

~~funeral services regulation; DHS~~  
(now: funeral services; DHS; advisory committee)

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

# SENATE BILL 1210

## AN ACT

AMENDING SECTIONS 32-321 AND 32-506, ARIZONA REVISED STATUTES; AMENDING SECTION 32-1301, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 257, SECTION 3; REPEALING SECTION 32-1301, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 279, SECTION 1; AMENDING SECTION 32-1302, ARIZONA REVISED STATUTES; REPEALING SECTIONS 32-1303, 32-1304, 32-1305 AND 32-1306, ARIZONA REVISED STATUTES; AMENDING SECTION 32-1307, ARIZONA REVISED STATUTES; REPEALING SECTION 32-1308, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 12, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 32-1308; AMENDING SECTIONS 32-1309, 32-1310, 32-1311, 32-1321, 32-1322 AND 32-1323, ARIZONA REVISED STATUTES; REPEALING SECTION 32-1324, ARIZONA REVISED STATUTES; PROVIDING FOR TRANSFERRING AND RENUMBERING; AMENDING SECTION 32-1324, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; REPEALING SECTIONS 32-1325 AND 32-1325.01, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-1326, 32-1327, 32-1328 AND 32-1329, ARIZONA REVISED STATUTES; REPEALING SECTION 32-1330, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-1331, 32-1333, 32-1334, 32-1335 AND 32-1336, ARIZONA REVISED STATUTES; REPEALING SECTION 32-1337, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-1338, 32-1339, 32-1341, 32-1342, 32-1343, 32-1344, 32-1346, 32-1347 AND 32-1361, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 12, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1361.01; AMENDING SECTIONS 32-1365.02, 32-1366, 32-1367, 32-1368, 32-1369, 32-1371, 32-1372, 32-1373, 32-1374, 32-1375, 32-1376, 32-1377, 32-1381, 32-1382, 32-1383, 32-1388, 32-1389, 32-1390, 32-1390.01, 32-1390.02, 32-1391.01, 32-1391.02,

32-1391.03, 32-1391.04, 32-1391.09, 32-1391.12 AND 32-1391.13, ARIZONA REVISED STATUTES; REPEALING SECTIONS 32-1391.14 AND 32-1391.15, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-1391.16, 32-1393, 32-1394, 32-1394.01, 32-1395, 32-1397, 32-1397.01, 32-1397.02, 32-1398, 32-1399, 32-2194.03 AND 41-1092, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3023.17, ARIZONA REVISED STATUTES; AMENDING SECTION 41-3028.03, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO FUNERAL SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-321, Arizona Revised Statutes, is amended to  
3 read:

4 32-321. Nonapplicability of chapter

5 This chapter does not apply to the following persons while in the  
6 proper discharge of their professional duties:

7 1. Medical practitioners licensed pursuant to this title who treat  
8 physical or mental ailments or disease.

9 2. Persons who perform services without compensation in case of  
10 emergency or in domestic administration.

11 3. Commissioned physicians and surgeons serving in the armed forces  
12 of the United States or other federal agencies.

13 4. Students attending schools licensed ~~pursuant to this chapter or~~  
14 ~~chapter 5 of this title~~ BY THE BOARD while they are on school premises  
15 during school hours OR OFF CAMPUS AT A SCHOOL-SPONSORED EVENT.

16 5. Persons WHO ARE licensed pursuant to chapter 5 ~~or 12~~ of this  
17 title OR WHO WORK IN A PROFESSION REGULATED UNDER CHAPTER 12 OF THIS  
18 TITLE.

19 6. Shampoo assistants who shampoo hair under the direction of a  
20 barber licensed pursuant to this chapter.

21 7. Persons who are in the custody of the state department of  
22 corrections and who perform services for persons in the custody of the  
23 state department of corrections.

24 8. Persons who are participating in a department of economic  
25 security-approved apprenticeship program in barbering as described in  
26 section 32-322 while working with a mentor in an establishment that is  
27 licensed by the board.

28 9. Persons who are licensed in another state, who are in this state  
29 for not more than two weeks and who provide services for persons who are  
30 attending an athletic, charitable, artistic or social event in this state.

31 Sec. 2. Section 32-506, Arizona Revised Statutes, is amended to  
32 read:

33 32-506. Nonapplicability of chapter

34 This chapter does not apply to the following persons while in the  
35 proper discharge of their professional duties:

36 1. Medical practitioners who are licensed pursuant to this title if  
37 the practices treat physical or mental ailments or disease.

38 2. Commissioned physicians and surgeons who are serving in the  
39 armed forces of the United States or other federal agencies.

40 3. Persons who are licensed pursuant to chapter 3 ~~or 12~~ of this  
41 title OR WHO WORK IN A PROFESSION THAT IS REGULATED UNDER CHAPTER 12 OF  
42 THIS TITLE.

43 4. Students who are attending schools licensed ~~pursuant to this~~  
44 ~~chapter~~ BY THE BOARD while they are on school premises during school hours  
45 or off campus at a school-sponsored event.

- 1           5. Persons employed by theatrical groups who apply makeup, oils and  
2 cosmetics.
- 3           6. Persons who sell makeup, oils and cosmetics and who apply such  
4 products during the process of selling such products.
- 5           7. Shampoo assistants who shampoo hair under the direction of a  
6 cosmetologist or hairstylist licensed pursuant to this chapter.
- 7           8. Services performed by and for persons who are in the custody of  
8 the state department of corrections.
- 9           9. Persons who apply makeup, oils and cosmetics to patients in a  
10 hospital, nursing home or residential care institution with the consent of  
11 the patient and the hospital, nursing home or residential care  
12 institution.
- 13          10. Persons who provide a service that results in tension on hair  
14 strands or roots by twisting, wrapping, weaving, extending, locking or  
15 braiding if the service does not include the application of dyes, reactive  
16 chemicals or other preparations to alter the color of the hair or to  
17 straighten, curl or alter the structure of the hair.
- 18          11. Persons who provide threading.
- 19          12. Persons who provide tanning services by means of airbrushing,  
20 tanning beds or spray tanning.
- 21          13. Persons who apply makeup, including eyelash enhancements. This  
22 paragraph does not apply if a person is engaging in the practice of  
23 aesthetics or cosmetology. A person who is exempt pursuant to this  
24 paragraph shall post a sign in a conspicuous location in the person's  
25 place of business notifying the public that the person's services are not  
26 regulated by the board.
- 27          14. Persons who dry, style, arrange, dress, curl, hot iron or  
28 shampoo and condition hair if the service does not include applying  
29 reactive chemicals to permanently straighten, curl or alter the structure  
30 of the hair and if the person takes and completes a class relating to  
31 sanitation, infection protection and law review that is provided by the  
32 board or its designee. This paragraph does not apply if a person is  
33 engaging in the practice of aesthetics or cosmetology. A person who is  
34 exempt pursuant to this paragraph shall post a sign in a conspicuous  
35 location in the person's place of business notifying the public that the  
36 person's services are not regulated by the board.
- 37          15. Persons who are participating in a department of economic  
38 security-approved apprenticeship program in cosmetology as described in  
39 section 32-511 while working with a mentor in an establishment that is  
40 licensed by the board.
- 41          16. Persons who are licensed in another state and who are working  
42 in this state at a charitable event that benefits a nonprofit  
43 organization.
- 44          17. Persons who are licensed in another state, who are in this  
45 state for not more than two weeks and who provide services for persons who

1 are attending an athletic, charitable, artistic or social event in this  
2 state.

3 18. Persons who are enrolled in a school that is licensed by the  
4 board and who shampoo, rinse and apply cream rinse, conditioners and  
5 reconstructors to hair, including hair that has been treated with color or  
6 bleach.

7 Sec. 3. Heading change

8 A. The chapter heading of title 32, chapter 12, Arizona Revised  
9 Statutes, is changed from "FUNERAL DIRECTORS AND EMBALMERS" to "FUNERAL  
10 INDUSTRY PROFESSIONALS".

11 B. The article heading of title 32, chapter 12, article 1, Arizona  
12 Revised Statutes, is changed from "BOARD OF FUNERAL DIRECTORS AND  
13 EMBALMERS" to "FUNERAL SERVICES".

14 Sec. 4. Section 32-1301, Arizona Revised Statutes, as amended by  
15 Laws 2022, chapter 257, section 3, is amended to read:

16 32-1301. Definitions

17 In this chapter, unless the context otherwise requires:

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

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

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

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

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

30 (c) Placing the processed remains in a hydrolyzed remains  
31 container.

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

33 4. "Alkaline hydrolysis container":

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

38 (b) Includes a hydrolyzable or biodegradable alternative container  
39 or casket.

40 5. "Alkaline hydrolysis facility" means a building or structure  
41 containing one or more alkaline hydrolysis vessels for alkaline  
42 hydrolysis.

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

1           7. "Alkaline hydrolysis vessel" means the container in which  
2 alkaline hydrolysis is performed.

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

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

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

12           ~~11. "Board" means the state board of funeral directors and~~  
13 ~~embalmers.~~

14           ~~12.~~ 11. "Business entity" includes any corporation, association,  
15 limited liability company, professional corporation, partnership, limited  
16 partnership, sole proprietorship, business trust, trust, joint venture and  
17 other business entity.

18           ~~13.~~ 12. "Casket" means a rigid container that is designed to  
19 permanently encase human remains and that is usually constructed of wood,  
20 metal or synthetic substances and ornamented and lined with fabric.

21           ~~14.~~ 13. "Change of ownership" means a transfer of a controlling  
22 legal or equitable interest in a licensed funeral establishment or  
23 crematory resulting from a sale or merger. If the establishment or  
24 crematory is operated by a business entity, any transfer of the ownership  
25 of ten percent or more of the entity constitutes a change of ownership.

26           ~~15.~~ 14. "Conviction" means a criminal adjudication or conviction  
27 by any state or federal court of competent jurisdiction, including a  
28 judgment based on a no contest plea, without regard to whether civil  
29 rights have been restored.

30           ~~16.~~ 15. "Cremated remains" means the remaining bone fragments  
31 after cremation.

32           ~~17.~~ 16. "Cremation" means the heating process that reduces human  
33 remains to bone fragments by combustion and evaporation.

34           ~~18.~~ 17. "Cremation container" means a leak and spill resistant,  
35 rigid, combustible, closed receptacle into which human remains are placed  
36 before cremation.

37           ~~19.~~ 18. "Cremationist" means a person who operates a crematory  
38 retort, who performs the actual cremation of human remains and who may be  
39 licensed pursuant to article 6 of this chapter.

40           ~~20.~~ 19. "Crematory" means a building or portion of a building that  
41 is licensed pursuant to article 6 of this chapter and that houses a retort  
42 in which only human remains are cremated.

43           20. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

44           21. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

1           ~~21.~~ 22. "Disciplinary action" means an action taken ~~by the board~~  
2 to revoke or suspend a license ~~or registration~~, to impose probationary  
3 requirements or civil penalties or to issue a letter of censure or  
4 reprimand to any person who is subject to this chapter and who violates  
5 any provision of this chapter or rules ~~adopted by the board~~.

6           ~~22.~~ 23. "Embalmer" means a person who is licensed pursuant to this  
7 chapter and who is engaged in embalming.

8           ~~23. "Embalmer's assistant" means a person who is registered~~  
9 ~~pursuant to this chapter and who is engaged in embalming without the~~  
10 ~~supervision of a an licensed embalmer.~~

11           24. "Embalming" means the implementation of reconstructive  
12 procedures and the process of disinfecting and preserving a dead human  
13 body to retard organic decomposition by treating the body to reduce the  
14 presence and growth of organisms.

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

18           26. "Fixed price prearranged funeral agreement funded by trust"  
19 means any agreement or combination of agreements that establishes a fixed  
20 price for funeral goods and services, that requires a funeral  
21 establishment to provide those funeral goods and services at the price  
22 levels in effect at the time of the execution of the agreement and that  
23 requires the purchaser to convey all or a portion of the accrued interest  
24 to the funeral establishment at the time that the funeral goods and  
25 services are actually provided.

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

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

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

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

37           31. "Funeral goods and services":

38           (a) Means any personal property or services that are typically sold  
39 or provided in connection with the final disposition of human remains,  
40 including caskets, alternative containers, outer burial containers,  
41 cremation containers, transportation containers, funeral clothing or  
42 accessories, monuments, grave markers, urns, embalming services, funeral  
43 directing services and similar funeral or burial items.

44           (b) Does not include goods and services sold by cemeteries.

1           ~~32. "Good moral character" means that a person:~~  
2           ~~(a) Has not been convicted of a class 1 or 2 felony by a court of~~  
3 ~~competent jurisdiction.~~  
4           ~~(b) Has not, within five years of applying for licensure or~~  
5 ~~registration, been convicted of a felony or misdemeanor if the offense has~~  
6 ~~a reasonable relationship to the person's proposed area of licensure or~~  
7 ~~registration.~~  
8           ~~(c) Has not, within five years of applying for licensure or~~  
9 ~~registration, committed any act involving dishonesty, fraud,~~  
10 ~~misrepresentation, breach of fiduciary duty, gross negligence or~~  
11 ~~incompetence if the act has a reasonable relationship to the person's~~  
12 ~~proposed area of licensure or registration.~~  
13           ~~(d) Is not currently incarcerated in or on community supervision~~  
14 ~~after a period of imprisonment in a local, state or federal penal~~  
15 ~~institution or on criminal probation.~~  
16           ~~(e) Has not engaged in fraud or misrepresentation in connection~~  
17 ~~with an application for licensure or registration under this chapter or an~~  
18 ~~examination required for licensure or registration.~~  
19           ~~(f) Has not, within five years of applying for licensure or~~  
20 ~~registration, had a license, registration or endorsement revoked or~~  
21 ~~suspended by the board or by the funeral services licensing authority of~~  
22 ~~any other jurisdiction.~~  
23           ~~(g) Has not surrendered a license, registration or endorsement to~~  
24 ~~the board or the funeral licensing authority of any other jurisdiction in~~  
25 ~~lieu of disciplinary action.~~  
26           ~~(h) Has not practiced funeral directing or embalming without a~~  
27 ~~license in this state or any other jurisdiction that requires licensure to~~  
28 ~~perform these activities.~~  
29        33. 32. "Holding facility" means a designated area for retaining  
30 human remains.  
31        34. 33. "Human remains" means a lifeless human body or parts of a  
32 human body that allow a reasonable inference that death occurred.  
33        ~~35. "Intern" means a person who is licensed pursuant to this~~  
34 ~~chapter and who is engaged in either or both of the following:~~  
35           ~~(a) Embalming under the supervision of a licensed embalmer.~~  
36           ~~(b) Arranging and directing funerals under the supervision of a~~  
37 ~~licensed funeral director.~~  
38        ~~36. "Intern trainee" means a person who intends to enter training~~  
39 ~~as an intern and who is temporarily employed by a funeral establishment.~~  
40        37. 34. "License" means a written authorization that is issued by  
41 the board DEPARTMENT and that entitles a person to act as a funeral  
42 director, OR embalmer, intern or alkaline hydrolysis operator or to  
43 operate a funeral establishment, crematory or alkaline hydrolysis facility  
44 in this state.



1           ~~38.~~ 35. "Licensee" means a person to whom the ~~board~~ DEPARTMENT has  
2 issued a license ~~to act as a funeral director, embalmer, intern or~~  
3 ~~alkaline hydrolysis operator or to operate a funeral establishment,~~  
4 ~~crematory or alkaline hydrolysis facility in this state~~ UNDER THIS  
5 CHAPTER.

6           ~~39.~~ 36. "Manage" means:

7           (a) That a responsible funeral director exercises control and  
8 oversight over all employees of a funeral establishment and over funeral  
9 transactions, including caring for dead human bodies, funeral services and  
10 activities and documenting and retaining records.

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

13           ~~40.~~ 37. "National board examination" means the test or tests given  
14 by the INTERNATIONAL conference of funeral service examining boards to  
15 determine the entry level knowledge and skills of a person regarding  
16 funeral directing and embalming.

17           ~~41.~~ 38. "Net interest" means interest earned on a prearranged  
18 funeral trust account minus applicable taxes, reasonable and necessary  
19 charges made by the financial institution and the annual service fee  
20 allowed to be deducted by the funeral establishment according to section  
21 32-1391.06, subsection B.

22           ~~42.~~ 39. "Outer burial container" means a container that is  
23 designed for placement in a grave around a casket, including burial  
24 vaults, grave boxes and grave liners.

25           ~~43.~~ 40. "Owner":

26           (a) Means a person who owns ten percent or more of a business  
27 entity.

28           (b) Does not include shareholders of companies who have a class of  
29 common equity stock listed or authorized to be listed on the New York  
30 stock exchange or the American stock exchange or listed on the NASDAQ  
31 stock market.

32           ~~44.~~ 41. "Person legally responsible" means the person responsible  
33 for burying a dead body as determined in section 36-831.

34           ~~45.~~ 42. "Prearranged funeral agreement" means any agreement or  
35 combination of agreements under which a payment is made before the death  
36 of the intended beneficiary for funeral goods and services to be delivered  
37 or performed after the death of the beneficiary.

38           ~~46.~~ 43. "Prearranged funeral trust account" means a trust account  
39 that is established at a financial institution and into which all monies  
40 paid on behalf of a beneficiary pursuant to a prearranged funeral  
41 agreement are deposited.

42           ~~47.~~ 44. "Preparation" means washing, shaving, dressing or  
43 arranging hair on, applying cosmetics to or positioning bodily features on  
44 a dead human body and placing the dead human body in a casket.

1           ~~48.~~ 45. "Processed cremated remains" means cremated remains after  
2 they are pulverized and cleaned, leaving primarily small bone fragments.

3           ~~49.~~ 46. "Provisionally accredited" means being granted candidacy  
4 status by the American board of funeral service education.

5           ~~50. "Registration" means a written authorization that is issued by  
6 the board and that entitles a person to act as an assistant funeral  
7 director, an embalmer's assistant or a prearranged funeral salesperson in  
8 this state.~~

9           ~~51.~~ 47. "Responsible cremationist" means a licensed cremationist  
10 who manages a crematory.

11           ~~52.~~ 48. "Responsible funeral director" means a person who is  
12 licensed pursuant to this chapter, who is engaged in funeral directing and  
13 who manages and is accountable for a funeral establishment.

14           ~~53.~~ 49. "Retort" means an enclosed space within which cremation  
15 takes place.

16           ~~54.~~ 50. "State equivalent examination" means the test or tests  
17 that are provided by the INTERNATIONAL conference of funeral service  
18 examining boards and offered by the ~~board~~ DEPARTMENT to determine the  
19 entry level knowledge and skills of a person regarding funeral directing  
20 and embalming.

21           ~~55.~~ 51. "Supervise" or "supervision" means that a licensed  
22 embalmer has responsibility for and is within sight and sound of a  
23 ~~licensed intern~~ PERSON who is embalming a dead human body or ~~a student who~~  
24 ~~is~~ assisting in embalming a dead human body.

25           ~~56.~~ 52. "Temporary container" means a receptacle that is usually  
26 made of cardboard, rigid plastic or another similar material and that is  
27 designed to hold processed cremated remains until they are placed in an  
28 urn or another permanent container.

29           ~~57.~~ 53. "Trust funds" means all monies that are deposited on  
30 behalf of a beneficiary of a prearranged funeral agreement funded by trust  
31 and all accrued net interest. Trust funds shall be considered an account  
32 kept in suspense until distributed to the beneficiary, the funeral  
33 establishment or the estate of the beneficiary in accordance with this  
34 article.

35           ~~58.~~ 54. "Universal precautions" means the universal blood and  
36 fluid precautions recommended by the centers for disease control of the  
37 United States public health service to prevent the transmission of  
38 bloodborne and bodily fluid-borne infectious diseases.

39           ~~59.~~ 55. "Unprofessional conduct" includes the following acts,  
40 whether occurring in this state or elsewhere:

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

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

1 (c) Providing false, misleading or deceptive information on an  
2 application for licensure ~~or registration~~ pursuant to this chapter or on  
3 an examination required for licensure ~~or registration~~.

4 (d) Bribing or offering to bribe, directly or indirectly, ~~a member~~  
5 AN EMPLOYEE of the ~~board~~ DEPARTMENT to influence the ~~member's~~ EMPLOYEE'S  
6 actions in performing the ~~member's~~ EMPLOYEE'S duties.

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

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

15 (g) Violating any law of this state or any rule adopted by the  
16 department ~~of health services~~ that relates to embalming or preparing dead  
17 human bodies.

18 (h) Certifying falsely to having embalmed or prepared a dead human  
19 body that was embalmed by ~~a~~ ANOTHER person ~~other than a licensed embalmer~~  
20 ~~making the certification or an intern under the supervision of a licensed~~  
21 ~~embalmer making the certification~~.

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

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

27 (k) Committing any act involving dishonesty, fraud,  
28 misrepresentation, breach of fiduciary duty, gross negligence or  
29 incompetence if the act has a reasonable relationship to funeral directing  
30 or embalming.

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

34 (m) Within a period of five years, having a license, ~~registration~~  
35 or endorsement suspended or revoked by the ~~board~~ DEPARTMENT or by the  
36 funeral services ~~licensing~~ REGULATING authority of THIS STATE OR any other  
37 jurisdiction or surrendering a license, ~~registration~~ or endorsement in  
38 lieu of disciplinary action.

39 ~~60:~~ 56. "Urn" means a receptacle into which processed cremated  
40 remains are placed for disposition.

41 Sec. 5. Repeal

42 Section 32-1301, Arizona Revised Statutes, as amended by Laws 2022,  
43 chapter 279, section 1, is repealed.

1           Sec. 6. Section 32-1302, Arizona Revised Statutes, is amended to  
2 read:

3           32-1302. Advisory committee; members; appointment; terms;  
4                                   compensation; meetings; duties; annual evaluation

5           A. ~~The state board of funeral directors and embalmers is~~  
6 ~~established~~ AN ADVISORY COMMITTEE IS ESTABLISHED TO COLLABORATE WITH AND  
7 ASSIST THE DIRECTOR IN PERFORMING THE DUTIES PRESCRIBED IN THIS CHAPTER.  
8 The ~~board~~ ADVISORY COMMITTEE consists of seven members WHO ARE appointed  
9 by the governor pursuant to section 38-211. ADVISORY COMMITTEE members  
10 serve at the pleasure of the governor. ~~Board members serve~~ FOR staggered  
11 terms of four years beginning and ending on January 1 unless removed by  
12 the governor. The governor shall appoint a member for the unexpired  
13 portion of a term to fill a vacancy occurring during a term of office.  
14 THE ADVISORY COMMITTEE SHALL INCLUDE:

15           ~~B. Each member of the board shall be a resident of this state.~~

16           1. ~~Three~~ TWO members shall be practicing WHO ARE funeral directors  
17 ~~or embalmers~~ licensed under this chapter.

18           2. ONE MEMBER WHO IS AN EMBALMER LICENSED UNDER THIS CHAPTER.

19           3. ONE MEMBER WHO IS A CREMATIONIST LICENSED UNDER THIS CHAPTER.

20           4. ~~Four members shall be~~ THREE public members WHO ARE RESIDENTS OF  
21 THIS STATE, one of whom is an owner or manager of a business that has no  
22 pecuniary or proprietary interest in a funeral establishment or crematory  
23 or in the sale of funeral goods and services. The public members shall  
24 not be licensed under this chapter currently or have been licensed under  
25 this chapter in the five years preceding appointment.

26           ~~C. Before entering office, each appointee shall take and subscribe~~  
27 ~~to an oath before an officer competent to administer oaths that the~~  
28 ~~appointee is qualified to hold office and will faithfully perform the~~  
29 ~~duties imposed on board members by law.~~

30           ~~D. Members of the board are eligible to receive compensation~~  
31 ~~pursuant to section 38-611 for each day of actual service in the business~~  
32 ~~of the board.~~

33           B. MEMBERS OF THE ADVISORY COMMITTEE SHALL NOT RECEIVE COMPENSATION  
34 BUT SHALL BE REIMBURSED FOR SUBSISTENCE EXPENSES PURSUANT TO SECTION  
35 38-624 AND TRAVEL EXPENSES PURSUANT TO SECTION 38-623.

36           C. THE ADVISORY COMMITTEE SHALL ANNUALLY SELECT FROM ITS MEMBERSHIP  
37 A CHAIRPERSON FOR THE ADVISORY COMMITTEE.

38           D. THE ADVISORY COMMITTEE SHALL HOLD MEETINGS:

39           1. TWICE PER YEAR AT A TIME AND PLACE DESIGNATED BY THE  
40 CHAIRPERSON.

41           2. AT THE DIRECTOR'S REQUEST.

42           E. THE ADVISORY COMMITTEE SHALL:

43           1. PROVIDE THE DIRECTOR WITH SUCH RECOMMENDATIONS AS IT DEEMS  
44 NECESSARY AND BENEFICIAL TO THE BEST INTERESTS OF THE PUBLIC.

1           2. PROVIDE RECOMMENDATIONS ON SPECIFIC QUESTIONS OR PROPOSALS AS  
2 THE ADVISORY COMMITTEE DEEMS NECESSARY OR AS REQUESTED BY THE DIRECTOR.

3           F. THE ADVISORY COMMITTEE SHALL ANNUALLY PRESENT TO THE GOVERNOR AN  
4 EVALUATION OF THE PERFORMANCE OF THE DIRECTOR AND THE DEPARTMENT RELATING  
5 TO ENFORCING AND ADMINISTERING THIS CHAPTER.

6           Sec. 7. Repeal

7           Sections 32-1303, 32-1304, 32-1305 and 32-1306, Arizona Revised  
8 Statutes, are repealed.

9           Sec. 8. Section 32-1307, Arizona Revised Statutes, is amended to  
10 read:

11           32-1307. Powers and duties of department

12           A. The ~~board~~ DEPARTMENT shall:

13           1. Administer and enforce this chapter and the rules adopted  
14 pursuant to this chapter.

15           ~~2. Adopt a seal.~~

16           ~~3.~~ 2. Maintain a record of the name and the mailing or employer's  
17 business address of each licensee ~~and registrant~~.

18           ~~4.~~ 3. Investigate alleged violations of this chapter and the rules  
19 adopted pursuant to this chapter.

20           ~~5.~~ 4. In accordance with title 41, chapter 6, adopt rules that  
21 include provisions relating to the following:

22           (a) The keeping and disposition of records by licensees ~~and~~  
23 ~~registrants~~.

24           (b) Standards of practice, professional conduct, competence and  
25 consumer disclosure relating to owning or operating a funeral  
26 establishment or crematory, funeral directing, embalming and cremation.

27           (c) The prohibition of deceptive, misleading or professionally  
28 negligent practices in advertising, offering or selling funeral goods ~~or~~  
29 ~~AND~~ services by funeral establishments, crematories, ~~AND~~ licensees ~~and~~  
30 ~~registrants~~ and agents of funeral establishments, crematories, ~~AND~~  
31 licensees ~~and registrants~~. The rules shall specifically prohibit  
32 misrepresentation of the legal requirements concerning preparing and  
33 interring dead human bodies.

34           (d) Standard price disclosure formats and price list requirements  
35 and definitions to facilitate price comparisons by members of the public.

36           (e) Guidelines to enable members of the public to determine the  
37 substantial equivalency of funeral goods available for sale to the public.

38           (f) Administrative and investigative procedures.

39           (g) The efficient administration of the ~~board's~~ DEPARTMENT'S  
40 affairs and the enforcement of this chapter.

41           (h) The inspection of all funeral establishments, crematories and  
42 alkaline hydrolysis facilities at least once every five years.

43           (i) Any other matters the ~~board~~ DEPARTMENT deems necessary to carry  
44 out this chapter.

1 B. The ~~board~~ DEPARTMENT may:

2 1. Subject to title 41, chapter 4, article 4, employ investigative,  
3 professional and clerical employees as it deems necessary to carry out  
4 this chapter. Compensation of these employees shall be determined  
5 pursuant to section 38-611.

6 ~~2. Appoint citizen advisory committees to make recommendations to~~  
7 ~~the board concerning enforcing and administering this chapter.~~

8 ~~3.~~ 2. In connection with investigations or administrative  
9 hearings, issue subpoenas to compel the attendance of witnesses and the  
10 production of books, papers, contracts, agreements and other documents or  
11 records in any form, administer oaths and take testimony and evidence  
12 concerning all matters within its jurisdiction. The ~~board~~ DEPARTMENT may  
13 pay the fees and expenses of witnesses who appear in any proceeding before  
14 the ~~board~~ DEPARTMENT. If a person refuses to obey a subpoena issued by  
15 the ~~board~~ DEPARTMENT, the ~~board~~ DEPARTMENT may invoke the aid of any court  
16 in this state to require the attendance and testimony of witnesses and the  
17 production of documentary evidence.

18 ~~4.~~ 3. Contract with other state and federal agencies as it deems  
19 necessary to carry out this chapter.

20 ~~5.~~ 4. Charge reasonable fees to distribute materials that the  
21 ~~board~~ DEPARTMENT prints or has printed at its expense and for the costs of  
22 mailing these materials.

23 ~~6.~~ 5. Charge the reasonable costs of a fingerprint background  
24 check to an applicant for licensure ~~or registration.~~

25 Sec. 9. Repeal; transfer of monies

26 A. Section 32-1308, Arizona Revised Statutes, is repealed.

27 B. All unexpended and unencumbered monies remaining in the board of  
28 funeral directors' and embalmers' fund established by section 32-1308,  
29 Arizona Revised Statutes, as repealed by subsection A of this section, are  
30 transferred to the funeral directors fund established by section 32-1308,  
31 Arizona Revised Statutes, as added by this act, on the effective date of  
32 this section.

33 Sec. 10. Title 32, chapter 12, article 1, Arizona Revised Statutes,  
34 is amended by adding a new section 32-1308, to read:

35 32-1308. Funeral directors fund

36 A. THE FUNERAL DIRECTORS FUND IS ESTABLISHED CONSISTING OF FEES AND  
37 OTHER MONIES COLLECTED UNDER THIS CHAPTER. THE DEPARTMENT SHALL  
38 ADMINISTER THE FUND. THE DEPARTMENT SHALL USE THE MONIES TO IMPLEMENT AND  
39 ENFORCE THIS CHAPTER. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE  
40 APPROPRIATION.

41 B. ON NOTICE FROM THE DEPARTMENT, THE STATE TREASURER SHALL INVEST  
42 AND DIVEST MONIES IN THE FUNERAL DIRECTORS FUND AS PROVIDED BY SECTION  
43 35-313, AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

1           Sec. 11. Section 32-1309, Arizona Revised Statutes, is amended to  
2 read:

3           32-1309. Fees

4           A. The ~~board~~ DEPARTMENT shall establish and collect the following  
5 application fees:

6           1. For a funeral director license, \$85.

7           2. For an embalmer license, \$85.

8           ~~3. For an embalmer's assistant registration, \$85.~~

9           ~~4. For an intern license, \$85.~~

10           ~~5.~~ 3. For a funeral director or embalmer license for a person who  
11 does not reside in this state, \$85.

12           ~~6. For a prearranged funeral salesperson registration, \$85.~~

13           ~~7.~~ 4. For a funeral establishment license:

14           (a) For a new establishment, new owner or new location, \$500.

15           (b) For a change of name, \$175.

16           ~~8.~~ 5. For a prearranged funeral sales establishment endorsement,  
17 \$185.

18           ~~9.~~ 6. For a crematory license:

19           (a) For a new crematory, new owner or new location, \$100 per  
20 retort.

21           (b) For a change of name, \$175.

22           ~~10.~~ 7. For a cremationist license, \$85.

23           ~~11.~~ 8. For an alkaline hydrolysis facility license:

24           (a) For a new alkaline hydrolysis facility, a fee in an amount to  
25 be determined by the ~~board~~ DEPARTMENT.

26           (b) For a change of name or location, a fee in an amount to be  
27 determined by the ~~board~~ DEPARTMENT.

28           ~~12.~~ 9. For an alkaline hydrolysis operator license, a fee in an  
29 amount to be determined by the ~~board~~ DEPARTMENT.

30           ~~13.~~ 10. For an interim alkaline hydrolysis facility permit, a fee  
31 in an amount to be determined by the ~~board~~ DEPARTMENT.

32           ~~14.~~ 11. For extension of an interim alkaline hydrolysis facility  
33 permit, a fee in an amount to be determined by the ~~board~~ DEPARTMENT.

34           B. The ~~board~~ DEPARTMENT shall establish and collect the following  
35 examination fees:

36           1. For the funeral director state laws and rules examination, \$80.

37           2. For the embalmer state laws and rules examination, \$80.

38           3. For the prearranged funeral salesperson state laws and rules  
39 examination, \$80.

40           4. For the funeral service science section of the state equivalent  
41 examination, \$150.

42           5. For the funeral service arts section of the state equivalent  
43 examination, \$150.

44           C. The ~~board~~ DEPARTMENT shall establish and collect the following  
45 license ~~and registration~~ issuance fees:

- 1 1. For a funeral director license, \$85.
- 2 2. For an embalmer license, \$85.
- 3 ~~3. For an embalmer's assistant registration, \$85.~~
- 4 ~~4. For an intern license, \$85.~~
- 5 ~~5. For a prearranged funeral salesperson registration, \$85.~~
- 6 ~~6.~~ 3. For a cremationist license, \$85.
- 7 ~~7.~~ 4. For an alkaline hydrolysis facility license, a fee in an
- 8 amount to be determined by the ~~board~~ DEPARTMENT.
- 9 ~~8.~~ 5. For an alkaline hydrolysis operator license, a fee in an
- 10 amount to be determined by the ~~board~~ DEPARTMENT.
- 11 D. The ~~board~~ DEPARTMENT shall establish and collect the following
- 12 renewal fees:
  - 13 1. For a funeral director license, \$85.
  - 14 2. For an embalmer license, \$85.
  - 15 ~~3. For an embalmer's assistant registration, \$85.~~
  - 16 ~~4. For an intern license, \$85.~~
  - 17 ~~5. For an assistant funeral director registration, \$85.~~
  - 18 ~~6. For a prearranged funeral salesperson registration, \$85.~~
  - 19 ~~7.~~ 3. For an establishment license, \$4 for each disposition
  - 20 performed by the establishment during the immediately preceding calendar
  - 21 year. For the purposes of this paragraph, a funeral establishment
  - 22 performs a disposition each time the establishment files a death
  - 23 certificate pursuant to section 36-325.
  - 24 ~~8.~~ 4. For a prearranged funeral sales establishment endorsement,
  - 25 \$185.
  - 26 ~~9.~~ 5. For a crematory license, \$200 per retort.
  - 27 ~~10.~~ 6. For a cremationist license, \$85.
  - 28 ~~11.~~ 7. For an alkaline hydrolysis facility license, a fee in an
  - 29 amount to be determined by the ~~board~~ DEPARTMENT.
  - 30 ~~12.~~ 8. For an alkaline hydrolysis operator license, a fee in an
  - 31 amount to be determined by the ~~board~~ DEPARTMENT.
  - 32 E. The ~~board~~ DEPARTMENT shall establish and collect the following
  - 33 fees:
    - 34 1. For a duplicate license ~~or registration~~, \$25.
    - 35 2. For a reexamination:
      - 36 (a) For a state laws and rules examination, \$50.
      - 37 (b) For the funeral service science section or the funeral service
      - 38 arts section of the state equivalent examination, \$65.
    - 39 3. For late renewal of a licensee ~~or registration~~, \$35.
    - 40 4. For late renewal of an establishment license or endorsement,
    - 41 \$60.
    - 42 5. For inactive licensure ~~or registration~~, \$25.
    - 43 6. For reinstatement of an inactive license, \$50.
    - 44 ~~7. For reinstatement of an inactive registration, \$130.~~
    - 45 ~~8.~~ 7. For an interim funeral establishment permit, \$25.



1 ~~9.~~ 8. For filing an annual trust report, a fee of not more than  
2 \$200.

3 ~~10.~~ 9. For filing a late or incomplete annual trust report, a  
4 penalty of not more than \$200.

5 ~~F. The board may establish and collect a fee for intern trainees in  
6 an amount to be determined by the board.~~

7 Sec. 12. Section 32-1310, Arizona Revised Statutes, is amended to  
8 read:

9 32-1310. Confidentiality; limited release to public

10 A. All examination materials, records of examination grading and  
11 performance, and transcripts of educational institutions concerning  
12 applicants, ~~AND~~ licensees ~~and registrants~~ are confidential and are not  
13 public records.

14 B. Complaints, investigative reports, documents, exhibits and other  
15 materials relating to an investigation are not public records and shall  
16 remain confidential except as provided in ~~subsection~~ SUBSECTIONS C AND E  
17 OF THIS SECTION.

18 C. On written request, the ~~board~~ DEPARTMENT shall release  
19 confidential information to the subject of an informal interview and to  
20 the public after the ~~board votes to send~~ DEPARTMENT SENDS a case to an  
21 informal interview.

22 D. After ~~the receipt of~~ RECEIVING a complaint, the ~~board~~ DEPARTMENT  
23 shall inform the licensee ~~or registrant~~ of the name of the complainant and  
24 the general nature of the complaint.

25 E. During an investigation, ~~following issuance of~~ AFTER THE  
26 DEPARTMENT ISSUES a formal hearing or informal interview notice, ~~and~~  
27 ~~after notifying~~ NOTIFIES the licensee ~~or registrant~~, the ~~board~~ DEPARTMENT  
28 may release the name of the complainant and the general nature of the  
29 complaint to the public.

30 Sec. 13. Section 32-1311, Arizona Revised Statutes, is amended to  
31 read:

32 32-1311. Immunity

33 A. ~~Members, employees and agents of the board and members of~~  
34 ~~citizen advisory committees are~~ EMPLOYEES AND AGENTS OF THE DEPARTMENT ARE  
35 immune from personal liability with respect to acts done and actions taken  
36 in good faith and in furtherance of the purposes of this chapter.

37 B. Any person who reports or provides information to the ~~board~~  
38 DEPARTMENT in good faith is not subject to an action for civil damages.

39 Sec. 14. Section 32-1321, Arizona Revised Statutes, is amended to  
40 read:

41 32-1321. License requirement; persons not required to be  
42 licensed; nontransferability; display

43 A. A person shall not advertise or engage in funeral directing or  
44 embalming without having a valid license ~~or registration~~ issued by the  
45 ~~board~~ DEPARTMENT.

1 B. This article does not prohibit:

2 ~~1. A student who is enrolled in a college of mortuary science that~~  
3 ~~is recognized by the board department pursuant to section 32-1336 from~~  
4 ~~assisting a licensed embalmer in embalming dead human bodies pursuant to~~  
5 ~~section 32-1337.~~

6 ~~2.~~ 1. A person from performing removals or arrangements or from  
7 directing funeral services IF THE PERSON IS under the direction of and  
8 accountable to a licensed funeral director.

9 ~~3.~~ 2. A licensed cemetery employee from selling burial or final  
10 disposition items or from arranging or directing cemetery services.

11 C. A license ~~or registration~~ issued by the ~~board~~ DEPARTMENT is not  
12 transferrable or subject to sale or assignment, whether by A voluntary or  
13 involuntary process.

14 D. A licensee ~~or registrant~~ shall conspicuously display the  
15 person's license ~~or registration~~ at the person's place of employment.

16 Sec. 15. Section 32-1322, Arizona Revised Statutes, is amended to  
17 read:

18 32-1322. Embalmers and funeral directors; qualifications for  
19 licensure

20 ~~A. An applicant for licensure as an intern shall:~~

21 ~~1. Hold a high school diploma or its equivalent.~~

22 ~~2. Be a graduate of an accredited or provisionally accredited~~  
23 ~~school of mortuary science.~~

24 ~~3. Be of good moral character.~~

25 ~~B.~~ A. An applicant for licensure as an embalmer shall:

26 1. Pass the funeral service science section of the national board  
27 examination or the state equivalent examination.

28 2. Pass the embalmer state laws and rules examination.

29 ~~3. Be of good moral character.~~

30 ~~4. Have been licensed as an intern for at least one year.~~

31 ~~5. Have successfully completed an internship program that included~~  
32 ~~assisting in embalming at least twenty-five dead human bodies.~~

33 ~~C.~~ B. An applicant for licensure as a funeral director shall:

34 1. Pass the funeral service arts section of the national board  
35 examination or the state equivalent examination.

36 2. Pass the funeral director state laws and rules examination.

37 ~~3. Be of good moral character.~~

38 ~~4. Have held an active license as an intern for at least one year~~  
39 ~~and have assisted in arranging and directing at least twenty-five~~  
40 ~~funerals.~~



1 funeral establishments can be adequately supervised and managed by the  
2 applicant, the ~~board~~ DEPARTMENT shall issue the license.

3 C. A funeral director who holds a multiple funeral director license  
4 shall display the license at the FUNERAL establishment to which the  
5 license is issued. Unless otherwise stated in this article, a multiple  
6 funeral director license is renewable at the same time as the FUNERAL  
7 establishment license. A multiple funeral director license is not  
8 transferable without prior approval of the ~~board~~ DEPARTMENT.

9 Sec. 19. Repeal

10 Sections 32-1325 and 32-1325.01, Arizona Revised Statutes, are  
11 repealed.

12 Sec. 20. Section 32-1326, Arizona Revised Statutes, is amended to  
13 read:

14 32-1326. Embalmers and funeral directors; temporary licenses

15 The ~~board~~ DEPARTMENT may issue a temporary embalmer or funeral  
16 director license to a person who is not licensed in this state in cases of  
17 emergency or public disaster or for educational purposes if the person  
18 holds an active license in good standing issued by the funeral services  
19 licensing authority of another jurisdiction. The ~~board~~ DEPARTMENT shall  
20 issue a license under this section only for the category of licensure for  
21 which the person holds an active license issued by another jurisdiction.  
22 A temporary license issued under this section is valid for thirty days.  
23 The ~~board~~ DEPARTMENT may renew a temporary license once for a period of  
24 thirty or fewer days.

25 Sec. 21. Section 32-1327, Arizona Revised Statutes, is amended to  
26 read:

27 32-1327. State equivalent examination; national board  
28 examination

29 A. A person who desires to take either the funeral service science  
30 section or the funeral service arts section of the state equivalent  
31 examination shall submit to the ~~board~~ DEPARTMENT:

32 1. An examination application on a form prescribed by the ~~board~~  
33 DEPARTMENT.

34 2. Documentation of a high school diploma or its equivalent.

35 3. Documentation of the person's graduation from an accredited or  
36 provisionally accredited school of mortuary science.

37 4. All applicable fees pursuant to section 32-1309.

38 B. The ~~board~~ DEPARTMENT shall schedule and administer the state  
39 equivalent examination at least once each year. The state equivalent  
40 examination shall consist of a ~~two-part~~ TWO-PART written examination with  
41 at least seventy questions.

42 C. A person who takes both sections of the state equivalent  
43 examination or the national board examination must achieve a passing score  
44 ACCORDING TO THE STANDARDS OF THE INTERNATIONAL CONFERENCE OF FUNERAL  
45 SERVICE EXAMINING BOARDS.

1 D. The ~~board~~ DEPARTMENT shall accept a passing score that an  
2 applicant achieved on a state equivalent examination or a national board  
3 examination taken within the five years immediately preceding the date  
4 that the applicant filed a license application with the ~~board~~ DEPARTMENT.

5 Sec. 22. Section 32-1328, Arizona Revised Statutes, is amended to  
6 read:

7 32-1328. State laws and rules examination

8 A. The ~~board~~ DEPARTMENT shall administer a state laws and rules  
9 examination at least once every three months. When the ~~board~~ DEPARTMENT  
10 receives a license application, it shall schedule the applicable state  
11 laws and rules examination for the applicant.

12 B. Each state laws and rules examination shall contain at least  
13 fifty questions on the following subjects:

14 1. The provisions of this chapter and rules adopted by the ~~board~~  
15 DEPARTMENT pursuant to this chapter.

16 2. ~~THE~~ applicable provisions of title 36 and rules adopted by the  
17 department ~~of health services~~ PURSUANT TO THE APPLICABLE PROVISIONS OF  
18 TITLE 36.

19 C. A score of seventy-five or more is required to pass the state  
20 laws and rules examination.

21 D. The ~~board~~ DEPARTMENT shall accept the passing score of an  
22 applicant achieved on a state laws and rules examination taken within one  
23 year immediately preceding the date that the applicant filed a license  
24 application with the ~~board~~ DEPARTMENT.

25 Sec. 23. Section 32-1329, Arizona Revised Statutes, is amended to  
26 read:

27 32-1329. Reexamination

28 A. An applicant who fails to pass the state equivalent examination  
29 or the state laws and rules examination may retake the examination within  
30 one year after the date that the applicant filed a license application  
31 with the ~~board~~ DEPARTMENT. A person who desires to retake an examination  
32 shall request that the ~~board~~ DEPARTMENT schedule a second examination and  
33 shall submit the applicable fee pursuant to section 32-1309. The state  
34 equivalent examination may not be retaken in the same calendar quarter.

35 B. An applicant who fails to pass the state equivalent examination  
36 or the state laws and rules examination within one year after the date  
37 that the applicant originally filed a license application shall submit a  
38 new license application and the applicable fee pursuant to section  
39 32-1309.

40 Sec. 24. Repeal

41 Section ~~32-1330~~, Arizona Revised Statutes, is repealed.

1           Sec. 25. Section 32-1331, Arizona Revised Statutes, is amended to  
2 read:

3           32-1331. Renewal of licenses

4           A. Except as provided in section 32-4301, each license ~~and each~~  
5 ~~registration~~ issued under this article expires on August 1 of each year.

6           B. A licensee ~~or a registrant~~ shall submit a renewal application  
7 and the applicable renewal fee pursuant to section 32-1309 on or before  
8 July 1 of each year. A license ~~or registration~~ renewal fee is  
9 nonrefundable.

10          C. A licensee ~~or a registrant~~ who submits a renewal application and  
11 the applicable renewal fee after July 1 but before August 1 shall pay a  
12 late fee pursuant to section 32-1309 in addition to the renewal fee.

13          D. A licensee who fails to submit a renewal application and the  
14 applicable fee on or before August 1 shall apply for licensure as an  
15 original applicant. A person who submits a license application within  
16 three years after the date that the person's license expires is not  
17 required to pass the national board examination or state equivalent  
18 examination.

19          ~~E. A registered assistant funeral director who fails to submit a~~  
20 ~~renewal application and the applicable renewal fee on or before August 1:~~

21           ~~1. Is not eligible for renewal of the person's registration.~~

22           ~~2. May apply for a funeral director license pursuant to this~~  
23 ~~article.~~

24          ~~F. An embalmer's assistant who fails to submit a renewal~~  
25 ~~application and the applicable renewal fee on or before August 1 may apply~~  
26 ~~for reinstatement of the person's registration by submitting a completed~~  
27 ~~reinstatement application on a form prescribed by the board and the~~  
28 ~~applicable reinstatement fee within one year after the date that the~~  
29 ~~person's registration expires.~~

30          ~~G. An intern license may not be renewed more than three times.~~

31           Sec. 26. Section 32-1333, Arizona Revised Statutes, is amended to  
32 read:

33           32-1333. Notice of change in employment

34           ~~A. An intern who is licensed or an embalmer's assistant who is~~  
35 ~~registered under this article shall notify the board in writing within ten~~  
36 ~~business days after a change in employment. The notice shall include the~~  
37 ~~names of the new establishment and, if applicable, the new supervising~~  
38 ~~licensed funeral director or embalmer.~~

39           ~~B.~~ A. An embalmer or funeral director who is licensed under this  
40 article shall notify the ~~board~~ DEPARTMENT in writing within ten business  
41 days after a change in employment. The notice shall include the names of  
42 the former and the new establishment.

43           ~~C.~~ B. A responsible funeral director who is licensed under this  
44 article shall notify the ~~board~~ DEPARTMENT in writing within five business

1 days after a change in employment, excluding Saturdays, Sundays and other  
2 legal holidays.

3 Sec. 27. Section 32-1334, Arizona Revised Statutes, is amended to  
4 read:

5 32-1334. Inactive status

6 A. A licensed embalmer, funeral director, cremationist or alkaline  
7 hydrolysis operator who retires from practicing embalming, funeral  
8 directing, cremation or alkaline hydrolysis and who is not currently  
9 practicing embalming, funeral directing, cremation or alkaline hydrolysis  
10 in this state may request that the ~~board~~ DEPARTMENT place the person's  
11 license on inactive status. The person shall submit the request on a form  
12 prescribed by the ~~board~~ DEPARTMENT and shall pay the applicable fee  
13 pursuant to section 32-1309.

14 B. A person who holds an inactive license shall not practice:

15 1. Embalming, funeral directing, ~~OR~~ cremation ~~or alkaline~~  
16 ~~hydrolysis~~ in this state.

17 2. ALKALINE HYDROLYSIS IN THIS STATE UNLESS THERE IS ANOTHER  
18 INDIVIDUAL AT THE ALKALINE HYDROLYSIS FACILITY WHO OPERATES OR SUPERVISES  
19 THE ALKALINE HYDROLYSIS FACILITY AND WHO IS LICENSED PURSUANT TO THIS  
20 CHAPTER.

21 C. A person who holds an inactive license may request that the  
22 ~~board~~ DEPARTMENT reactivate the person's license. If an inactive licensee  
23 desires to reactivate a license, the inactive licensee shall submit a  
24 completed application on a form prescribed by the ~~board~~ DEPARTMENT, the  
25 applicable fee pursuant to section 32-1309, a completed fingerprint card  
26 and the prescribed fingerprint background check fee. The person ~~shall~~  
27 ~~demonstrate that the person is of good moral character and~~ shall pass the  
28 applicable state laws and rules examination.

29 Sec. 28. Section 32-1335, Arizona Revised Statutes, is amended to  
30 read:

31 32-1335. Out-of-state licensees

32 A. A person who holds an embalmer or funeral director license in  
33 good standing that was issued by the funeral services licensing authority  
34 of another jurisdiction and who desires an embalmer or funeral director  
35 license in this state shall meet the requirements and qualifications for  
36 licensure prescribed in this article.

37 B. Notwithstanding subsection A of this section, the ~~board~~  
38 DEPARTMENT may waive the testing requirements of section 32-1322,  
39 subsection ~~B~~ A, paragraph 1 and subsection ~~C~~ B, paragraph 1 if the  
40 person has actively practiced embalming or funeral directing in another  
41 jurisdiction within the three years immediately preceding the date that  
42 the person applies for a license in this state and the ~~board~~ DEPARTMENT  
43 determines that the requirements for licensure in the other jurisdiction  
44 are equal to or more stringent than the requirements prescribed in this  
45 article.

1 ~~C. A person who holds an intern license or its equivalent in good~~  
2 ~~standing that was issued by the funeral services licensing authority of~~  
3 ~~another jurisdiction and who desires an intern, embalmer or funeral~~  
4 ~~director license in this state shall meet the requirements and~~  
5 ~~qualifications for licensure prescribed in this article.~~

6 Sec. 29. Section 32-1336, Arizona Revised Statutes, is amended to  
7 read:

8 32-1336. Department recognition; colleges of funeral service  
9 education or mortuary science

10 The ~~board~~ DEPARTMENT shall recognize any college of funeral service  
11 education or mortuary science that is either:

12 1. Accredited or provisionally accredited by the American board of  
13 funeral service education.

14 2. Approved by an accrediting agency that is recognized by the  
15 United States department of education and the council on postsecondary  
16 accreditation and requires a course of instruction in funeral service  
17 education or mortuary science that is equivalent to the course of  
18 instruction required by the American board of funeral service education.

19 Sec. 30. Repeal

20 Section ~~32-1337~~, Arizona Revised Statutes, is repealed.

21 Sec. 31. Section 32-1338, Arizona Revised Statutes, is amended to  
22 read:

23 32-1338. Continuing education requirements; waiver

24 A. A person who is licensed ~~or registered~~ pursuant to this article  
25 shall complete continuing education designed to educate the person  
26 regarding current skills and procedures and developments in the funeral  
27 industry. The ~~board~~ DEPARTMENT may prescribe in its rules the number of  
28 hours of continuing education required each year, not to exceed ~~sixteen~~  
29 ~~SIX~~ hours, and the subject matter ~~that shall~~ TO be covered.

30 B. The ~~board~~ DEPARTMENT shall waive the continuing education  
31 requirements for persons whose licenses have been placed on inactive  
32 status and for persons who are serving in the United States armed forces  
33 in time of war. The ~~board~~ DEPARTMENT may waive the continuing education  
34 requirement for good cause shown as prescribed in its rules.

35 Sec. 32. Section 32-1339, Arizona Revised Statutes, is amended to  
36 read:

37 32-1339. Fingerprinting of applicants; background checks

38 An applicant ~~for registration under this article or~~ for a license  
39 under this article other than a temporary license shall submit a full set  
40 of fingerprints to the ~~board~~ DEPARTMENT OF HEALTH SERVICES for the purpose  
41 of conducting a state and ~~national~~ FEDERAL criminal records check pursuant  
42 to section 41-1750 and ~~P.L.~~ PUBLIC LAW 92-544. The department of public  
43 safety is authorized to exchange this fingerprint data with the federal  
44 bureau of investigation.



1           Sec. 33. Section 32-1341, Arizona Revised Statutes, is amended to  
2 read:

3           32-1341. Alkaline hydrolysis facilities; license required

4           A person may not advertise or operate an alkaline hydrolysis  
5 facility without first obtaining an alkaline hydrolysis facility license  
6 issued by the ~~board~~ DEPARTMENT.

7           Sec. 34. Section 32-1342, Arizona Revised Statutes, is amended to  
8 read:

9           32-1342. Alkaline hydrolysis facilities; requirements

10          A. An alkaline hydrolysis facility licensed under this article must  
11 meet all of the following:

12           1. Have a building or structure that complies with applicable local  
13 and state building codes, zoning laws and ordinances and wastewater  
14 management and environmental standards and that contains one or more  
15 alkaline hydrolysis vessels.

16           2. Use a method that is approved by the ~~board~~ DEPARTMENT to dry the  
17 hydrolyzed remains and that occurs within the licensed facility.

18           3. Have a means approved by the ~~board~~ DEPARTMENT for refrigerating  
19 dead human bodies awaiting alkaline hydrolysis.

20           4. Have an appropriate refrigerated holding facility for dead human  
21 bodies awaiting alkaline hydrolysis that maintains dead human bodies at or  
22 below thirty-eight degrees fahrenheit.

23          B. An alkaline hydrolysis facility:

24           1. Shall employ a licensed alkaline hydrolysis operator to carry  
25 out the process of alkaline hydrolysis. THIS PARAGRAPH DOES NOT APPLY IF  
26 THE ALKALINE HYDROLYSIS FACILITY IS OPERATED OR SUPERVISED BY A LICENSED  
27 FUNERAL DIRECTOR.

28           2. Shall provide proper procedures for all personnel.

29           3. Shall comply with this chapter and other applicable state and  
30 federal laws relating to occupational and workplace health and safety.

31          Sec. 35. Section 32-1343, Arizona Revised Statutes, is amended to  
32 read:

33           32-1343. Alkaline hydrolysis operators; licensure;  
34           application; qualifications; fingerprinting;  
35           renewal

36          A. An applicant for an alkaline hydrolysis operator license shall  
37 submit a completed application on a form prescribed by the ~~board~~  
38 DEPARTMENT. The application shall be subscribed under oath and shall be  
39 accompanied by the applicable fee pursuant to section 32-1309 and any  
40 additional information that the ~~board~~ DEPARTMENT deems necessary.

41          B. An applicant for an alkaline hydrolysis operator license shall  
42 meet ~~at~~ BOTH of the following:

43           ~~1. Be of good moral character.~~

44           ~~2.~~ 1. Submit a completed fingerprint card and the prescribed  
45 fingerprint records check fee to the ~~board~~ DEPARTMENT OF HEALTH SERVICES

1 to enable the ~~board~~ DEPARTMENT OF HEALTH SERVICES or the department of  
2 public safety to conduct a criminal records check.

3 ~~§. 2.~~ Meet the educational requirements as prescribed by the ~~board~~  
4 DEPARTMENT in rule.

5 C. If the ~~board~~ DEPARTMENT finds that the applicant meets the  
6 criteria for an alkaline hydrolysis operator license under this section  
7 and under rules adopted by the ~~board~~ DEPARTMENT, the ~~board~~ DEPARTMENT  
8 shall issue an alkaline hydrolysis operator license. A PERSON DOES NOT  
9 NEED TO BE LICENSED AS AN ALKALINE HYDROLYSIS OPERATOR IN ORDER TO  
10 PRACTICE AS AN ALKALINE HYDROLYSIS OPERATOR IF THE ALKALINE HYDROLYSIS  
11 FACILITY IS OPERATED OR SUPERVISED BY A LICENSED FUNERAL DIRECTOR OR  
12 ANOTHER PERSON WHO IS A LICENSED ALKALINE HYDROLYSIS OPERATOR.

13 D. Except as provided in section 32-4301, an alkaline hydrolysis  
14 operator license issued pursuant to this article expires on August 1 of  
15 each year. A licensed alkaline hydrolysis operator shall submit a renewal  
16 application and the applicable nonrefundable renewal fee pursuant to  
17 section 32-1309 on or before July 1 of each year. A licensed alkaline  
18 hydrolysis operator that submits a renewal application and the applicable  
19 renewal fee after July 1 but before August 1 shall pay a late fee pursuant  
20 to section 32-1309 in addition to the renewal fee. A licensed alkaline  
21 hydrolysis operator that fails to submit a renewal application and the  
22 applicable fee on or before August 1 must apply for a new license pursuant  
23 to this article.

24 Sec. 36. Section 32-1344, Arizona Revised Statutes, is amended to  
25 read:

26 32-1344. Alkaline hydrolysis facilities; licensure  
27 requirements; application; renewal

28 A. An application for an alkaline hydrolysis facility shall be in a  
29 form prescribed by the ~~board~~ DEPARTMENT. If the applicant is a business  
30 entity, the entity shall direct a natural person who is an owner of the  
31 entity to submit its application. The application shall be subscribed  
32 under oath and shall be accompanied by the applicable fee pursuant to  
33 section 32-1309 and any additional information that the ~~board~~ DEPARTMENT  
34 deems necessary. A business entity that applies for a license pursuant to  
35 this article shall submit to the ~~board~~ DEPARTMENT with its application for  
36 licensure a copy of its partnership agreement, its articles of  
37 incorporation or organization or any other organizational documents  
38 required to be filed with the corporation commission.

39 B. An individual who applies for an alkaline hydrolysis facility  
40 license pursuant to this article, or if the applicant is a business  
41 entity, the owners, partners, officers, directors and trust beneficiaries  
42 of the entity, shall ~~:-~~

43 ~~1. Be of good moral character.~~

1           ~~2.~~ submit a completed fingerprint card, criminal history background  
2 information and a fingerprint background check fee to the ~~board~~  
3 DEPARTMENT.

4           C. The ~~board or the board's designee~~ DEPARTMENT shall inspect the  
5 premises of an alkaline hydrolysis facility and investigate the character  
6 and other qualifications of all applicants for licensure pursuant to this  
7 article to determine whether the alkaline hydrolysis facility and the  
8 applicants are in compliance with the requirements of this article and  
9 rules adopted by the ~~board~~ DEPARTMENT.

10          D. If the ~~board~~ DEPARTMENT finds that the applicant meets the  
11 criteria for licensure under this article and rules adopted by the ~~board~~  
12 DEPARTMENT, the ~~board~~ DEPARTMENT shall issue an alkaline hydrolysis  
13 facility license.

14          E. Except as provided in section 32-4301, an alkaline hydrolysis  
15 facility license issued pursuant to this article expires on August 1 of  
16 each year. A licensed alkaline hydrolysis facility shall submit a renewal  
17 application and the applicable nonrefundable renewal fee pursuant to  
18 section 32-1309 on or before July 1 of each year. A licensed alkaline  
19 hydrolysis facility that submits a renewal application and the applicable  
20 renewal fee after July 1 but before August 1 shall pay a late fee pursuant  
21 to section 32-1309 in addition to the renewal fee. A licensed alkaline  
22 hydrolysis facility that fails to submit a renewal application and the  
23 applicable fee on or before August 1 must apply for a new license pursuant  
24 to this article.

25          Sec. 37. Section 32-1346, Arizona Revised Statutes, is amended to  
26 read:

27           32-1346. Alkaline hydrolysis facilities; nontransferability of  
28 license; interim permits; confidentiality;  
29 definition

30          A. An alkaline hydrolysis facility license issued by the ~~board~~  
31 DEPARTMENT is not transferable or subject to sale or assignment, whether  
32 by a voluntary or involuntary process.

33          B. If a change of ownership of an alkaline hydrolysis facility  
34 occurs, the licensee shall notify the ~~board~~ DEPARTMENT in writing and  
35 shall surrender the license to the ~~board~~ DEPARTMENT within twenty days  
36 after the change of ownership. The new owner shall also notify the ~~board~~  
37 DEPARTMENT in writing within twenty days after the change of ownership and  
38 shall submit an application for an alkaline hydrolysis facility license to  
39 the ~~board~~ DEPARTMENT pursuant to section 32-1344.

40          C. The ~~board~~ DEPARTMENT shall issue an interim permit to the new  
41 owner of an alkaline hydrolysis facility to allow the new owner to  
42 continue operating the alkaline hydrolysis facility during the period that  
43 the new owner's license application is pending if the following conditions  
44 are met:

1           1. The new owner notifies the ~~board~~ DEPARTMENT of the change of  
2 ownership and submits an application for an interim permit and the  
3 applicable fee pursuant to section 32-1309 at least three days, excluding  
4 Saturdays, Sundays and holidays, after the change takes place. Notice  
5 shall be given during regular business hours.

6           2. The alkaline hydrolysis facility continues to meet the  
7 requirements of section 32-1342.

8           D. An interim permit issued by the ~~board~~ DEPARTMENT pursuant to  
9 this section shall be for not more than forty-five days and may not be  
10 extended except as provided in subsection E of this section. An interim  
11 permit is a conditional permit and authorizes the holder to operate an  
12 alkaline hydrolysis facility as would be allowed under an alkaline  
13 hydrolysis facility license issued pursuant to this article. The holder  
14 of an interim permit is subject to the licensing rules and disciplinary  
15 proceedings prescribed in this chapter and in rules adopted by the ~~board~~  
16 DEPARTMENT pursuant to this article.

17           E. Notwithstanding subsection D of this section, for good cause  
18 shown, the ~~board~~ DEPARTMENT may extend an interim permit for not more than  
19 forty-five days.

20           F. Until the new owner's license is issued, the ~~board~~ DEPARTMENT  
21 shall keep confidential all notices filed with the ~~board~~ DEPARTMENT by the  
22 prospective new owner of an alkaline hydrolysis facility pursuant to this  
23 section.

24           G. For the purposes of this section, "regular business hours" means  
25 between the hours of 8:00 a.m. and 5:00 p.m. on any day of the week other  
26 than Saturday, Sunday or any other legal holiday or a day on which the  
27 ~~board~~ DEPARTMENT is authorized or obligated by law or executive order to  
28 close.

29           Sec. 38. Section 32-1347, Arizona Revised Statutes, is amended to  
30 read:

31           32-1347. Change of name or location

32           A. The owner of a licensed alkaline hydrolysis facility who desires  
33 to change the name of the alkaline hydrolysis facility shall submit an  
34 application on a form prescribed by the ~~board~~ DEPARTMENT. The application  
35 shall be subscribed under oath and shall be accompanied by the applicable  
36 fee.

37           B. The owner of a licensed alkaline hydrolysis facility shall  
38 submit an application on a form prescribed by the ~~board~~ DEPARTMENT to  
39 change the location of the alkaline hydrolysis facility. The application  
40 shall be subscribed under oath and shall be accompanied by the applicable  
41 fee. Before the ~~board~~ DEPARTMENT approves a request for a change of  
42 location pursuant to this section, the owner shall demonstrate that the  
43 new location meets the requirements of this article.

1           Sec. 39. Section 32-1361, Arizona Revised Statutes, is amended to  
2 read:

3           32-1361. Prohibition of embalming by certain persons;  
4                                   certification of embalming

5           A. Only a licensed embalmer, ~~a licensed intern, a registered~~  
6 ~~embalmer's assistant or a student who assists a licensed embalmer in the~~  
7 ~~embalming of dead human bodies pursuant to section 32-1337 shall~~ MAY  
8 embalm a dead human body, ~~. A licensed intern or student~~ EXCEPT THAT  
9 ANOTHER PERSON may ~~only~~ embalm a dead human body under the direct  
10 supervision of a licensed embalmer.

11           B. A licensed embalmer who embalms or supervises the embalming of a  
12 dead human body shall certify the embalming with the embalmer's signature  
13 and license number.

14           Sec. 40. Title 32, chapter 12, article 3, Arizona Revised Statutes,  
15 is amended by adding section 32-1361.01, to read:

16           32-1361.01. Licensed funeral director; funeral  
17 establishments, crematories and alkaline  
18 hydrolysis facilities; licensed cremationist;  
19 licensed alkaline hydrolysis operator

20           EACH FUNERAL ESTABLISHMENT, CREMATORY OR ALKALINE HYDROLYSIS  
21 FACILITY THAT IS LICENSED UNDER THIS CHAPTER MUST BE OPERATED OR  
22 SUPERVISED BY A LICENSED FUNERAL DIRECTOR, EXCEPT THAT INSTEAD OF A  
23 LICENSED FUNERAL DIRECTOR:

24           1. A CREMATORY MAY BE OPERATED OR SUPERVISED BY A LICENSED  
25 CREMATIONIST.

26           2. AN ALKALINE HYDROLYSIS FACILITY MAY BE OPERATED OR SUPERVISED BY  
27 A LICENSED ALKALINE HYDROLYSIS OPERATOR.

28           Sec. 41. Section 32-1365.02, Arizona Revised Statutes, is amended  
29 to read:

30           32-1365.02. Authorizing agents; consent for cremation,  
31 disinterment or embalming; definition

32           A. Except as provided in section 32-1365.01 and in subsection E of  
33 this section, it is unlawful to cremate or disinter a dead human body  
34 without prior written consent of the authorizing agent.

35           B. Except as provided in section 32-1365.01, it is unlawful to  
36 embalm a dead human body without prior oral or written consent of the  
37 authorizing agent.

38           C. A funeral establishment shall create a written record of an oral  
39 consent given pursuant to this section that includes all of the following:

- 40           1. The name of the authorizing agent.
- 41           2. The relation of the authorizing agent to the deceased.
- 42           3. The date and time that consent was given.
- 43           4. The name of the person who obtained the consent.
- 44           5. Any other information required by the ~~board~~ DEPARTMENT.

1 D. In determining who the proper authorizing agent is, the order of  
2 preference is the same as provided in section 36-831. If there is more  
3 than one member in a category listed in section 36-831 entitled to serve  
4 as the authorizing agent, final arrangements may be made by any member of  
5 that category unless that member knows of an objection by another member  
6 of the category. If an objection is known, final arrangements shall be  
7 made by a majority of the members of the category who are reasonably  
8 available.

9 E. On the order of a court or a county medical examiner, or a  
10 person performing the duties of a county medical examiner, a dead human  
11 body shall be disinterred.

12 F. If none of the persons listed in section 36-831 is willing or  
13 financially capable of providing for the cremation or embalming of a dead  
14 human body, the public fiduciary or other person who is designated by the  
15 county in which a death occurs to handle funeral arrangements may order  
16 the cremation or embalming.

17 G. A funeral establishment, an employee or agent of a funeral  
18 establishment or a licensee shall exercise due diligence to obtain the  
19 consent required pursuant to this section from the proper authorizing  
20 agent. It is an affirmative defense to any action or claim brought  
21 against a crematory, cemetery or funeral establishment relating to the  
22 disposition of a dead human body that the crematory, cemetery or funeral  
23 establishment relied in good faith on the direction of a person who  
24 claimed to be the authorizing agent in providing for the lawful  
25 disposition of a dead human body. The decision of a crematory, cemetery  
26 or funeral establishment to cremate or otherwise provide for the lawful  
27 disposition of a dead human body in reliance on the direction of a person  
28 who claims to be the authorizing agent is presumed to be in good faith  
29 unless the crematory, cemetery or funeral establishment has actual  
30 knowledge that the claim is false.

31 H. If the authorizing agent is not reasonably available or unable  
32 to act as the authorizing agent, the person's right to be the authorizing  
33 agent shall pass to the next person or category of persons in the order of  
34 preference prescribed in section 36-831.

35 I. It is presumed that the authorizing agent is not reasonably  
36 available to act as authorizing agent if the crematory, cemetery or  
37 funeral establishment after exercising due diligence has been unable to  
38 contact the individual or if that person has been unwilling or unable to  
39 make final arrangements for the disposition of the decedent within fifteen  
40 days after the initial contact by the crematory, cemetery or funeral  
41 establishment. If a person in a prior category makes an initial contact  
42 with the crematory, cemetery or funeral establishment or becomes able  
43 before the final disposition of the decedent, that person resumes that  
44 person's right to serve as the authorizing agent.

1 J. Any dispute among any of the persons listed in section 36-831,  
2 subsection A concerning the right to control the disposition, including  
3 cremation, of a decedent's remains shall be resolved by the parties to the  
4 dispute or by a court of competent jurisdiction in order to expedite the  
5 resolution of a dispute among the parties. A crematory, cemetery or  
6 funeral establishment ~~shall~~ IS not ~~be~~ liable for refusing to accept the  
7 decedent's remains or TO inter, cremate or otherwise dispose of a  
8 decedent's remains until it receives a court order or other suitable  
9 confirmation that the dispute has been resolved or settled. A crematory,  
10 cemetery or funeral establishment may bring an action in a court of  
11 competent jurisdiction in order to expedite the resolution of a dispute  
12 among the parties listed in section 36-831, subsection A.

13 K. For the purposes of this section, "reasonably available" means a  
14 person who is able to be contacted by the crematory, cemetery or funeral  
15 establishment without undue effort and who is willing and able to act  
16 within fifteen days after the initial contact by the crematory, cemetery  
17 or funeral establishment.

18 Sec. 42. Section 32-1366, Arizona Revised Statutes, is amended to  
19 read:

20 32-1366. Grounds for disciplinary action

21 A. After a formal hearing, the ~~board~~ DEPARTMENT may deny or refuse  
22 to renew a license ~~or registration~~ or may take disciplinary action against  
23 any embalmer, ~~intern,~~ funeral director, alkaline hydrolysis operator or  
24 other person who is licensed ~~or registered~~ pursuant to ~~article 2 or 2.1 of~~  
25 this chapter for any of the following reasons:

- 26 1. Commission of an act of unprofessional conduct.
- 27 2. Repeated or continuing negligence or any other professional  
28 incompetence in the practice of funeral directing, embalming or alkaline  
29 hydrolysis.
- 30 3. Violation of ~~any provision of~~ this chapter or any rule adopted  
31 pursuant to this chapter.
- 32 4. Violation of ~~any provision of~~ title 44, chapter 10, article 7.

33 B. After a formal hearing, the ~~board~~ DEPARTMENT may deny or refuse  
34 to renew a license or take disciplinary action against a responsible  
35 funeral director for a violation of ~~any provision of~~ this chapter or any  
36 rule adopted pursuant to this chapter by an employee of the licensed  
37 funeral establishment that the responsible funeral director manages.

38 Sec. 43. Section 32-1367, Arizona Revised Statutes, is amended to  
39 read:

40 32-1367. Investigations; initial review; disciplinary  
41 proceedings; civil penalty; letters of concern;  
42 rehearings; inspections; probationary terms

43 A. The ~~board~~ DEPARTMENT shall conduct an investigation when it  
44 receives a written complaint that appears to show the existence of any

1 grounds for disciplinary action under this chapter or rules adopted  
2 pursuant to this chapter.

3 B. The ~~board~~ DEPARTMENT on its own initiative may investigate any  
4 information that appears to show the existence of any grounds for  
5 disciplinary action under this chapter or rules adopted pursuant to this  
6 chapter.

7 C. If it appears after an initial investigation that grounds for  
8 disciplinary action may exist, the ~~board~~ DEPARTMENT may either request an  
9 informal interview with the licensee ~~or registrant~~ or may issue a notice  
10 of a formal hearing. If the initial investigation indicates that  
11 suspension other than a temporary suspension imposed pursuant to  
12 subsection D of this section or revocation of a license, ~~registration~~ or  
13 endorsement may be warranted, the ~~board~~ DEPARTMENT shall schedule a formal  
14 hearing pursuant to title 41, chapter 6, article 10.

15 D. After completing an informal interview, the ~~board~~ DEPARTMENT may  
16 take any or all of the following disciplinary actions:

17 1. Issue a letter of censure or reprimand.

18 2. Impose probationary terms as the ~~board~~ DEPARTMENT deems  
19 necessary to protect the public health, safety and welfare and to  
20 rehabilitate or educate the licensee ~~or registrant~~. Probationary terms  
21 imposed pursuant to this paragraph may include temporary suspension of a  
22 license, ~~registration~~ or endorsement for a period of not more than thirty  
23 days, restriction of the licensee's ~~or registrant's~~ right to practice  
24 pursuant to this chapter and a requirement that restitution be made to any  
25 funeral service consumer or other person who was injured by a violation of  
26 this chapter or rules adopted pursuant to this chapter. A licensee's ~~or~~  
27 ~~registrant's~~ failure to comply with any probationary terms imposed  
28 pursuant to this paragraph is cause for the ~~board~~ DEPARTMENT to consider  
29 the entire case against the licensee ~~or registrant~~ and any other alleged  
30 violations of this chapter at a formal hearing.

31 3. Impose a civil penalty of not more than ~~one thousand dollars~~  
32 \$1,000 for each violation.

33 E. After completing a formal hearing, the ~~board~~ DEPARTMENT may take  
34 any or all of the following disciplinary actions:

35 1. Issue a letter of censure or reprimand.

36 2. Impose probationary terms as the ~~board~~ DEPARTMENT deems  
37 necessary to protect the public health, safety and welfare and to  
38 rehabilitate or educate the licensee ~~or registrant~~. Probationary terms  
39 imposed pursuant to this paragraph may include a requirement that  
40 restitution be made to any funeral service customer or other person who  
41 was injured by a violation of this chapter or rules adopted pursuant to  
42 this chapter.

43 3. Impose a civil penalty not to exceed ~~three thousand dollars~~  
44 \$3,000 per violation.



1           4. Suspend a license, ~~registration~~ or endorsement for not more than  
2 ninety days for a first offense and not more than one hundred eighty days  
3 for a second offense.

4           5. Revoke a license, ~~registration~~ or endorsement.

5           F. If, as a result of information ascertained during an  
6 investigation, informal interview or formal hearing, the ~~board~~ DEPARTMENT  
7 determines that an alleged violation of this chapter or rules adopted  
8 pursuant to this chapter is not sufficiently serious to warrant  
9 disciplinary action, the ~~board~~ DEPARTMENT may issue a letter of concern to  
10 the licensee ~~or registrant~~. The letter of concern shall advise the  
11 licensee ~~or registrant~~ of the possible violation.

12           G. If a licensee ~~or registrant~~ refuses to participate in an  
13 informal interview or a formal hearing, the ~~board~~ DEPARTMENT may take any  
14 or all of the disciplinary actions listed in subsections D and E of this  
15 section.

16           H. Before the ~~board~~ DEPARTMENT may revoke or suspend a  
17 license, ~~registration~~ or endorsement, other than a temporary suspension  
18 imposed pursuant to subsection D of this section, the ~~board~~ DEPARTMENT  
19 shall serve notice and conduct a hearing in the manner prescribed in title  
20 41, chapter 6, article 10.

21           I. After service of notice of a decision of the ~~board~~ DEPARTMENT  
22 suspending or revoking a license, ~~registration~~ or endorsement or imposing  
23 a disciplinary action on a licensee ~~or registrant~~ pursuant to subsection D  
24 or E of this section, a licensee may apply for a rehearing or review by  
25 filing a motion pursuant to title 41, chapter 6, article 10. The filing  
26 of a motion for a rehearing or review suspends the operation of the  
27 ~~board's~~ DEPARTMENT'S decision to impose a disciplinary action and allows  
28 the licensee ~~or registrant~~ to continue to practice pending a denial or  
29 granting of the petition and pending the decision of the ~~board~~ DEPARTMENT  
30 on rehearing if a rehearing is granted. The ~~board~~ DEPARTMENT also may  
31 grant a rehearing on its own motion if it finds newly discovered evidence  
32 or for any other reason that justifies a reconsideration of a matter.

33           J. Except as provided in section 41-1092.08, subsection H, any  
34 party who is aggrieved by a final order or decision of the ~~board~~  
35 DEPARTMENT may appeal to the superior court pursuant to title 12, chapter  
36 7, article 6.

37           K. All notices that the ~~board~~ DEPARTMENT is required to provide to  
38 any person under this chapter are fully effective by personal service or  
39 by mailing a copy of the notice by certified mail addressed to the  
40 person's last known address of record in the ~~board's~~ DEPARTMENT'S files.  
41 Notice by mail is complete at the time of its deposit in the mail.

42           L. In addition to the requirements of subsection K of this section,  
43 a funeral establishment or crematory shall file a notice with the ~~board~~  
44 DEPARTMENT identifying the person on whom the ~~board's~~ DEPARTMENT'S notices  
45 relating to the funeral establishment or crematory shall be served.

1 M. IN ADDITION TO THE AUTHORITY GIVEN TO THE DEPARTMENT IN THIS  
2 SECTION, THE DEPARTMENT MAY IMPOSE PROBATIONARY TERMS AS DESCRIBED IN  
3 SUBSECTION D, PARAGRAPH 2 OF THIS SECTION AFTER THE DEPARTMENT INSPECTS A  
4 FUNERAL ESTABLISHMENT, CREMATORY OR ALKALINE HYDROLYSIS FACILITY IF THE  
5 DEPARTMENT DEEMS THE PROBATIONARY TERMS NECESSARY TO PROTECT THE PUBLIC  
6 HEALTH, SAFETY AND WELFARE AND TO REHABILITATE OR EDUCATE THE LICENSEE.

7 Sec. 44. Section 32-1368, Arizona Revised Statutes, is amended to  
8 read:

9 32-1368. Administrative costs

10 On its determination that a licensee ~~or registrant~~ has violated  
11 ~~a provision of~~ this chapter or a rule adopted pursuant to this chapter,  
12 the ~~board~~ DEPARTMENT may assess the licensee ~~or registrant~~ its  
13 administrative costs and expenses incurred in conducting the investigation  
14 and its administrative costs and expenses incurred in connection with the  
15 informal interview or formal hearing. The ~~board~~ DEPARTMENT may assess  
16 these administrative costs and expenses in addition to any civil penalties  
17 imposed pursuant to section 32-1367. The ~~board~~ DEPARTMENT shall deposit,  
18 pursuant to sections 35-146 and 35-147, all monies collected pursuant to  
19 this section in the ~~board of funeral directors' and embalmers'~~ DIRECTORS  
20 fund ESTABLISHED BY SECTION 32-1308 to defray the ~~board's~~ DEPARTMENT'S  
21 expenses in connection with disciplinary investigations and hearings.  
22 ~~Notwithstanding section 35-143.01,~~ These monies may be spent on  
23 investigations and hearings without legislative appropriation.

24 Sec. 45. Section 32-1369, Arizona Revised Statutes, is amended to  
25 read:

26 32-1369. Cease and desist orders; injunctive relief; civil  
27 penalty

28 A. In addition to all other remedies, if it appears to the ~~board~~  
29 DEPARTMENT, either on complaint or otherwise, that any person has engaged  
30 in or is engaging in any act, practice or transaction that constitutes a  
31 violation of this chapter, of title 44, chapter 10, article 7 or of any  
32 rule adopted pursuant to this chapter, the ~~board~~ DEPARTMENT may either:

33 1. Serve a cease and desist order on the person by certified mail  
34 or personal service requiring the person to cease and desist immediately  
35 from engaging in the act, practice or transaction.

36 2. Apply, through the attorney general or county attorney of the  
37 county in which the act, practice or transaction is alleged to have been  
38 committed, to the superior court in that county for an injunction  
39 restraining the person from engaging in the act, practice or transaction  
40 or doing any act in furtherance of the act, practice or transaction. On a  
41 proper showing, the court shall grant a temporary restraining order, a  
42 preliminary injunction or a permanent injunction without bond. Process in  
43 an action under this paragraph may be served on the defendant in any  
44 county of this state where the defendant transacts business or is found.

1 B. A person who receives a cease and desist order issued by the  
2 ~~board~~ DEPARTMENT pursuant to subsection A, paragraph 1 OF THIS SECTION is  
3 entitled to a hearing pursuant to title 41, chapter 6, article 10 within  
4 thirty days after the effective date of the order.

5 C. If a person fails to comply with an order issued by the ~~board~~  
6 DEPARTMENT pursuant to subsection A, paragraph 1 OF THIS SECTION, the  
7 ~~board~~ DEPARTMENT shall file an action pursuant to subsection A, paragraph  
8 2 OF THIS SECTION to restrain and enjoin the person from engaging in the  
9 act, practice or transaction. The court in the action shall proceed as in  
10 other actions for injunction. If the court finds that the person wilfully  
11 failed to obey a valid cease and desist order issued by the ~~board~~  
12 DEPARTMENT, the court shall impose a civil penalty of at least ~~two hundred~~  
13 ~~fifty~~ \$250 and not more than ~~one thousand dollars~~ \$1,000 per violation.

14 Sec. 46. Section 32-1371, Arizona Revised Statutes, is amended to  
15 read:

16 32-1371. List of prices of funeral goods and services offered

17 A. The ~~board~~ DEPARTMENT shall adopt rules that require every  
18 licensee ~~or registrant~~ to give a standardized written or printed price  
19 list for retention to each person who personally inquires about funeral  
20 arrangements or prices of funeral goods ~~or~~ AND services. A funeral  
21 establishment shall offer each person the price list on beginning a  
22 discussion either of funeral arrangements or of the selection of funeral  
23 goods ~~or~~ AND services.

24 B. A price list shall be presented in an accurate and readable  
25 manner in order to facilitate price comparisons by funeral service  
26 consumers.

27 Sec. 47. Section 32-1372, Arizona Revised Statutes, is amended to  
28 read:

29 32-1372. Display of merchandise prices; rules

30 The ~~board~~ DEPARTMENT shall adopt rules that require each funeral  
31 establishment to place a price card in a conspicuous place with each  
32 casket, alternative container, outer burial container, alkaline hydrolysis  
33 container or other item of funeral goods available for purchase. A  
34 funeral establishment shall place each price card in a location that  
35 enables a person to view the card without physically handling the card.  
36 Merchandise photographs must have the price of the merchandise displayed  
37 in a conspicuous manner.

38 Sec. 48. Section 32-1373, Arizona Revised Statutes, is amended to  
39 read:

40 32-1373. Statement of funeral goods and services

41 A. A licensee ~~or registrant~~ shall not enter into a contract to  
42 furnish funeral goods ~~or~~ AND services in connection with the burial or  
43 other disposition of a dead human body until the licensee ~~or registrant~~  
44 has first delivered to the potential purchaser a written or printed  
45 statement of funeral goods and services that contains the following

1 information, if this information is available at the time the contract is  
2 executed:

3 1. The total charge for the services of the licensee ~~or registrant~~  
4 and the use of the funeral establishment, including preparing the body and  
5 other professional services, and the charge for using automotive and other  
6 necessary equipment.

7 2. An itemization of charges for the casket, alternative container  
8 or alkaline hydrolysis container and any outer burial container.

9 3. An itemization of fees or charges and the total amount of cash  
10 advances made by the licensee ~~or registrant~~ for transportation, flowers,  
11 cemetery or crematory charges, newspaper notices, clergy ~~honorarium~~  
12 ~~HONORARIA~~, transcripts, telegrams, long-distance telephone calls, music  
13 and any other advances authorized by the purchaser.

14 4. The method of payment and any interest charges.

15 5. An itemization of any fees or charges not included in paragraphs  
16 1 through 4 of this subsection.

17 6. The total amount of charges itemized and included pursuant to  
18 this subsection.

19 7. The location where the deceased will be held, embalmed or  
20 cremated or will undergo alkaline hydrolysis if the location is not the  
21 funeral establishment's premises.

22 8. A statement containing the name, address and telephone number of  
23 any corporation, limited liability company, partnership or limited  
24 partnership that holds an ownership interest of ten percent or more in the  
25 funeral establishment or crematory.

26 B. The statement of funeral goods and services delivered to the  
27 potential purchaser shall also contain a conspicuous statement informing  
28 the potential purchaser that a casket, outer burial container, alternative  
29 container used for cremation or covering used for alkaline hydrolysis may  
30 be purchased and used, at the option of the purchaser, in connection with  
31 the funeral services and final disposition of human remains, but that,  
32 except as provided pursuant to section 36-136, the purchase or use of  
33 caskets, outer burial containers, alternative containers used for  
34 cremation or coverings used for alkaline hydrolysis is not required by  
35 law.

36 C. A licensee ~~or registrant~~ shall not bill or cause to be billed  
37 any item that is referred to as a cash advanced item unless the net amount  
38 paid for the item or items by the funeral establishment is the same as the  
39 amount billed by the funeral establishment.

40 D. If the charge for any of the items prescribed in this section is  
41 not known at the time the contract is entered into, the licensee ~~or~~  
42 ~~registrant~~ shall advise the purchaser of the charge for the item within a  
43 reasonable period after the information becomes available.

44 E. A funeral director shall certify a statement of funeral goods  
45 and services with the funeral director's license number and signature

1 before conducting final services or within five days after the purchaser  
2 signs the statement, whichever is earlier.

3 Sec. 49. Section 32-1374, Arizona Revised Statutes, is amended to  
4 read:

5 32-1374. Price list requirement; exemption

6 When a licensee ~~or registrant~~ makes arrangements by interstate  
7 telecommunications to perform services in this state with any person  
8 residing outside this state, the licensee ~~or registrant~~ is not required to  
9 provide the written price list required pursuant to section 32-1371.

10 Sec. 50. Section 32-1375, Arizona Revised Statutes, is amended to  
11 read:

12 32-1375. Price lists; telephone information

13 A. A licensee ~~or registrant~~ shall provide accurate information  
14 about the retail prices of funeral goods ~~or~~ AND services readily available  
15 for sale at the FUNERAL establishment at which the licensee ~~or registrant~~  
16 is employed to any person inquiring about these prices by telephone.

17 B. If a person requests a price list by telephone, the FUNERAL  
18 establishment shall mail a price list to the caller and may charge a  
19 reasonable postage and handling fee of not more than ~~two dollars~~ \$2.

20 Sec. 51. Section 32-1376, Arizona Revised Statutes, is amended to  
21 read:

22 32-1376. Consumer information pamphlet

23 A. The ~~board~~ DEPARTMENT shall prepare and distribute to funeral  
24 establishments a consumer information pamphlet that provides the following  
25 information:

- 26 1. The meaning of terms used in funeral arrangements.
- 27 2. Legal requirements concerning funerals and the disposition of  
28 human remains.
- 29 3. A description of illegal practices.
- 30 4. A description of required disclosures to funeral consumers.
- 31 5. A description of the ~~board's~~ DEPARTMENT'S responsibilities,  
32 including where complaints may be filed.
- 33 6. Other relevant information.

34 B. A funeral establishment shall provide a copy of the consumer  
35 information pamphlet for retention to each person who personally inquires  
36 about funeral arrangements or funeral goods ~~or~~ AND services.

37 Sec. 52. Section 32-1377, Arizona Revised Statutes, is amended to  
38 read:

39 32-1377. Rules; relation to federal trade commission  
40 regulations

41 Except as authorized by ~~the provisions of~~ this article, rules  
42 adopted by the ~~board~~ DEPARTMENT to implement this article shall be at  
43 least as stringent as federal trade commission regulations relating to  
44 funeral industry practices as authorized by the federal trade commission

1 act as amended and in effect on July 19, 1994 (16 Code of Federal  
2 Regulations part 453).

3 Sec. 53. Section 32-1381, Arizona Revised Statutes, is amended to  
4 read:

5 32-1381. Funeral establishments; license required

6 A person shall not advertise or operate for compensation a funeral  
7 establishment without first obtaining a funeral establishment license  
8 PURSUANT TO THIS ARTICLE or an interim permit issued by the ~~board~~  
9 DEPARTMENT PURSUANT TO SECTION 32-1388.

10 Sec. 54. Section 32-1382, Arizona Revised Statutes, is amended to  
11 read:

12 32-1382. Funeral establishment requirements; responsible  
13 funeral director

14 A. A funeral establishment licensed pursuant to this article shall:

15 1. Provide separate rooms for each of the following:

16 (a) An area inside the FUNERAL establishment that may be used as a  
17 chapel for conducting funeral services.

18 (b) A preparation room ~~meeting~~ THAT MEETS minimum requirements  
19 adopted by the ~~board~~ DEPARTMENT, that is maintained at all times in a  
20 sanitary and professional manner, ~~with~~ THAT HAS sanitary flooring,  
21 drainage and ventilation and that is equipped with instruments and  
22 supplies necessary ~~for the protection of~~ TO PROTECT the health and safety  
23 of the public and THE employees of the FUNERAL establishment in connection  
24 with ~~the preparation~~ PREPARING and embalming ~~of~~ dead human bodies.  
25 ~~Nothing prohibits~~ THIS PARAGRAPH DOES NOT PROHIBIT the embalming of a body  
26 at a central location.

27 (c) A display area for displaying funeral goods or ~~the display of~~  
28 FOR DISPLAYING funeral goods by photograph or electronic means.

29 2. Provide access to hearses or funeral coaches that are properly  
30 equipped for ~~the transportation of~~ TRANSPORTING dead human bodies and that  
31 are kept in a sanitary and professional manner.

32 3. Employ and designate a responsible funeral director to manage  
33 and supervise the daily operation of the funeral establishment. The  
34 responsible funeral director is responsible for the funeral establishment  
35 complying with the laws of this state and the rules of the ~~board~~  
36 DEPARTMENT. The FUNERAL establishment or the responsible funeral director  
37 shall designate a licensed funeral director to act as an interim  
38 responsible funeral director.

39 B. All employees of a funeral establishment who handle dead human  
40 bodies shall use universal precautions and shall exercise reasonable care  
41 to minimize the risk of transmitting any communicable disease from a dead  
42 human body.



1 the new owner's license application is pending if the following conditions  
2 are met:

3 1. The new owner notifies the ~~board~~ DEPARTMENT of the change of  
4 ownership and submits an application for an interim permit and the  
5 applicable fee pursuant to section 32-1309 ~~at least~~ WITHIN three days,  
6 excluding Saturdays, Sundays and holidays, after the change takes  
7 place. Notice shall be given during regular business hours.

8 2. The funeral establishment continues to meet the requirements of  
9 section 32-1382.

10 D. An interim permit issued by the ~~board~~ DEPARTMENT pursuant to  
11 this section shall be for not more than forty-five days and shall not be  
12 extended except as provided in subsection E of this section. An interim  
13 permit is a conditional permit and authorizes the holder to operate a  
14 funeral establishment as would be ~~permitted~~ ALLOWED under a funeral  
15 establishment license issued pursuant to this article. The holder of an  
16 interim permit is subject to the licensing rules and disciplinary  
17 proceedings prescribed in this chapter and in rules adopted pursuant to  
18 this chapter.

19 E. Notwithstanding subsection D of this section, for good cause  
20 shown, the ~~board~~ DEPARTMENT may extend an interim permit for not more than  
21 forty-five days.

22 F. Until an interim permit is issued, the ~~board~~ DEPARTMENT shall  
23 keep confidential all notices filed with the ~~board~~ DEPARTMENT by the  
24 prospective new owner of a licensed funeral establishment pursuant to this  
25 section.

26 G. For the purposes of this section, "regular business hours" means  
27 between the hours of 8:00 a.m. and 5:00 p.m. on any day of the week other  
28 than Saturday, Sunday or any other legal holiday or a day on which the  
29 ~~board~~ DEPARTMENT is authorized or obligated by law or executive order to  
30 close.

31 Sec. 57. Section 32-1389, Arizona Revised Statutes, is amended to  
32 read:

33 32-1389. Application for change of name

34 The owner of a licensed funeral establishment shall submit an  
35 application on a form prescribed by the ~~board~~ DEPARTMENT to change the  
36 name of the funeral establishment. The application shall be subscribed  
37 under oath and shall be accompanied by the applicable fee pursuant to  
38 section 32-1309.

39 Sec. 58. Section 32-1390, Arizona Revised Statutes, is amended to  
40 read:

41 32-1390. Application for change of location

42 The owner of a ~~licensed~~ funeral establishment shall submit an  
43 application on a form prescribed by the ~~board~~ DEPARTMENT to change the  
44 location of the funeral establishment. The application shall be  
45 subscribed under oath and shall be accompanied by the applicable fee



1 pursuant to section 32-1309. Before the ~~board~~ DEPARTMENT approves a  
2 request for a change of location pursuant to this section, the owner shall  
3 demonstrate that the new location meets the requirements of section  
4 32-1382.

5 Sec. 59. Section 32-1390.01, Arizona Revised Statutes, is amended  
6 to read:

7 32-1390.01. Prohibited acts; disciplinary actions; agents and  
8 employees; civil penalty

9 A. The ~~board~~ DEPARTMENT may deny or refuse to renew the license of  
10 a funeral establishment or may take disciplinary action against a funeral  
11 establishment for any of the following reasons:

- 12 1. COMMITTING fraud or misrepresentation in obtaining a license.
- 13 2. ~~Failure~~ FAILING to employ and designate a responsible funeral  
14 director.
- 15 3. ~~The display~~ DISPLAYING or ~~use of~~ USING a funeral establishment  
16 license at any place other than the FUNERAL establishment to which it is  
17 issued.
- 18 4. ~~A violation of any provision of~~ VIOLATING title 44, chapter 10,  
19 article 7.
- 20 5. ~~A violation of any provision of~~ VIOLATING this chapter or a rule  
21 adopted pursuant to this chapter.
- 22 6. THE COMMISSION OF an act by an agent or an employee of ~~a~~ THE  
23 funeral establishment that violates ~~any provision of~~ this chapter or rules  
24 adopted pursuant to this chapter.

25 B. The acts or omissions of an agent or employee of a funeral  
26 establishment that violate ~~any provision of~~ this chapter or rules adopted  
27 pursuant to this chapter are considered to be the acts or omissions of the  
28 funeral establishment.

29 C. If the ~~board~~ DEPARTMENT finds that a funeral establishment has  
30 committed an offense listed in subsection A OF THIS SECTION, ~~it~~ THE  
31 DEPARTMENT may take any of the following actions:

- 32 1. Issue a letter of censure or reprimand.
- 33 2. Impose probationary terms as the ~~board~~ DEPARTMENT considers  
34 necessary to protect the public health, safety and welfare and to  
35 rehabilitate or educate the licensee, including restitution to any  
36 customer or other person who was injured by a violation of this chapter or  
37 A rule adopted pursuant to this chapter.
- 38 3. Impose a civil penalty not to exceed ~~three thousand dollars~~  
39 \$3,000 per violation.
- 40 4. Revoke the license of the FUNERAL establishment pursuant to a  
41 disciplinary proceeding.
- 42 5. Suspend the license OF THE FUNERAL ESTABLISHMENT for not more  
43 than ninety days for a first offense or not more than one hundred eighty  
44 days for a second offense.

1           Sec. 60. Section 32-1390.02, Arizona Revised Statutes, is amended  
2 to read:

3           32-1390.02. Disciplinary proceedings; notice

4           A. Article 3 of this chapter and rules adopted pursuant to article  
5 3 of this chapter govern disciplinary proceedings brought against a  
6 funeral establishment.

7           B. Any notice required to be served by the ~~board~~ DEPARTMENT  
8 pursuant to section 32-1367, subsection K on a person WHO IS licensed  
9 pursuant to article 2 of this chapter shall also be served by the ~~board~~  
10 DEPARTMENT on each funeral establishment that employed or hired the person  
11 at the time of the conduct causing the ~~board~~ DEPARTMENT to serve the  
12 notice on the person. Each funeral establishment shall identify the  
13 person to whom the ~~board~~ DEPARTMENT shall send the notice to be served on  
14 the funeral establishment as required by this subsection.

15           Sec. 61. Section 32-1391.01, Arizona Revised Statutes, is amended  
16 to read:

17           32-1391.01. Powers and duties of department

18           A. The ~~board~~ DEPARTMENT shall adopt rules that:

19           1. Describe or define deceptive, misleading or professionally  
20 negligent practices concerning the offer or sale of prearranged funeral  
21 agreements funded by trust and the handling of these funds or accounts.

22           2. Implement and interpret consumer disclosure requirements of this  
23 article to provide adequate information to purchasers of prearranged  
24 funerals.

25           3. Prescribe funeral establishment recordkeeping requirements  
26 concerning prearranged funeral trust sales and PREARRANGED FUNERAL trust  
27 accounts and the handling and disposition of trust funds.

28           4. Define terms and develop forms and procedures to implement this  
29 article.

30           B. The ~~board~~ DEPARTMENT OF HEALTH SERVICES shall enter into an  
31 intergovernmental agreement with the department of insurance and financial  
32 institutions to examine and report on prearranged funeral trust accounts  
33 of funeral establishments and to review prearranged funeral trust sales  
34 and trust account forms and procedures used by funeral establishments.

35           Sec. 62. Section 32-1391.02, Arizona Revised Statutes, is amended  
36 to read:

37           32-1391.02. Prearranged funeral agreements; restrictions on  
38 sales

39           A. A person shall not enter into a prearranged funeral agreement  
40 other than in accordance with ~~the provisions of~~ this article and the rules  
41 adopted pursuant to this article.

42           B. The ~~board~~ DEPARTMENT shall adopt rules that require every  
43 funeral establishment that sells prearranged funeral agreements to give a  
44 standardized written or printed price list for retention to each person  
45 who personally inquires about prearranged funeral agreements. On

1 beginning a discussion regarding prearranged funeral agreements, a  
2 ~~registered prearranged funeral salesperson or a licensed insurance~~  
3 ~~producer who a funeral establishment employs or contracts with to sell~~  
4 ~~prearranged funeral agreements funded by insurance~~ PERSON AFFILIATED WITH  
5 THE FUNERAL ESTABLISHMENT shall present the price list to the consumer.  
6 The list shall be presented in an accurate and readable manner in order to  
7 facilitate price comparisons by consumers.

8 C. A prearranged funeral agreement shall be funded by insurance or  
9 trust. A funeral establishment or an agent or employee of a funeral  
10 establishment shall not accept payment for or agree to enter into any  
11 prearranged funeral agreement unless the name of a licensed funeral  
12 establishment appears on the statement of goods and services used in  
13 connection with the PREARRANGED FUNERAL agreement and one of the following  
14 is true:

15 1. If the PREARRANGED FUNERAL agreement is a prearranged funeral  
16 agreement funded by insurance, the funeral establishment employs or  
17 contracts with insurance producers who are licensed pursuant to title 20  
18 to sell the PREARRANGED funeral agreement.

19 2. If the PREARRANGED FUNERAL agreement is a prearranged funeral  
20 agreement funded by trust, the FUNERAL establishment has been issued a  
21 prearranged funeral sales endorsement to its license ~~and the salesperson~~  
22 ~~has been issued a prearranged funeral salesperson registration by the~~  
23 ~~board~~ allowing the FUNERAL establishment ~~and the person~~ to sell  
24 prearranged funeral agreements funded by trust.

25 3. If the PREARRANGED FUNERAL agreement is a payable on death  
26 account, the account is not under the control of the FUNERAL  
27 establishment. A funeral establishment or an agent or employee of a  
28 funeral establishment shall not accept a deposit for a payable on death  
29 account.

30 Sec. 63. Section 32-1391.03, Arizona Revised Statutes, is amended  
31 to read:

32 32-1391.03. Department of insurance and financial  
33 institutions; powers and duties; prearranged  
34 funeral trust accounts

35 A. The department of insurance and financial institutions shall  
36 determine all of the following in its examinations of prearranged funeral  
37 trust accounts:

38 1. The names and addresses of purchasers of prearranged funerals  
39 and the amount each purchaser paid to the funeral establishment.

40 2. The location and status of all monies received.

41 3. The total amount in trust accounts.

1           4. Whether a funeral establishment is complying with this article  
2 and rules adopted pursuant to this article.

3           5. Whether a funeral establishment is following recognized  
4 accounting procedures for prearranged funeral trust accounts and handling  
5 monies received from prearranged funeral sales.

6           B. The department OF INSURANCE AND FINANCIAL INSTITUTIONS shall:

7           1. Conduct examinations on a random basis or in connection with an  
8 investigation pursuant to procedures established by the ~~board~~ DEPARTMENT  
9 OF HEALTH SERVICES.

10          2. Examine the prearranged funeral trust accounts of each funeral  
11 establishment at least once within the first twelve months after it begins  
12 to sell prearranged funerals and at least once every three years  
13 thereafter.

14          3. Include prearranged funeral trust accounts established before  
15 January 1, 1985 in its examinations.

16          C. The department OF INSURANCE AND FINANCIAL INSTITUTIONS may  
17 examine and investigate prearranged funeral trust accounts pursuant to  
18 title 6, chapter 1, article 3 and pursuant to the powers of the ~~board~~  
19 DEPARTMENT OF HEALTH SERVICES concerning prearranged funeral sales and  
20 trust accounts.

21          D. If the department OF INSURANCE AND FINANCIAL INSTITUTIONS  
22 determines after ~~investigation~~ INVESTIGATING or ~~examination of~~ EXAMINING a  
23 prearranged funeral trust account that a violation of ~~any provision of~~  
24 this article has occurred, it shall send a written report to the ~~board~~  
25 DEPARTMENT OF HEALTH SERVICES within thirty days ~~of~~ AFTER completion of  
26 the investigation or examination that includes an identification of the  
27 violation and any relevant documents.

28          E. The department OF INSURANCE AND FINANCIAL INSTITUTIONS shall  
29 assess each funeral establishment at the rate of not more than \$520 per  
30 day for each examiner employed in the examination of the FUNERAL  
31 establishment's prearranged funeral trust accounts pursuant to the  
32 requirements of this section.

33          Sec. 64. Section 32-1391.04, Arizona Revised Statutes, is amended  
34 to read:

35           32-1391.04. Prearranged funeral trust accounts; books and  
36           records; inspection and examination

37          A. All funeral establishments and financial institutions ~~shall~~, on  
38 request of the department of insurance and financial institutions, SHALL  
39 make their prearranged funeral trust account books and records available  
40 for inspection and examination by the department OF INSURANCE AND  
41 FINANCIAL INSTITUTIONS.

42          B. ~~Att~~ EACH financial ~~institutions~~ INSTITUTION with trust funds  
43 deposited pursuant to this article shall at least quarterly send a copy to  
44 the department OF INSURANCE AND FINANCIAL INSTITUTIONS of each



1 have requested will be the prices in effect at the time of the  
2 future funeral arrangements.

3 Purchaser initials:\_\_\_\_\_

4 B. A prearranged funeral agreement shall specifically itemize the  
5 funeral goods and services to be provided under the PREARRANGED FUNERAL  
6 agreement and any funeral, burial, cemetery or crematory expenses that are  
7 not covered under the PREARRANGED FUNERAL agreement.

8 C. Each fixed price prearranged funeral agreement funded by trust  
9 shall contain the following additional conspicuous notice that shall be  
10 initialed by the purchaser:

11 Fixed Price Contract Notice

12 This funeral establishment has agreed to charge you the  
13 prices listed in this PREARRANGED FUNERAL agreement for the  
14 funeral goods and services you have selected for the future  
15 funeral arrangements of (name of beneficiary). However,  
16 you should note that this PREARRANGED FUNERAL agreement may be  
17 in effect for many years and that future events may affect our  
18 ability to honor this PREARRANGED FUNERAL agreement at the  
19 time of the funeral arrangements. If a funeral item is no  
20 longer manufactured or available at the time of the funeral  
21 arrangements, a substantially equivalent item acceptable to  
22 the person designated on this PREARRANGED FUNERAL agreement  
23 will be substituted. This PREARRANGED FUNERAL agreement  
24 should not be considered as insurance. You have agreed that  
25 the funeral establishment shall receive \_\_\_\_\_% of all  
26 interest accruing on the trust fund if it performs the future  
27 funeral arrangements as required by this PREARRANGED FUNERAL  
28 agreement. If the funeral establishment does not honor this  
29 PREARRANGED FUNERAL agreement, you may have legal remedies  
30 available to enforce this contract at the price you agreed to  
31 pay.

32 Purchaser initials:\_\_\_\_\_

33 D. A fixed price prearranged funeral agreement funded by trust  
34 shall specifically itemize the funeral goods and services to be provided  
35 under the PREARRANGED FUNERAL agreement, the current prices to be charged  
36 for the FUNERAL goods and services at the time of the future funeral  
37 arrangements and any burial, cemetery or crematory expenses that are not  
38 covered under the PREARRANGED FUNERAL agreement. If certain funeral goods  
39 to be provided under the PREARRANGED FUNERAL agreement are not  
40 manufactured or supplied at the time of the funeral arrangements, the  
41 funeral establishment shall provide substantially equivalent funeral goods  
42 that are acceptable to the person designated on the PREARRANGED FUNERAL  
43 agreement or the person legally responsible for final disposition of the  
44 beneficiary's remains. If any of these persons are unavailable, the  
45 substitution of funeral goods shall be determined by rules established by

1 the ~~board~~ DEPARTMENT. A funeral establishment shall not represent or  
2 imply that the agreed to prices are guaranteed, frozen or otherwise an  
3 absolute economic certainty in the future. If a funeral establishment  
4 specifies the prices to be charged pursuant to this subsection, it shall  
5 delete the last sentence of the notice required by subsection A from the  
6 PREARRANGED FUNERAL agreement.

7 E. A prearranged funeral agreement funded by trust shall contain  
8 all terms of the prearranged funeral trust account agreement with the  
9 financial institution.

10 F. Each funeral establishment shall provide a copy of:

11 1. The prearranged funeral agreement for retention to each person  
12 who enters into a prearranged funeral agreement.

13 2. ~~its~~ THE FUNERAL ESTABLISHMENT'S current price list for retention  
14 to each person who inquires about or is solicited regarding a prearranged  
15 funeral agreement.

16 Sec. 66. Section 32-1391.12, Arizona Revised Statutes, is amended  
17 to read:

18 32-1391.12. Prearranged funeral sales endorsement;  
19 requirements; renewal

20 A. A funeral establishment that desires to offer or sell  
21 prearranged funeral agreements funded by trust shall apply to the ~~board~~  
22 DEPARTMENT for an endorsement to its establishment license. The ~~board~~  
23 DEPARTMENT shall issue the endorsement if the funeral establishment  
24 satisfies the following requirements:

25 1. Pays the prescribed application fee pursuant to section 32-1309.

26 2. Provides the name and address of each person owning ten ~~per cent~~  
27 PERCENT or more of the common shares or other ownership or beneficial  
28 interest in the funeral establishment.

29 3. Provides the name and address, any prior names or aliases, all  
30 prior addresses for the immediately preceding ~~seven year~~ SEVEN-YEAR  
31 period, and the date and location of birth of any responsible funeral  
32 director, manager, officer, owner, trustee or other person controlling the  
33 funeral establishment and who has been convicted of any of the crimes or  
34 has been the subject of any of the court actions described in section  
35 10-202, subsection D, paragraph 1, subdivisions (a), (b) and (c).

36 4. Delivers a corporate surety bond in favor of this state,  
37 executed by a surety company authorized to do business in this state, in  
38 the amount that is prescribed by the ~~board~~ DEPARTMENT and that is  
39 recoverable by this state for the benefit of any person injured by a  
40 violation of this article. The ~~board~~ DEPARTMENT shall establish, in its  
41 rules, a separate bond requirement amount for each of the following:

42 (a) Funeral establishments that sold fewer than one hundred  
43 prearranged funeral agreements funded by trust during the immediately  
44 preceding calendar year.

1 (b) Funeral establishments that sold one hundred or more but fewer  
2 than two hundred fifty prearranged funeral agreements funded by trust  
3 during the immediately preceding calendar year.

4 (c) Funeral establishments that sold two hundred fifty or more  
5 prearranged funeral agreements funded by trust during the immediately  
6 preceding calendar year.

7 Bond amount requirements established by the ~~board~~ DEPARTMENT shall ~~not~~ be  
8 ~~less than fifteen thousand dollars~~ AT LEAST \$15,000 ~~or BUT NOT~~ more than  
9 ~~fifty thousand dollars~~ \$50,000 for each FUNERAL establishment, ~~except that~~  
10 ~~as each salesperson is registered by the board, the funeral establishment~~  
11 ~~shall increase its bond by an additional five thousand dollars during the~~  
12 ~~employment of that salesperson.~~

13 5. Provides the full name and address of the funeral director  
14 designated by the FUNERAL establishment to offer or sell prearranged  
15 funerals and all of the following:

16 (a) A recent photograph of the designated funeral director.

17 (b) Any prior names or aliases used by the designated funeral  
18 director.

19 (c) All prior addresses of the designated funeral director for the  
20 immediately preceding ~~seven year~~ SEVEN-YEAR period.

21 (d) The date and location of the designated funeral director's  
22 birth.

23 (e) A declaration from the designated funeral director that the  
24 funeral director has not been convicted of any felony or convicted of any  
25 other crime involving dishonesty, fraud, deception, misrepresentation,  
26 embezzlement or breach of fiduciary duty in any state or federal court  
27 within the ~~seven year~~ SEVEN-YEAR period immediately preceding the date of  
28 application.

29 (f) A declaration from the designated funeral director that the  
30 funeral director has not been the subject of a consumer fraud, securities  
31 fraud or civil racketeering judgment or consent order in any state or  
32 federal court within the ~~seven year~~ SEVEN-YEAR period immediately  
33 preceding the date of application.

34 6. Provides information about existing prearranged funeral  
35 agreements funded by trust of the funeral establishment required by the  
36 ~~board~~ DEPARTMENT.

37 B. A prearranged funeral sales endorsement shall be renewed  
38 annually by the funeral establishment by payment of the prescribed renewal  
39 fee pursuant to section 32-1309 and by compliance with the requirements  
40 described in subsection A, paragraphs 2, 3 and 4 of this section on or  
41 before July 31.

42 C. Failure to pay the renewal fee by July 31 voids the endorsement.  
43 An endorsement voided under this subsection may be reinstated on  
44 compliance with subsection B of this section and payment of the prescribed  
45 reinstatement fee.





1           2. The total contract amount for each purchaser listed in paragraph  
2 1 of this subsection, the total AMOUNT OF monies previously paid on each  
3 contract and the AMOUNT OF monies paid by and refunded to the purchaser on  
4 each contract during the preceding calendar year.

5           3. The total trust funds contained in the funeral establishment's  
6 prearranged funeral trust accounts as of the end of the preceding calendar  
7 year and the total funds received in the trust accounts during that year.

8           4. The total AMOUNT OF monies, if any, received from purchasers but  
9 not deposited in the trust accounts as of the end of the preceding  
10 calendar year, excluding initial service fees received by the funeral  
11 establishment.

12           5. The names, ~~registration numbers~~ and addresses of all  
13 salespersons employed or otherwise engaged by the funeral establishment  
14 during the preceding calendar year and the names and registration numbers  
15 of all salespersons terminated during that year.

16           6. The names and addresses of the financial institutions where the  
17 trust funds are on deposit and the account number of each account.

18           7. A statement of the owner of the funeral establishment that the  
19 FUNERAL establishment has complied with this article and rules adopted  
20 pursuant to this article.

21           8. Other information required by the ~~board~~ DEPARTMENT.

22           D. Each funeral establishment that does not offer or sell  
23 prearranged funerals funded by trust or hold a prearranged funeral sales  
24 endorsement shall file with the ~~board~~ DEPARTMENT the annual report  
25 described in subsection C of this section concerning all prearranged  
26 funeral trust accounts established before January 1, 1985 and in existence  
27 during the preceding calendar year on or before May 1. For the purposes  
28 of this subsection, "prearranged funeral trust account" includes all  
29 prearranged funeral trust accounts or funds established pursuant to laws  
30 in existence before January 1, 1985.

31           E. The ~~board~~ DEPARTMENT OF HEALTH SERVICES shall provide the  
32 department of insurance and financial institutions with a copy of each  
33 annual report filed pursuant to this section.

34           Sec. 70. Section 32-1393, Arizona Revised Statutes, is amended to  
35 read:

36           32-1393. Crematories; license required; employee training

37           A. A person shall not advertise or operate a crematory, unless the  
38 person has received a certificate of authority from the state real estate  
39 department, without first obtaining a crematory license issued by the  
40 ~~board~~ DEPARTMENT OF HEALTH SERVICES.

41           B. A licensed crematory and its employees shall follow all  
42 applicable provisions of this article and rules adopted pursuant to this  
43 article. A licensed crematory shall provide appropriate training for its  
44 employees and is strictly accountable for compliance by both its licensed  
45 and unlicensed employees with ~~the provisions of~~ this article and all

1 applicable federal, state and local rules and regulations regarding  
2 occupational and workplace health and safety.

3 Sec. 71. Section 32-1394, Arizona Revised Statutes, is amended to  
4 read:

5 32-1394. Crematory requirements; responsible cremationist

6 A crematory licensed pursuant to this article shall:

7 1. Maintain a retort that is operated at all times in a sanitary  
8 and professional manner, that conforms to local building and environmental  
9 codes and that provides protection for the health and safety of persons in  
10 attendance at a cremation and employees of the crematory.

11 2. Maintain a holding facility that is secure from access by anyone  
12 other than employees of the crematory and public officials in the  
13 performance of their official duties, that complies with applicable public  
14 health laws, that protects the health and safety of employees of the  
15 crematory and that preserves the dignity of human remains in the facility.

16 3. Possess all equipment and supplies that are necessary to conduct  
17 cremations in a manner that provides protection for the health and safety  
18 of persons in attendance at a cremation and employees of the crematory.

19 4. Employ and designate a responsible cremationist who is licensed  
20 pursuant to this article and who is trained in crematory operations to  
21 manage the daily operation of the crematory. The responsible cremationist  
22 is responsible for the crematory complying with the laws of this state and  
23 the rules of the ~~board~~ DEPARTMENT OF HEALTH SERVICES or the rules of the  
24 ~~department of~~ STATE real estate DEPARTMENT, as applicable. The crematory  
25 or the responsible cremationist shall designate a licensed cremationist to  
26 act as an interim responsible cremationist.

27 Sec. 72. Section 32-1394.01, Arizona Revised Statutes, is amended  
28 to read:

29 32-1394.01. Application; qualifications for cremationist  
30 licensure; licensure requirement for  
31 responsible cremationists

32 A. An applicant for a cremationist license shall submit a completed  
33 application on a form prescribed by the ~~board~~ DEPARTMENT. The application  
34 shall be subscribed under oath and shall be accompanied by the applicable  
35 fee pursuant to section 32-1309 and any additional information that the  
36 ~~board~~ DEPARTMENT deems necessary.

37 B. An applicant for a cremationist license ~~shall be of good moral~~  
38 ~~character and~~ shall submit a completed fingerprint card and the prescribed  
39 fingerprint records check fee to the ~~board~~ DEPARTMENT OF HEALTH SERVICES  
40 to enable the ~~board~~ DEPARTMENT OF HEALTH SERVICES or the department of  
41 public safety to conduct a criminal records check.

42 C. An applicant for a cremationist license shall meet the  
43 educational requirements as prescribed by the ~~board~~ DEPARTMENT in rule.

44 D. If the ~~board~~ DEPARTMENT finds that the applicant meets the  
45 criteria for cremationist licensure under this section and under rules

1 adopted by the ~~board~~ DEPARTMENT, the ~~board~~ DEPARTMENT shall issue a  
2 cremationist license.

3 E. ~~Notwithstanding any other law,~~ A responsible cremationist ~~is~~  
4 ~~required to~~ SHALL be licensed pursuant to this article. Any other  
5 cremationist may be licensed pursuant to this article but, if not  
6 licensed, may engage only in cremation activity that is allowed without a  
7 license.

8 Sec. 73. Section 32-1395, Arizona Revised Statutes, is amended to  
9 read:

10 32-1395. Application; qualifications for licensure

11 A. An applicant for a crematory license shall submit a completed  
12 application on a form prescribed by the ~~board~~ DEPARTMENT. If the  
13 applicant is a business entity, the entity shall direct a natural person  
14 who is an owner of the entity to submit its application. The application  
15 shall be subscribed under oath, shall contain the name of the responsible  
16 cremationist and shall be accompanied by the applicable fee pursuant to  
17 section 32-1309 and any additional information that the ~~board~~ DEPARTMENT  
18 deems necessary. A business entity that applies for a license pursuant to  
19 this article shall submit to the ~~board~~ DEPARTMENT with its application for  
20 licensure a copy of its partnership agreement, its articles of  
21 incorporation or organization or any other organizational documents  
22 required to be filed with the corporation commission.

23 B. A person who applies for a license pursuant to this article, or  
24 if the applicant is a business entity, ~~the~~ ALL owners, partners, officers,  
25 directors and trust beneficiaries of the entity, shall ~~:-~~

26 ~~1. Be of good moral character.~~

27 ~~2.~~ submit a completed fingerprint card, criminal history background  
28 information and a fingerprint background check fee to the ~~board~~  
29 DEPARTMENT.

30 C. The ~~board or the board's designee~~ DEPARTMENT shall inspect the  
31 premises of a crematory and investigate the character and other  
32 qualifications of all applicants for licensure pursuant to this article to  
33 determine whether the crematory and the applicants are in compliance with  
34 the requirements of this article and rules adopted by the ~~board~~  
35 DEPARTMENT.

36 D. If the ~~board~~ DEPARTMENT finds that the applicant meets the  
37 criteria for licensure under this article and rules adopted by the ~~board~~  
38 DEPARTMENT, the ~~board~~ DEPARTMENT shall issue a crematory license.

39 Sec. 74. Section 32-1397, Arizona Revised Statutes, is amended to  
40 read:

41 32-1397. Nontransferability of crematory licenses; change of  
42 ownership; interim permit; definition

43 A. A crematory license issued by the ~~board~~ DEPARTMENT is not  
44 transferable or subject to sale or assignment, whether by A voluntary or  
45 involuntary process.

1 B. ~~When~~ IF a change of ownership of a crematory occurs, the  
2 licensee shall notify the ~~board~~ DEPARTMENT in writing and shall surrender  
3 the license to the ~~board~~ DEPARTMENT within twenty days after the change of  
4 ownership. The new owner shall also notify the ~~board~~ DEPARTMENT in  
5 writing within twenty days after the change of ownership and shall submit  
6 an application for a crematory license to the ~~board~~ DEPARTMENT pursuant to  
7 section 32-1395.

8 C. The ~~board~~ DEPARTMENT shall issue an interim permit to a new  
9 owner of a licensed crematory to allow the new owner to continue the  
10 operation of the crematory during the period that the new owner's license  
11 application is pending if the following conditions are met:

12 1. The new owner notifies the ~~board~~ DEPARTMENT of the change of  
13 ownership and submits an application for an interim permit and the  
14 applicable fee pursuant to section 32-1309 ~~at least~~ WITHIN three days,  
15 excluding Saturdays, Sundays and holidays, after the change takes place.  
16 Notice shall be given during regular business hours.

17 2. The crematory continues to meet the requirements of section  
18 32-1394.

19 D. An interim permit issued by the ~~board~~ DEPARTMENT pursuant to  
20 this section shall be for not more than forty-five days and shall not be  
21 extended except as provided in subsection E of this section. An interim  
22 permit is a conditional permit and authorizes the holder to operate a  
23 crematory as would be ~~permitted~~ ALLOWED under a crematory license issued  
24 pursuant to this article. The holder of an interim permit is subject to  
25 the licensing rules and disciplinary proceedings prescribed in this  
26 chapter and in rules adopted pursuant to this chapter.

27 E. Notwithstanding subsection D of this section, for good cause  
28 shown, the ~~board~~ DEPARTMENT may extend an interim permit for not more than  
29 forty-five days.

30 F. Until an interim permit is issued, the ~~board~~ DEPARTMENT shall  
31 keep confidential all notices filed with the ~~board~~ DEPARTMENT by the  
32 prospective new owner of a licensed crematory pursuant to this section.

33 G. For the purposes of this section, "regular business hours" means  
34 between the hours of 8:00 a.m. and 5:00 p.m. on any day of the week other  
35 than Saturday, Sunday or any other legal holiday or a day on which the  
36 ~~board~~ DEPARTMENT is authorized or obligated by law or executive order to  
37 close.

38 Sec. 75. Section 32-1397.01, Arizona Revised Statutes, is amended  
39 to read:

40 32-1397.01. Crematories; change of name

41 The owner of a ~~licensed~~ crematory who desires to change the name of  
42 the crematory shall submit an application on a form prescribed by the  
43 ~~board~~ DEPARTMENT. The application shall be subscribed under oath and  
44 shall be accompanied by the applicable fee.

1           Sec. 76. Section 32-1397.02, Arizona Revised Statutes, is amended  
2 to read:

3           32-1397.02. Crematories; change of location

4           The owner of a ~~licensed~~ crematory shall submit an application on a  
5 form prescribed by the ~~board~~ DEPARTMENT to change the location of the  
6 crematory. The application shall be subscribed under oath and shall be  
7 accompanied by the applicable fee. Before the ~~board~~ DEPARTMENT approves a  
8 request for a change of location pursuant to this section, the owner shall  
9 demonstrate that the new location meets the requirements of section  
10 32-1394.

11          Sec. 77. Section 32-1398, Arizona Revised Statutes, is amended to  
12 read:

13          32-1398. Crematories; prohibited acts; disciplinary actions

14          A. The ~~board~~ DEPARTMENT may take disciplinary action against a  
15 crematory or an agent or employee of a crematory for any of the following  
16 acts:

17           1. Unless otherwise ~~permitted~~ ALLOWED by law, selling or offering  
18 to sell a cremation that is not arranged by a funeral establishment  
19 licensed pursuant to article 4 of this chapter. This paragraph does not  
20 prohibit charging a cremation fee.

21           2. Unless otherwise permitted by law, selling or offering to sell  
22 any funeral goods ~~or~~ AND services other than cremation.

23           3. Cremating or causing the cremation of a dead human body before  
24 obtaining certification from the county medical examiner or person  
25 performing the duties of the county medical examiner pursuant to section  
26 11-599 and, if the deceased person did not execute a document authorizing  
27 the deceased person's cremation pursuant to section 32-1365.01, before  
28 obtaining express written consent to cremate the body from the authorizing  
29 agent pursuant to section 32-1365.02.

30           4. Using a retort for any purpose other than the cremation of human  
31 remains.

32           5. Cremating more than one dead human body at the same time in the  
33 same retort without the express written consent of the authorizing agents.

34           6. Introducing a second dead human body into a retort before  
35 reasonable efforts have been made to remove all fragments of the cremated  
36 remains from the preceding cremation without the express written consent  
37 of the authorizing agents. Incidental and unavoidable residue remaining  
38 in a retort after a cremation does not constitute a violation of this  
39 paragraph.

40           7. Introducing the cremated human remains of a second dead human  
41 body into a processor before the termination of the processing of the  
42 cremated human remains that were previously in the processor and before  
43 reasonable efforts have been made to remove all fragments of cremated  
44 remains from the preceding processing without the express written consent  
45 of the authorizing agents. Incidental and unavoidable residue remaining

1 in a processor after a processing does not constitute a violation of this  
2 paragraph.

3 8. Retaining any accumulated human residue from any retort,  
4 processor, container or other equipment used in cremation. A crematory  
5 shall dispose of all accumulated human residue in a cemetery in accordance  
6 with the rules of the cemetery and any applicable local ordinances.

7 9. Selling or offering for sale anything of value obtained as a  
8 result of the cremation process.

9 10. Violating ~~any provision of~~ this chapter or a rule adopted  
10 pursuant to this chapter.

11 B. The acts **OR OMISSIONS** of an agent or employee of a crematory  
12 that violate this chapter or rules adopted pursuant to this chapter ~~shall~~  
13 **be ARE** deemed to be acts **OR OMISSIONS** of the crematory.

14 Sec. 78. Section 32-1399, Arizona Revised Statutes, is amended to  
15 read:

16 32-1399. Crematories; rules; standards of practice

17 The ~~board~~ **DEPARTMENT** shall adopt rules that establish standards  
18 equivalent to section 32-1307, subsection A, paragraph ~~5~~ **4** for regulating  
19 crematories and cremation and that include the following:

20 1. A crematory shall develop, implement and maintain a written  
21 procedure for ~~the identification of~~ **IDENTIFYING** human remains that ensures  
22 that remains can be identified from the time that a crematory accepts the  
23 delivery of the remains until the cremated remains are released to the  
24 authorizing agent. The identification procedures shall require the  
25 crematory to comply with the requirements of this section. The crematory  
26 shall not open a container containing human remains, except under the  
27 personal supervision of a licensed funeral director or embalmer or a  
28 responsible cremationist licensed pursuant to this article and trained in  
29 crematory operations to manage the daily operation of the crematory.  
30 After taking custody of human remains, a crematory shall immediately  
31 verify the identification attached to the casket or cremation container  
32 and assign an identification number. The crematory shall not accept  
33 unidentified caskets or cremation containers. The identification shall  
34 include the name and address of the deceased, the name and relationship of  
35 the authorizing agent, the name of the person or entity engaging the  
36 crematory services, a valid cremation permit issued by a government agency  
37 and a metal cremation disk containing the identification number. The disk  
38 shall be placed with the deceased during cremation.

39 2. If a crematory is unable to cremate the human remains  
40 immediately after taking custody, the crematory shall store the remains in  
41 a holding facility that is secure from access by anyone other than  
42 employees of the crematory and public officials in the performance of  
43 their duty and that complies with applicable public health laws, preserves  
44 the dignity of the human remains and protects the health of employees of  
45 the crematory.

1           3. A crematory shall not accept a casket or cremation container  
2 from which there is evidence of leakage of body fluids from the human  
3 remains and shall not hold human remains for cremation unless they are  
4 contained in an individual, closed casket or rigid cremation container of  
5 combustible material that preserves the dignity of the human remains and  
6 that protects the health of employees of the crematory. Human remains  
7 that are not embalmed shall be held by the crematory in a refrigerated  
8 holding facility that maintains human remains at or below thirty-eight  
9 degrees fahrenheit or in compliance with applicable public health laws.

10           4. All body prostheses, bridgework or similar items removed from  
11 the cremated remains shall be disposed of by the crematory unless an  
12 alternative disposition is agreed to in the authorization to cremate.

13           5. After cremation, the crematory as far as practicable shall  
14 remove visible parts of the residual of the cremation process from the  
15 retort, shall not combine the cremated or processed remains with other  
16 cremated or processed remains and shall attach the identification of the  
17 cremated or processed remains to the temporary container or urn into which  
18 the remains are placed.

19           6. The crematory shall place cremated or processed remains in a  
20 temporary container or urn. Extra space may be filled with clean packing  
21 material that will not combine with the cremated or processed remains.  
22 The lid or top shall be securely closed. Any cremated or processed  
23 remains that do not fit in the temporary container or urn shall be  
24 returned in a separate container or, with permission of the authorizing  
25 agent, disposed of by the crematory.

26           7. A crematory may dispose of cremated or processed remains in any  
27 legal manner directed by a document prepared pursuant to section  
28 32-1365.01 or agreed to by the authorizing agent. If the authorizing  
29 agent agrees to take possession and does not take possession of the  
30 remains within thirty days after cremation or on an agreed date, the  
31 crematory shall send written notice to the last known address of the  
32 authorizing agent to take possession. Ninety days after the notification  
33 is sent or delivered, the crematory may dispose of the cremated or  
34 processed remains in any legal manner.

35           8. Unless the deceased has prepared a document pursuant to section  
36 32-1365.01, the crematory shall obtain an authorization to cremate from  
37 the authorizing agent that shall contain a provision holding the crematory  
38 harmless for the disposition of unclaimed cremated or processed remains.

39           9. All employees of the crematory who handle dead human bodies  
40 shall use universal precautions and shall otherwise exercise reasonable  
41 care to minimize the risk of transmitting any communicable disease from a  
42 dead human body.

43           10. Unless the deceased has prepared a document pursuant to section  
44 32-1365.01, employees of the crematory shall not remove a dead human body  
45 from the container in which it is delivered to the crematory without the



1 express written consent of the authorizing agent. If, after accepting a  
2 dead human body for cremation, employees of a crematory discover that a  
3 mechanical or radioactive device is implanted in the body, an embalmer  
4 licensed pursuant to article 2 of this chapter shall remove the device  
5 from the body before cremation takes place.

6 11. A crematory shall keep an accurate record of all cremations  
7 performed, including dispositions of cremated and processed remains, for  
8 not fewer than five years after the cremation.

9 Sec. 79. Section 32-2194.03, Arizona Revised Statutes, is amended  
10 to read:

11 32-2194.03. Issuance or denial of certificate of authority;  
12 voidable sale; order prohibiting sale;  
13 investigations by commissioner; public  
14 hearings; summary orders

15 A. After examination of a cemetery application, the commissioner,  
16 unless there are grounds for denial, shall issue a certificate of  
17 authority authorizing the sale in this state of cemetery plots within the  
18 cemetery. The commissioner shall notify the ~~state board of funeral~~  
19 ~~directors and embalmers~~ DEPARTMENT OF HEALTH SERVICES when the  
20 commissioner issues a certificate of authority pursuant to this section.

21 B. The commissioner may deny issuance of a certificate of authority  
22 on any of the following grounds:

23 1. ~~Failure~~ THE APPLICANT FAILS to comply with ~~any of the provisions~~  
24 ~~of~~ this article or the rules of the commissioner pertaining to this  
25 article.

26 2. The sale of plots within the cemetery would constitute  
27 misrepresentation to or deceit or fraud of the purchasers.

28 3. The applicant has procured or attempted to procure a certificate  
29 of authority under ~~the provisions of~~ this chapter for itself or another by  
30 fraud, misrepresentation or deceit or by filing an original or renewal  
31 application which is false or misleading.

32 4. ~~Inability~~ THE APPLICANT IS UNABLE to deliver title or other  
33 interest contracted for.

34 5. ~~Inability~~ THE APPLICANT IS UNABLE to demonstrate that adequate  
35 financial or other arrangements acceptable to the commissioner have been  
36 made for installation of all off-site and other cemetery facilities.

37 6. ~~Failure~~ THE APPLICANT FAILS to ~~make a showing~~ SHOW that the  
38 plots can be used for the purpose for which they are offered.

39 7. ~~Failure~~ THE APPLICANT FAILS to provide in the contract or other  
40 writing the use or uses for which the plots are offered, together with any  
41 covenants or conditions relative to such plots.

42 8. ~~Failure~~ THE APPLICANT FAILS to include in the contract the  
43 disclosure provisions required as provided by section 32-2194.04.

44 9. The owner, THE agent, AN officer, A director or partner, A trust  
45 beneficiary holding ten ~~per cent~~ PERCENT or more beneficial interest or,

1 if a corporation, any stockholder owning ten ~~per cent~~ PERCENT or more of  
2 the stock in such corporation has:

3 (a) Been convicted of a felony or misdemeanor involving fraud or  
4 dishonesty or involving conduct of any business or a transaction in real  
5 estate, cemetery property, ~~time-share~~ TIMESHARE intervals or membership  
6 camping campgrounds or contracts.

7 (b) Been permanently or temporarily enjoined by order, judgment or  
8 decree from engaging in or continuing any conduct or practice in  
9 connection with the sale or purchase of real estate or cemetery property,  
10 ~~time-share~~ TIMESHARE intervals, membership camping contracts or  
11 campgrounds, or securities or involving consumer fraud or the racketeering  
12 laws of this state.

13 (c) Had an administrative order entered against the applicant by a  
14 real estate regulatory agency or security regulatory agency.

15 (d) Had an adverse decision or judgment entered against the  
16 applicant involving fraud or dishonesty or involving the conduct of any  
17 business in or a transaction in real estate, cemetery property, ~~time-share~~  
18 TIMESHARE intervals or membership camping campgrounds or contracts.

19 (e) Disregarded or violated any of the provisions of this chapter  
20 or the rules of the commissioner pertaining to this chapter.

21 (f) Participated in, operated or held an interest in any entity to  
22 which subdivision (b), (c), (d) or (e) OF THIS PARAGRAPH applies.

23 10. ~~Failure~~ THE APPLICANT FAILS to satisfy the commissioner that  
24 sufficient land has been dedicated for the operation of the cemetery to  
25 make it financially secure with respect to the trust fund requirements of  
26 this article.

27 C. A cemetery owner or operator shall not sell or offer for sale  
28 any plots without first obtaining a certificate of authority as provided  
29 in this section. Any sale of plots before the issuance of the certificate  
30 of authority is voidable by the purchaser. An action by the purchaser to  
31 void such A transaction shall be brought within three years ~~of~~ AFTER the  
32 date of execution of the purchase agreement by the purchaser. In any such  
33 action, the prevailing party is entitled to reasonable attorney fees as  
34 determined by the court.

35 D. An applicant objecting to the denial of a certificate of  
36 authority by the commissioner, within thirty days after receipt of the  
37 order of denial, may file a written request for a hearing. The  
38 commissioner shall hold the hearing within twenty-five days after the  
39 request unless the party requesting the hearing requests a postponement.  
40 If the hearing is not held within twenty-five days after the request for a  
41 hearing is received, plus the period of any such postponement, or if a  
42 proposed decision is not rendered within forty-five days after submission,  
43 the order of denial shall be rescinded and a certificate of authority  
44 shall be issued.

1 E. On the commissioner's own motion or if the commissioner has  
2 received a complaint and has satisfactory evidence that the cemetery owner  
3 or agent is violating any provision of this article or the rules of the  
4 commissioner or has engaged in any unlawful practice as defined in section  
5 44-1522 with respect to the sale of cemetery plots or deviated from the  
6 conditions under which the certificate of authority was issued, the  
7 commissioner may investigate the cemetery project and examine the books  
8 and records of the cemetery owner or agent. For the purpose of  
9 examination, the cemetery owner or agent shall keep and maintain records  
10 of all sales transactions and monies the cemetery owner or agent received  
11 at the broker's main office or at an off-site storage location in this  
12 state if the owner or agent provides prior written notification of the  
13 street address of the off-site storage location to the department. The  
14 cemetery owner or agent shall make the records accessible to the  
15 commissioner on reasonable notice and demand.

16 F. ~~The commissioner~~ On the commissioner's own motion or if the  
17 commissioner has received a complaint and has satisfactory evidence that  
18 any of the grounds exist as provided in subsection B of this section or  
19 that any person has engaged in any unlawful practice as defined in section  
20 44-1522 with respect to the sale of cemetery plots or has deviated from  
21 the conditions under which the certificate of authority was issued, before  
22 or after the commissioner issues the certificate of authority as provided  
23 in this section, **THE COMMISSIONER** may conduct an investigation of such  
24 matter, issue a summary order as provided in section 32-2157, or hold a  
25 public hearing and, after the hearing, may issue such order or orders as  
26 the commissioner deems necessary to protect the public interest and ensure  
27 compliance with the law, rules or certificate of authority, or the  
28 commissioner may bring an action in any court of competent jurisdiction  
29 against the person to enjoin the person from continuing such **A** violation  
30 or engaging in a violation or doing any act or acts in furtherance of a  
31 violation. The court may make such orders or judgments, including the  
32 appointment of a receiver, ~~as~~ **THAT** may be necessary to prevent the use or  
33 employment by a person of any unlawful practices or ~~which~~ **THAT** may be  
34 necessary to restore to any person in interest any monies or property,  
35 real or personal, ~~which~~ **THAT** may have been acquired by means of any  
36 practice declared to be unlawful in this article.

37 G. If it appears to the commissioner that a person has engaged in  
38 or is engaging in a practice declared to be unlawful by this article and  
39 that ~~such~~ **THE** person is concealing assets or has made arrangements to  
40 conceal assets or is about to leave this state, the commissioner may apply  
41 to the superior court, without notice, for an order appointing a receiver  
42 of the assets of ~~such~~ **THE** person or for a writ of ne exeat, or both.

43 H. The court on receipt of an application for the appointment of a  
44 receiver or for a writ of ne exeat, or both, shall examine the verified  
45 application of the commissioner and such other evidence that the

1 commissioner may present to the court. If satisfied that the interests of  
2 the public require the appointment of a receiver or the issuance of a writ  
3 of ne exeat without notice, the court shall issue an order appointing the  
4 receiver or issue the writ, or both. If the court determines that the  
5 interests of the public will not be harmed by the giving of notice, the  
6 court shall set a time for a hearing and require that ~~such~~ THE notice be  
7 given as the court deems satisfactory.

8 I. If the court appoints a receiver without notice, the court shall  
9 further direct that a copy of the order appointing a receiver be served on  
10 the person engaged in or engaging in a practice declared to be unlawful  
11 under this article by delivering ~~such~~ THE order to the last address of the  
12 person ~~which~~ THAT is on file with the STATE real estate department. The  
13 order shall inform the person that ~~he~~ THE PERSON has the right to request  
14 a hearing within ten days after the date of the order, and if requested,  
15 the hearing shall be held within thirty days after the date of the order.

16 Sec. 80. Section 41-1092, Arizona Revised Statutes, is amended to  
17 read:

18 41-1092. Definitions

19 In this article, unless the context otherwise requires:

20 1. "Administrative law judge" means an individual or an agency  
21 head, board or commission that sits as an administrative law judge, that  
22 conducts administrative hearings in a contested case or an appealable  
23 agency action and that makes decisions regarding the contested case or  
24 appealable agency action.

25 2. "Administrative law judge decision" means the findings of fact,  
26 conclusions of law and recommendations or decisions issued by an  
27 administrative law judge.

28 3. "Adversely affected party" means:

29 (a) An individual who both:

30 (i) Provides evidence of an actual injury or economic damage that  
31 the individual has suffered or will suffer as a direct result of the  
32 action and not due to being a competitor or a general taxpayer.

33 (ii) Timely submits comments on the license application that  
34 include, with sufficient specificity, the questions of law, if applicable,  
35 that are the basis for the appeal.

36 (b) A group or association that identifies, by name and physical  
37 address in the notice of appeal, a member of the group or association who  
38 would be an adversely affected party in the individual's own right.

39 4. "Appealable agency action" means an action that determines the  
40 legal rights, duties or privileges of a party, including the  
41 administrative completeness of an application other than an application  
42 submitted to the department of water resources pursuant to title 45, and  
43 that is not a contested case. Appealable agency actions do not include  
44 interim orders by self-supporting regulatory boards, rules, orders,  
45 standards or statements of policy of general application issued by an

1 administrative agency to implement, interpret or make specific the  
2 legislation enforced or administered by it or clarifications of  
3 interpretation, nor does it mean or include rules concerning the internal  
4 management of the agency that do not affect private rights or interests.  
5 For the purposes of this paragraph, administrative hearing does not  
6 include a public hearing held for the purpose of receiving public comment  
7 on a proposed agency action.

8 5. "Director" means the director of the office of administrative  
9 hearings.

10 6. "Final administrative decision" means a decision by an agency  
11 that is subject to judicial review pursuant to title 12, chapter 7,  
12 article 6.

13 7. "Licensee":

14 (a) Means any individual or business entity that has been issued a  
15 license by a state agency to engage in any business or activity in this  
16 state and that is subject to a licensing decision.

17 (b) Includes any individual or business entity that has applied for  
18 such a license and that appeals a licensing decision pursuant to section  
19 41-1092.08 or 41-1092.12.

20 8. "Office" means the office of administrative hearings.

21 9. "Self-supporting regulatory board" means any ~~one~~ of the  
22 following:

23 (a) The Arizona state board of accountancy.

24 (b) The barbering and cosmetology board.

25 (c) The board of behavioral health examiners.

26 (d) The Arizona state boxing and mixed martial arts commission.

27 (e) The state board of chiropractic examiners.

28 (f) The state board of dental examiners.

29 ~~(g) The state board of funeral directors and embalmers.~~

30 ~~(h)~~ (g) The Arizona game and fish commission.

31 ~~(i)~~ (h) The board of homeopathic and integrated medicine  
32 examiners.

33 ~~(j)~~ (i) The Arizona medical board.

34 ~~(k)~~ (j) The naturopathic physicians medical board.

35 ~~(l)~~ (k) The Arizona state board of nursing.

36 ~~(m)~~ (l) The board of examiners of nursing care institution  
37 administrators and assisted living facility managers.

38 ~~(n)~~ (m) The board of occupational therapy examiners.

39 ~~(o)~~ (n) The state board of dispensing opticians.

40 ~~(p)~~ (o) The state board of optometry.

41 ~~(q)~~ (p) The Arizona board of osteopathic examiners in medicine and  
42 surgery.

43 ~~(r)~~ (q) The Arizona peace officer standards and training board.

44 ~~(s)~~ (r) The Arizona state board of pharmacy.

45 ~~(t)~~ (s) The board of physical therapy.

- 1       ~~(t)~~ (t) The state board of podiatry examiners.
- 2       ~~(v)~~ (u) The state board for private postsecondary education.
- 3       ~~(w)~~ (v) The state board of psychologist examiners.
- 4       ~~(x)~~ (w) The board of respiratory care examiners.
- 5       ~~(y)~~ (x) The state board of technical registration.
- 6       ~~(z)~~ (y) The Arizona state veterinary medical examining board.
- 7       ~~(aa)~~ (z) The acupuncture board of examiners.
- 8       ~~(bb)~~ (aa) The Arizona regulatory board of physician assistants.
- 9       ~~(cc)~~ (bb) The board of athletic training.
- 10      ~~(dd)~~ (cc) The board of massage therapy.

11       Sec. 81. Repeal  
12       Section 41-3023.17, Arizona Revised Statutes, is repealed.  
13       Sec. 82. Section 41-3028.03, Arizona Revised Statutes, is amended  
14 to read:

15       41-3028.03. Department of health services; termination July  
16               1, 2028

17       A. The department of health services terminates on July 1, 2028.

18       B. The provisions of title 36 relating to the department of health  
19 services and its divisions, TITLE 32, CHAPTER 12 and this section are  
20 repealed on January 1, 2029.

21       Sec. 83. Succession

22       A. As provided by this act, the department of health services  
23 succeeds to the authority, powers, duties and responsibilities of the  
24 state board of funeral directors and embalmers.

25       B. This act does not alter the effect of any actions that were  
26 taken or impair the valid obligations of the state board of funeral  
27 directors and embalmers in existence before the effective date of this  
28 act.

29       C. Administrative rules and orders that were adopted by the state  
30 board of funeral directors and embalmers continue in effect until  
31 superseded by administrative action by the department of health services.

32       D. All administrative matters, contracts and judicial and  
33 quasi-judicial actions, whether completed, pending or in process, of the  
34 state board of funeral directors and embalmers on the effective date of  
35 this act are transferred to and retain the same status with the department  
36 of health services.

37       E. All certificates, licenses, registrations, permits and other  
38 indicia of qualification and authority that were issued by the state board  
39 of funeral directors and embalmers retain their validity for the duration  
40 of their terms of validity as provided by law.

41       F. All equipment, records, furnishings and other property, all data  
42 and investigative findings, all obligations and all appropriated monies  
43 that remain unexpended and unencumbered on the effective date of this act  
44 of the state board of funeral directors and embalmers are transferred to  
45 the department of health services.

1           G. All personnel who are under the state personnel system and  
2 employed by the state board of funeral directors and embalmers are  
3 transferred to comparable positions and pay classifications in the  
4 respective administrative units of the department of health services on  
5 the effective date of this act.

6           Sec. 84. Retroactivity

7           This act applies retroactively to from and after March 31, 2023.