

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

# **HB 2081**

Introduced by  
Representative Hendrix

## **AN ACT**

**AMENDING SECTIONS 32-1301 AND 32-1398, ARIZONA REVISED STATUTES; RELATING TO FUNERAL INDUSTRY PROFESSIONALS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 32-1301, Arizona Revised Statutes, is amended to  
3 read:  
4 32-1301. Definitions  
5 In this chapter, unless the context otherwise requires:  
6 1. "Accredited" means being recognized or authorized by the  
7 American board of funeral service education.  
8 2. "Administrative costs and expenses" means the cost of copies,  
9 transcripts, court reporter and witness fees, reimbursement for mileage  
10 and office of administrative hearings costs.  
11 3. "Alkaline hydrolysis" means a form of final disposition that  
12 includes all of the following:  
13 (a) Reducing a dead human body to essential elements through a  
14 water-based dissolution process using alkaline chemicals, heat, agitation  
15 and pressure to accelerate natural decomposition.  
16 (b) Processing the hydrolyzed remains after they are removed from  
17 the alkaline hydrolysis vessel.  
18 (c) Placing the processed remains in a hydrolyzed remains  
19 container.  
20 (d) Releasing the hydrolyzed remains to an appropriate party.  
21 4. "Alkaline hydrolysis container":  
22 (a) Means a hydrolyzable or biodegradable closed container or pouch  
23 that is resistant to leakage of bodily fluids, that encases a dead human  
24 body and into which the body is placed before the container's insertion  
25 into an alkaline hydrolysis vessel.  
26 (b) Includes a hydrolyzable or biodegradable alternative container  
27 or casket.  
28 5. "Alkaline hydrolysis facility" means a building or structure  
29 containing one or more alkaline hydrolysis vessels for alkaline  
30 hydrolysis.  
31 6. "Alkaline hydrolysis operator" means a person who is trained to  
32 carry out the process of alkaline hydrolysis.  
33 7. "Alkaline hydrolysis vessel" means the container in which  
34 alkaline hydrolysis is performed.  
35 8. "Alternative container" means any unfinished wood box or other  
36 nonmetal receptacle or enclosure, without ornamentation or a fixed  
37 interior lining, that is designed for encasing human remains.  
38 9. "Authorizing agent" means a person who is legally entitled to  
39 order the cremation, disinterment or embalming of human remains pursuant  
40 to section 32-1365.02.  
41 10. "Beneficiary" means a person whose future funeral arrangements  
42 will be handled by a funeral establishment pursuant to a prearranged  
43 funeral agreement.

- 1           11. "Business entity" includes any corporation, association,  
2 limited liability company, professional corporation, partnership, limited  
3 partnership, sole proprietorship, business trust, trust, joint venture and  
4 other business entity.
- 5           12. "Casket" means a rigid container that is designed to  
6 permanently encase human remains and that is usually constructed of wood,  
7 metal or synthetic substances and ornamented and lined with fabric.
- 8           13. "Change of ownership" means a transfer of a controlling legal  
9 or equitable interest in a licensed funeral establishment or crematory  
10 resulting from a sale or merger. If the establishment or crematory is  
11 operated by a business entity, any transfer of the ownership of ten  
12 percent or more of the entity constitutes a change of ownership.
- 13           14. "Conviction" means a criminal adjudication or conviction by any  
14 state or federal court of competent jurisdiction, including a judgment  
15 based on a no contest plea, without regard to whether civil rights have  
16 been restored.
- 17           15. "Cremated remains" means the remaining bone fragments OR SOIL  
18 after cremation.
- 19           16. "Cremation" means the ~~heating~~ process that reduces human  
20 remains to bone fragments OR SOIL by combustion, ~~and~~ evaporation OR  
21 NATURAL ORGANIC REDUCTION.
- 22           17. "Cremation container" means a leak and spill resistant, rigid,  
23 combustible, closed receptacle into which human remains are placed before  
24 cremation.
- 25           18. "Cremationist" means a person who operates a crematory retort,  
26 who performs the actual cremation of human remains and who may be licensed  
27 pursuant to article 6 of this chapter.
- 28           19. "Crematory" means a building or portion of a building that is  
29 licensed pursuant to article 6 of this chapter and that houses a retort in  
30 which only human remains are cremated.
- 31           20. "Department" means the department of health services.
- 32           21. "Director" means the director of the department.
- 33           22. "Disciplinary action" means an action taken to revoke or  
34 suspend a license, to impose probationary requirements or civil penalties  
35 or to issue a letter of censure or reprimand to any person who is subject  
36 to this chapter and who violates any provision of this chapter or rules.
- 37           23. "Embalmer" means a person who is licensed pursuant to this  
38 chapter and who is engaged in embalming.
- 39           24. "Embalming" means the implementation of reconstructive  
40 procedures and the process of disinfecting and preserving a dead human  
41 body to retard organic decomposition by treating the body to reduce the  
42 presence and growth of organisms.
- 43           25. "Financial institution" means a bank, savings and loan  
44 association, trust company or credit union that is lawfully doing business  
45 in this state and that is not affiliated with a funeral establishment.

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

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

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

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

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

20           31. "Funeral goods and services":

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

27           (b) Does not include:

28           (i) Goods and services sold by cemeteries.

29           (ii) Services provided pursuant to a transportation protection  
30 agreement.

31           32. "Holding facility" means a designated area for retaining human  
32 remains.

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

35           34. "License" means a written authorization that is issued by the  
36 department and that entitles a person to act as a funeral director or  
37 embalmer or to operate a funeral establishment, crematory or alkaline  
38 hydrolysis facility in this state.

39           35. "Licensee" means a person to whom the department has issued a  
40 license under this chapter.

41           36. "Manage" means:

42           (a) That a responsible funeral director exercises control and  
43 oversight over all employees of a funeral establishment and over funeral  
44 transactions, including caring for dead human bodies, funeral services and  
45 activities and documenting and retaining records.

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

3 37. "National board examination" means the test or tests given by  
4 the international conference of funeral service examining boards to  
5 determine the entry level knowledge and skills of a person regarding  
6 funeral directing and embalming.

7 ~~38.~~ 38. "NATURAL ORGANIC REDUCTION" MEANS THE CONTAINED, ACCELERATED  
8 CONVERSION OF HUMAN REMAINS TO SOIL.

9 ~~39.~~ 39. "Net interest" means interest earned on a prearranged  
10 funeral trust account minus applicable taxes, reasonable and necessary  
11 charges made by the financial institution and the annual service fee  
12 allowed to be deducted by the funeral establishment according to section  
13 32-1391.06, subsection B.

14 ~~39.~~ 40. "Outer burial container" means a container that is  
15 designed for placement in a grave around a casket, including burial  
16 vaults, grave boxes and grave liners.

17 ~~40.~~ 41. "Owner":

18 (a) Means a person who owns ten percent or more of a business  
19 entity.

20 (b) Does not include shareholders of companies who have a class of  
21 common equity stock listed or authorized to be listed on the New York  
22 stock exchange or the American stock exchange or listed on the NASDAQ  
23 stock market.

24 ~~41.~~ 42. "Person legally responsible" means the person responsible  
25 for burying a dead body as determined in section 36-831.

26 ~~42.~~ 43. "Prearranged funeral agreement" means any agreement or  
27 combination of agreements under which a payment is made before the death  
28 of the intended beneficiary for funeral goods and services to be delivered  
29 or performed after the death of the beneficiary.

30 ~~43.~~ 44. "Prearranged funeral trust account" means a trust account  
31 that is established at a financial institution and into which all monies  
32 paid on behalf of a beneficiary pursuant to a prearranged funeral  
33 agreement are deposited.

34 ~~44.~~ 45. "Preparation" means washing, shaving, dressing or  
35 arranging hair on, applying cosmetics to or positioning bodily features on  
36 a dead human body and placing the dead human body in a casket.

37 ~~45.~~ 46. "Processed cremated remains" means cremated remains,  
38 INCLUDING after they are pulverized and cleaned, leaving primarily small  
39 bone fragments OR SOIL.

40 ~~46.~~ 47. "Provisionally accredited" means being granted candidacy  
41 status by the American board of funeral service education.

42 ~~47.~~ 48. "Responsible cremationist" means a licensed cremationist  
43 who manages a crematory.

1           ~~48.~~ 49. "Responsible funeral director" means a person who is  
2 licensed pursuant to this chapter, who is engaged in funeral directing and  
3 who manages and is accountable for a funeral establishment.

4           ~~49.~~ 50. "Retort" means an enclosed space within which cremation  
5 takes place.

6           ~~50.~~ 51. "Supervise" or "supervision" means that a licensed  
7 embalmer has responsibility for and is within sight and sound of a person  
8 who is embalming a dead human body or assisting in embalming a dead human  
9 body.

10          ~~51.~~ 52. "Temporary container" means a receptacle that is usually  
11 made of cardboard, rigid plastic or another similar material and that is  
12 designed to hold processed cremated remains until they are placed in an  
13 urn or another permanent container.

14          ~~52.~~ 53. "Transportation protection agreement" means an agreement  
15 that primarily provides or arranges for services that are related to  
16 preparing human remains or cremated remains for the purpose of  
17 transportation and such subsequent transportation.

18          ~~53.~~ 54. "Trust funds" means all monies that are deposited on  
19 behalf of a beneficiary of a prearranged funeral agreement funded by trust  
20 and all accrued net interest. Trust funds shall be considered an account  
21 kept in suspense until distributed to the beneficiary, the funeral  
22 establishment or the estate of the beneficiary in accordance with this  
23 article.

24          ~~54.~~ 55. "Universal precautions" means the universal blood and  
25 fluid precautions recommended by the centers for disease control of the  
26 United States public health service to prevent the transmission of  
27 bloodborne and bodily fluid-borne infectious diseases.

28          ~~55.~~ 56. "Unprofessional conduct" includes the following acts,  
29 whether occurring in this state or elsewhere:

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

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

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

38           (d) Bribing or offering to bribe, directly or indirectly, an  
39 employee of the department to influence the employee's actions in  
40 performing the employee's duties.

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

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

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

7 (h) Certifying falsely to having embalmed or prepared a dead human  
8 body that was embalmed by another person.

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

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

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

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

21 (m) Within a period of five years, having a license or endorsement  
22 suspended or revoked by the department or by the funeral services  
23 regulating authority of this state or any other jurisdiction or  
24 surrendering a license or endorsement in lieu of disciplinary action.

25 ~~56-~~ 57. "Urn" means a receptacle into which processed cremated  
26 remains are placed for disposition.

27 Sec. 2. Section 32-1398, Arizona Revised Statutes, is amended to  
28 read:

29 32-1398. Crematories; prohibited acts; disciplinary actions

30 A. The department may take disciplinary action against a crematory  
31 or an agent or employee of a crematory for any of the following acts:

32 1. Unless otherwise allowed by law, selling or offering to sell a  
33 cremation that is not arranged by a funeral establishment licensed  
34 pursuant to article 4 of this chapter. This paragraph does not prohibit  
35 charging a cremation fee.

36 2. Unless otherwise ~~permitted~~ ALLOWED by law, selling or offering  
37 to sell any funeral goods and services other than cremation.

38 3. Cremating or causing the cremation of a dead human body before  
39 obtaining certification from the county medical examiner or person  
40 performing the duties of the county medical examiner pursuant to section  
41 11-599 and, if the deceased person did not execute a document authorizing  
42 the deceased person's cremation pursuant to section 32-1365.01, before  
43 obtaining express written consent to cremate the body from the authorizing  
44 agent pursuant to section 32-1365.02.

1           4. Using a retort for any purpose other than the cremation of human  
2 remains.

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

5           6. Introducing a second dead human body into a retort before  
6 reasonable efforts have been made to remove all BONE fragments OR SOIL of  
7 the cremated remains from the preceding cremation without the express  
8 written consent of the authorizing agents. Incidental and unavoidable  
9 residue remaining in a retort after a cremation does not constitute a  
10 violation of this paragraph.

11           7. Introducing the cremated human remains of a second dead human  
12 body into a processor before the termination of the processing of the  
13 cremated human remains that were previously in the processor and before  
14 reasonable efforts have been made to remove all BONE fragments OR SOIL of  
15 cremated remains from the preceding processing without the express written  
16 consent of the authorizing agents. Incidental and unavoidable residue  
17 remaining in a processor after a processing does not constitute a  
18 violation of this paragraph.

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

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

25           10. Violating this chapter or a rule adopted pursuant to this  
26 chapter.

27           B. The acts or omissions of an agent or employee of a crematory  
28 that violate this chapter or rules adopted pursuant to this chapter are  
29 deemed to be acts or omissions of the crematory.