration to be
44 paid to a person, other than an employee of a funeral establishment, to

1 secure business regulated pursuant to this chapter from or through the
2 person.

3 (g) Violating any law of this state or any rule adopted by the
4 department of health services that relates to embalming or preparing dead
5 human bodies.

6 (h) Certifying falsely to having embalmed or prepared a dead human
7 body that was embalmed by a person other than a licensed embalmer making
8 the certification or an intern under the supervision of a licensed
9 embalmer making the certification.

10 (i) Falsely advertising or labeling any service or merchandise with
11 the intention of deceiving the public.

12 (j) Shipping or delivering any merchandise or supplies that are not
13 the substantial equivalent of or superior in quality to merchandise or
14 supplies previously presented to the purchaser as samples.

15 (k) Committing any act involving dishonesty, fraud,
16 misrepresentation, breach of fiduciary duty, gross negligence or
17 incompetence if the act has a reasonable relationship to funeral directing
18 or embalming.

19 (l) Engaging in any conduct or practice that is reasonably related
20 to funeral directing or embalming and that is or may be harmful or
21 dangerous to the health, safety or welfare of the public.

22 (m) Within a period of five years, having a license, registration
23 or endorsement suspended or revoked by the board or by the funeral
24 services licensing authority of any other jurisdiction or surrendering a
25 license, registration or endorsement in lieu of disciplinary action.

26 ~~60.~~ 61. "Urn" means a receptacle into which processed cremated
27 remains are placed for disposition.

28 Sec. 2. Section 32-1301, Arizona Revised Statutes, as amended by
29 Laws 2022, chapter 279, section 1, is amended to read:

30 32-1301. Definitions

31 In this chapter, unless the context otherwise requires:

32 1. "Accredited" means being recognized or authorized by the
33 American board of funeral service education.

34 2. "Administrative costs and expenses" means the cost of copies,
35 transcripts, court reporter and witness fees, reimbursement for mileage
36 and office of administrative hearings costs.

37 3. "Alternative container" means any unfinished wood box or other
38 nonmetal receptacle or enclosure, without ornamentation or a fixed
39 interior lining, that is designed for encasing human remains.

40 4. "Authorizing agent" means a person who is legally entitled to
41 order the cremation, disinterment or embalming of human remains pursuant
42 to section 32-1365.02.

43 5. "Beneficiary" means a person whose future funeral arrangements
44 will be handled by a funeral establishment pursuant to a prearranged
45 funeral agreement.

1 6. "Business entity" includes any corporation, association, limited
2 liability company, professional corporation, partnership, limited
3 partnership, sole proprietorship, business trust, trust, joint venture and
4 other business entity.

5 7. "Casket" means a rigid container that is designed to permanently
6 encase human remains and that is usually constructed of wood, metal or
7 synthetic substances and ornamented and lined with fabric.

8 8. "Change of ownership" means a transfer of a controlling legal or
9 equitable interest in a registered funeral establishment or crematory
10 resulting from a sale or merger. If the establishment or crematory is
11 operated by a business entity, any transfer of the ownership of ten
12 percent or more of the entity constitutes a change of ownership.

13 9. "Conviction" means a criminal adjudication or conviction by any
14 state or federal court of competent jurisdiction, including a judgment
15 based on a no contest plea, without regard to whether civil rights have
16 been restored.

17 10. "Cremated remains" means the remaining bone fragments after
18 cremation.

19 11. "Cremation" means the heating process that reduces human
20 remains to bone fragments by combustion and evaporation.

21 12. "Cremation container" means a leak and spill resistant, rigid,
22 combustible, closed receptacle into which human remains are placed before
23 cremation.

24 13. "Cremationist" means a person who operates a crematory retort,
25 who performs the actual cremation of human remains and who may be
26 registered pursuant to article 6 of this chapter.

27 14. "Crematory" means a building or portion of a building that is
28 registered pursuant to article 6 of this chapter and that houses a retort
29 in which only human remains are cremated.

30 15. "Disciplinary action" means an action taken to revoke or
31 suspend a registration, to impose probationary requirements or civil
32 penalties or to issue a letter of censure or reprimand to any person who
33 is subject to this chapter and who violates any provision of this chapter
34 or rules.

35 16. "Embalmer" means a person who is registered pursuant to this
36 chapter and who is engaged in embalming.

37 17. "Embalmer's assistant" means a person who is registered
38 pursuant to this chapter and who is engaged in embalming without the
39 supervision of a registered embalmer.

40 18. "Embalming" means the implementation of reconstructive
41 procedures and the process of disinfecting and preserving a dead human
42 body to retard organic decomposition by treating the body to reduce the
43 presence and growth of organisms.

1 19. "Financial institution" means a bank, savings and loan
2 association, trust company or credit union that is lawfully doing business
3 in this state and that is not affiliated with a funeral establishment.

4 20. "Fixed price prearranged funeral agreement funded by trust"
5 means any agreement or combination of agreements that establishes a fixed
6 price for funeral goods and services, that requires a funeral
7 establishment to provide those funeral goods and services at the price
8 levels in effect at the time of the execution of the agreement and that
9 requires the purchaser to convey all or a portion of the accrued interest
10 to the funeral establishment at the time that the funeral goods and
11 services are actually provided.

12 21. "Funded by insurance" means that monies for a prearranged
13 funeral agreement are paid directly to an insurance company licensed
14 pursuant to title 20 on behalf of the beneficiary of the agreement.

15 22. "Funeral directing" means arranging, directing or providing a
16 service in the disposition of dead human bodies for compensation.

17 23. "Funeral director" means a person who is registered pursuant to
18 this chapter and who is engaged in funeral directing.

19 24. "Funeral establishment" means a business at a specific location
20 that is registered pursuant to this chapter and that is devoted to the
21 care, storage or preparation for final disposition or transportation of
22 dead human bodies.

23 25. "Funeral goods and services":

24 (a) Means any personal property or services that are typically sold
25 or provided in connection with the final disposition of human remains,
26 including caskets, alternative containers, outer burial containers,
27 cremation containers, transportation containers, funeral clothing or
28 accessories, monuments, grave markers, urns, embalming services, funeral
29 directing services and similar funeral or burial items.

30 (b) Does not include:

31 (i) Goods and services sold by cemeteries.

32 (ii) SERVICES PROVIDED PURSUANT TO A TRANSPORTATION PROTECTION
33 AGREEMENT.

34 26. "Good moral character" means that a person:

35 (a) Has not been convicted of a class 1 or 2 felony by a court of
36 competent jurisdiction.

37 (b) Has not, within five years of applying for registration, been
38 convicted of a felony or misdemeanor if the offense has a reasonable
39 relationship to the person's proposed area of registration.

40 (c) Has not, within five years of applying for registration,
41 committed any act involving dishonesty, fraud, misrepresentation, breach
42 of fiduciary duty, gross negligence or incompetence if the act has a
43 reasonable relationship to the person's proposed area of registration.

1 (d) Is not currently incarcerated in or on community supervision
2 after a period of imprisonment in a local, state or federal penal
3 institution or on criminal probation.

4 (e) Has not engaged in fraud or misrepresentation in connection
5 with an application for registration under this chapter or an examination
6 required for registration.

7 (f) Has not, within five years of applying for registration, had a
8 license, registration or endorsement revoked or suspended by the funeral
9 services regulating authority of this state or any other jurisdiction.

10 (g) Has not surrendered a license, registration or endorsement to
11 the funeral services regulating authority of this state or any other
12 jurisdiction in lieu of disciplinary action.

13 (h) Has not practiced funeral directing or embalming without a
14 registration in this state or any other jurisdiction that requires
15 registration to perform these activities.

16 27. "Holding facility" means a designated area for retaining human
17 remains.

18 28. "Human remains" means a lifeless human body or parts of a human
19 body that allow a reasonable inference that death occurred.

20 29. "Intern" means a person who is registered pursuant to this
21 chapter and who is engaged in either or both of the following:

22 (a) Embalming under the supervision of a registered embalmer.

23 (b) Arranging and directing funerals under the supervision of a
24 registered funeral director.

25 30. "Intern trainee" means a person who intends to enter training
26 as an intern and who is temporarily employed by a funeral establishment.

27 31. "Manage" means:

28 (a) That a responsible funeral director exercises control and
29 oversight over all employees of a funeral establishment and over funeral
30 transactions, including the care of dead human bodies, funeral services
31 and activities and the documentation and retention of records.

32 (b) That a responsible cremationist exercises control and oversight
33 over all employees of a crematory and crematory operations.

34 32. "National board examination" means the test or tests given by
35 the conference of funeral service examining boards to determine the entry
36 level knowledge and skills of a person regarding funeral directing and
37 embalming.

38 33. "Net interest" means interest earned on a prearranged funeral
39 trust account minus applicable taxes, reasonable and necessary charges
40 made by the financial institution and the annual service fee allowed to be
41 deducted by the funeral establishment according to section 32-1391.06,
42 subsection B.

43 34. "Outer burial container" means a container that is designed for
44 placement in a grave around a casket, including burial vaults, grave boxes
45 and grave liners.

1 35. "Owner":

2 (a) Means a person who owns ten percent or more of a business
3 entity.

4 (b) Does not include shareholders of companies who have a class of
5 common equity stock listed or authorized to be listed on the New York
6 stock exchange or the American stock exchange or listed on the NASDAQ
7 stock market.

8 36. "Person legally responsible" means the person responsible for
9 burying a dead body as determined in section 36-831.

10 37. "Prearranged funeral agreement" means any agreement or
11 combination of agreements under which a payment is made before the death
12 of the intended beneficiary for funeral goods and services to be delivered
13 or performed after the death of the beneficiary.

14 38. "Prearranged funeral trust account" means a trust account that
15 is established at a financial institution and into which all monies paid
16 on behalf of a beneficiary pursuant to a prearranged funeral agreement are
17 deposited.

18 39. "Preparation" means washing, shaving, dressing or arranging
19 hair on, applying cosmetics to or positioning bodily features on a dead
20 human body and placing the dead human body in a casket.

21 40. "Processed cremated remains" means cremated remains after they
22 are pulverized and cleaned, leaving primarily small bone fragments.

23 41. "Provisionally accredited" means being granted candidacy status
24 by the American board of funeral service education.

25 42. "Registrant" means a person who is registered by the funeral
26 services regulating authority of this state to act as a funeral director,
27 embalmer or intern or to operate a funeral establishment or crematory in
28 this state.

29 43. "Registration" means government registration as defined in
30 section 41-3501 and entitles a person to act as an assistant funeral
31 director, an embalmer's assistant or a prearranged funeral salesperson in
32 this state.

33 44. "Responsible cremationist" means a registered cremationist who
34 manages a crematory.

35 45. "Responsible funeral director" means a person who is registered
36 pursuant to this chapter, who is engaged in funeral directing and who
37 manages and is accountable for a funeral establishment.

38 46. "Retort" means an enclosed space within which cremation takes
39 place.

40 47. "State equivalent examination" means the test or tests that are
41 provided by the conference of funeral service examining boards and offered
42 by the regulating authority of this state to determine the entry level
43 knowledge and skills of a person regarding funeral directing and
44 embalming.

1 48. "Supervise" or "supervision" means that a registered embalmer
2 has responsibility for and is within sight and sound of a registered
3 intern who is embalming a dead human body or a student who is assisting in
4 embalming a dead human body.

5 49. "Temporary container" means a receptacle that is usually made
6 of cardboard, rigid plastic or another similar material and that is
7 designed to hold processed cremated remains until they are placed in an
8 urn or another permanent container.

9 50. "TRANSPORTATION PROTECTION AGREEMENT" MEANS AN AGREEMENT THAT
10 PRIMARILY PROVIDES OR ARRANGES FOR SERVICES THAT ARE RELATED TO PREPARING
11 HUMAN REMAINS OR CREMATED REMAINS FOR THE PURPOSE OF TRANSPORTATION.

12 ~~50.~~ 51. "Trust funds" means all monies that are deposited on
13 behalf of a beneficiary of a prearranged funeral agreement funded by trust
14 and all accrued net interest. Trust funds shall be considered an account
15 kept in suspense until distributed to the beneficiary, the funeral
16 establishment or the estate of the beneficiary in accordance with this
17 article.

18 ~~51.~~ 52. "Universal precautions" means the universal blood and
19 fluid precautions recommended by the centers for disease control of the
20 United States public health service to prevent the transmission of
21 bloodborne and bodily fluid-borne infectious diseases.

22 ~~52.~~ 53. "Unprofessional conduct" includes the following acts,
23 whether occurring in this state or elsewhere:

24 (a) Committing a class 1 or 2 felony.

25 (b) Committing a felony or misdemeanor if the offense has a
26 reasonable relationship to funeral directing or embalming. Conviction by
27 any court of competent jurisdiction or a plea of no contest is conclusive
28 evidence of the commission.

29 (c) Providing false, misleading or deceptive information on an
30 application for registration pursuant to this chapter or on an examination
31 required for registration.

32 (d) Bribing or offering to bribe, directly or indirectly, a member
33 of the funeral services regulating authority of this state to influence
34 the member's actions in performing the member's duties.

35 (e) Wilfully interfering with an embalmer, funeral director or
36 cremationist who has lawful custody of a dead human body in performing the
37 embalmer's, funeral director's or cremationist's duty to embalm or prepare
38 the body for burial, transportation or cremation.

39 (f) Paying or causing monies or other valuable consideration to be
40 paid to a person, other than an employee of a funeral establishment, to
41 secure business regulated pursuant to this chapter from or through the
42 person.

43 (g) Violating any law of this state or any rule adopted by the
44 department of health services that relates to embalming or preparing dead
45 human bodies.

1 (h) Certifying falsely to having embalmed or prepared a dead human
2 body that was embalmed by a person other than a registered embalmer making
3 the certification or an intern under the supervision of a registered
4 embalmer making the certification.

5 (i) Falsely advertising or labeling any service or merchandise with
6 the intention of deceiving the public.

7 (j) Shipping or delivering any merchandise or supplies that are not
8 the substantial equivalent of or superior in quality to merchandise or
9 supplies previously presented to the purchaser as samples.

10 (k) Committing any act involving dishonesty, fraud,
11 misrepresentation, breach of fiduciary duty, gross negligence or
12 incompetence if the act has a reasonable relationship to funeral directing
13 or embalming.

14 (l) Engaging in any conduct or practice that is reasonably related
15 to funeral directing or embalming and that is or may be harmful or
16 dangerous to the health, safety or welfare of the public.

17 (m) Within a period of five years, having a license, registration
18 or endorsement suspended or revoked by the funeral services regulating
19 authority of this state or any other jurisdiction or surrendering a
20 license, registration or endorsement in lieu of disciplinary action.

21 ~~53.~~ 54. "Urn" means a receptacle into which processed cremated
22 remains are placed for disposition.

23 Sec. 3. Title 32, chapter 12, article 3.1, Arizona Revised
24 Statutes, is amended by adding section 32-1378, to read:

25 32-1378. [Transportation protection agreements](#)

26 A TRANSPORTATION PROTECTION AGREEMENT IS NOT INSURANCE UNDER THIS
27 CHAPTER OR UNDER TITLE 20, CHAPTER 29.