

REFERENCE TITLE: counties; indigent deceased persons; cremation

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
First Regular Session  
2025

# HB 2065

Introduced by  
Representative Gress

AN ACT

AMENDING SECTIONS 11-594, 11-600, 32-1321 AND 32-1395, ARIZONA REVISED STATUTES; RELATING TO DECEASED PERSONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-594, Arizona Revised Statutes, is amended to  
3 read:

4 11-594. Powers and duties of county medical examiner

5 A. The county medical examiner or alternate medical examiner shall  
6 direct a death investigation and, on a determination that the  
7 circumstances of the death provide jurisdiction pursuant to section  
8 11-593, subsection B, shall:

9 1. Take charge of the dead body.

10 2. Determine if an autopsy is required.

11 3. Certify to the cause and manner of death following completion of  
12 the death investigation, reduce the findings to writing and promptly make  
13 a full report on forms prescribed for that purpose.

14 4. Have subpoena authority for all documents, records and papers  
15 deemed useful in the death investigation.

16 5. Execute a death certificate provided by the state registrar of  
17 vital statistics indicating the cause and the manner of death for those  
18 bodies for which a death investigation has been conducted and jurisdiction  
19 is assumed.

20 6. Give approval for cremation or alkaline hydrolysis of a dead  
21 body after a death investigation and record the approval on the death  
22 certificate.

23 7. Notify the county attorney or other law enforcement authority  
24 when death is found to be from nonnatural causes.

25 8. Carry out the duties specified under section 28-668.

26 9. Carry out the duties specified under title 36, chapter 7,  
27 article 3.

28 10. Provide a blood sample from a deceased person for the purpose  
29 of communicable disease testing pursuant to sections 13-1210 and 36-670 if  
30 the blood is available and the collection or release will not interfere  
31 with a medical examination, autopsy or certification of death.

32 11. Observe all policies adopted by the board of supervisors  
33 regarding conflicts of interest and disclosure of noncounty employment.

34 B. The county medical examiner or alternate medical examiner may:

35 1. Assign to a medical death investigator or other qualified  
36 personnel all aspects of a death investigation except performing  
37 autopsies.

38 2. Authorize forensic pathologists to perform examinations and  
39 autopsies. The medical examiner or alternate medical examiner may  
40 authorize medical students or residents and fellows in pathology training  
41 to perform autopsies under the supervision of a licensed physician ~~who is~~  
42 ~~board certified in forensic pathology~~, pursuant to procedures adopted by  
43 the county medical examiner or alternate medical examiner. Authorization  
44 and the amount to be paid by the county for pathology services are subject  
45 to approval of the board of supervisors.

1           3. Authorize pathologist assistants to assist with performing  
2 autopsies under the direct supervision of a licensed physician who is  
3 board certified in forensic pathology, pursuant to procedures adopted by  
4 the county medical examiner or alternate medical examiner. A pathologist  
5 assistant may not certify a cause of death or independently perform an  
6 autopsy.

7           4. Delegate any power, duty or function, whether ministerial or  
8 discretionary, vested by this chapter in the medical examiner or alternate  
9 medical examiner to a person meeting the qualifications prescribed in this  
10 chapter who is employed by or who has contracted with the county to  
11 provide death investigation services. The medical examiner or alternate  
12 medical examiner shall be responsible for the official acts of the person  
13 designated pursuant to this section and shall act under the name and  
14 authority of the medical examiner or alternate medical examiner.

15           5. Authorize the taking of organs and tissues as they prove to be  
16 usable for transplants, other treatment, therapy, education or research if  
17 all of the requirements of title 36, chapter 7, article 3 are met. The  
18 medical examiner or alternate medical examiner shall give this  
19 authorization within a time period that allows a medically viable  
20 donation.

21           6. Authorize licensed physicians, surgeons or trained technicians  
22 to remove parts of bodies provided they follow an established protocol  
23 approved by the medical examiner or alternate medical examiner.

24           7. Limit the removal of organs or tissues for transplants or other  
25 therapy or treatment if, based on a review of available medical and  
26 investigative information within a time that allows a medically viable  
27 donation, the medical examiner or alternate medical examiner makes an  
28 initial determination that their removal would interfere with a medical  
29 examination, autopsy or certification of death. Before making a final  
30 decision to limit the removal of organs, the medical examiner or alternate  
31 medical examiner shall consult with the organ procurement organization.  
32 After the consultation and when the organ procurement organization  
33 provides information that the organ procurement organization reasonably  
34 believes could alter the initial decision and at the request of the organ  
35 procurement organization, the medical examiner or alternate medical  
36 examiner shall conduct a physical examination of the body. If the medical  
37 examiner or alternate medical examiner limits the removal of organs, the  
38 medical examiner or alternate medical examiner shall maintain  
39 documentation of this decision and shall make the documentation available  
40 to the organ procurement organization.

41           C. A county medical examiner or alternate medical examiner shall  
42 not be held civilly or criminally liable for any acts performed in good  
43 faith pursuant to subsection A, paragraph 10 and subsection B, paragraphs  
44 5, 6 and 7 of this section.

1 D. If a dispute arises over the findings of the medical examiner's  
2 report, the medical examiner, on an order of the superior court, shall  
3 make available all evidence and documentation to a court-designated  
4 licensed forensic pathologist for review, and the results of the review  
5 shall be reported to the superior court in the county issuing the order.

6 E. For providing external examinations and autopsies pursuant to  
7 this section, the medical examiner may charge a fee established by the  
8 board of supervisors pursuant to section 11-251.08.

9 F. The county medical examiner or alternate medical examiner is  
10 entitled to all medical records and related records of a person for whom  
11 the medical examiner is required to certify cause of death.

12 Sec. 2. Section 11-600, Arizona Revised Statutes, is amended to  
13 read:

14 11-600. Indigent deceased persons; disposition of remains;  
15 disposal of property

16 A. When a death investigation has been completed by the county  
17 medical examiner or alternate medical examiner and no other person takes  
18 charge of the body of the deceased, the examiner shall cause the body to  
19 be delivered to the funeral establishment, licensed pursuant to title 32,  
20 chapter 12, article 4, closest geographically to the place where the body  
21 is pronounced dead, for preservation, disinfection and final  
22 disposition. The medical examiner or alternate medical examiner may  
23 establish ~~geographical~~ GEOGRAPHIC areas within the county and a rotation  
24 system whereby the bodies are delivered equally in sequence to all  
25 licensed funeral establishments in each ~~geographical~~ GEOGRAPHIC area. All  
26 licensed funeral establishments in any incorporated city or town shall be  
27 in the same ~~geographical~~ GEOGRAPHIC area. Area boundaries in  
28 unincorporated areas shall be drawn so as to approximate equal distances  
29 between incorporated cities or towns in which a licensed funeral  
30 establishment or establishments exist. ~~Upon~~ ON request of any licensed  
31 funeral establishment, in writing, ~~they~~ THE FUNERAL ESTABLISHMENT shall be  
32 removed from participation in the receipt of medical examiner cases until  
33 ~~they rescind their~~ THE FUNERAL ESTABLISHMENT RESCINDS ITS request. If  
34 there is not sufficient property in the estate of the deceased to pay the  
35 necessary expenses of the burial, the expenses shall be a legal charge  
36 against the county. ~~Upon~~ ON determination of indigency, the funeral  
37 establishment shall perform the normal county indigent burial, in the  
38 manner and for the fee then being paid by the county, or release the body,  
39 ~~upon~~ ON county request, without fee, to the funeral establishment  
40 designated by the county for other indigent burials.

41 B. Notwithstanding subsection A of this section, the county medical  
42 examiner or alternate medical examiner may cause the body to be delivered  
43 to a community college under the jurisdiction of a community college  
44 district as defined in section 15-1401, if the community college has an  
45 accredited mortuary science program. On acceptance of the body and with

1 proper authorization, the community college mortuary science program shall  
2 preserve and disinfect the body, prepare ~~†~~ THE BODY for final disposition  
3 and deliver the body to a licensed funeral establishment pursuant to  
4 subsection A of this section for final disposition. For the purposes of  
5 this subsection, proper authorization may be provided by the next of kin  
6 pursuant to section 36-831, subsection A or the public fiduciary of the  
7 county.

8 C. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE COUNTY MEDICAL  
9 EXAMINER OR ALTERNATE MEDICAL EXAMINER MAY RETAIN THE BODY AND SUPERVISE  
10 THE PRESERVATION, DISINFECTION AND FINAL DISPOSITION OF THE BODY AT A  
11 CREMATORY THAT IS OWNED AND OPERATED BY THE COUNTY AND THAT IS LICENSED  
12 PURSUANT TO SECTION 32-1393.

13 ~~C.~~ D. Within thirty days after the examination, the medical  
14 examiner or alternate medical examiner shall deliver to the public  
15 fiduciary of the county or the legal representative of the deceased any  
16 money or property found ~~upon~~ ON the body.

17 Sec. 3. Section 32-1321, Arizona Revised Statutes, is amended to  
18 read:

19 32-1321. License requirement; persons not required to be  
20 licensed; nontransferability; display

21 A. A person shall not advertise or engage in funeral directing,  
22 cremation, alkaline hydrolysis or embalming without having a valid license  
23 issued by the department.

24 B. This article does not prohibit:

25 1. A person from performing removals or arrangements or from  
26 directing funeral services if the person is under the direction of and  
27 accountable to a licensed funeral director.

28 2. A licensed cemetery employee from selling burial or final  
29 disposition items or from arranging or directing cemetery services.

30 3. A MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER FROM PROVIDING  
31 SERVICES INCIDENTAL TO THE DISPOSITION OF AN INDIGENT DECEASED PERSON  
32 PURSUANT TO SECTION 11-600, SUBSECTION C, INCLUDING REGISTERING THE DEATH  
33 AS THE PERSON RESPONSIBLE FOR THE FINAL DISPOSITION OF THE DECEASED  
34 PERSON'S REMAINS.

35 C. A license issued by the department is not transferrable or  
36 subject to sale or assignment, whether by a voluntary or involuntary  
37 process.

38 D. A licensee shall conspicuously display the person's license at  
39 the person's place of employment.

40 Sec. 4. Section 32-1395, Arizona Revised Statutes, is amended to  
41 read:

42 32-1395. Application; qualifications for licensure

43 A. An applicant for a crematory license shall submit a completed  
44 application on a form prescribed by the department. If the applicant is a  
45 business entity, the entity shall direct a natural person who is an owner

1 of the entity to submit its application. IF THE APPLICANT IS A COUNTY,  
2 THE MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER OF THE COUNTY SHALL  
3 SUBMIT AN APPLICATION ON THE COUNTY'S BEHALF. The application shall be  
4 subscribed under oath, shall contain the name of the responsible  
5 cremationist and shall be accompanied by the applicable fee pursuant to  
6 section 32-1309 and any additional information that the department deems  
7 necessary. A business entity that applies for a license pursuant to this  
8 article shall submit to the department with its application for licensure  
9 a copy of its partnership agreement, its articles of incorporation or  
10 organization or any other organizational documents required to be filed  
11 with the corporation commission.

12 B. A person who applies for a license pursuant to this article, or  
13 if the applicant is a business entity, all owners, partners, officers,  
14 directors and trust beneficiaries of the entity, shall submit a completed  
15 fingerprint card, criminal history background information and a  
16 fingerprint background check fee to the department.

17 C. The department shall inspect the premises of a crematory and  
18 investigate the character and other qualifications of all applicants for  
19 licensure pursuant to this article to determine whether the crematory and  
20 the applicants are in compliance with the requirements of this article and  
21 rules adopted by the department.

22 D. If the department finds that the applicant meets the criteria  
23 for licensure under this article and rules adopted by the department, the  
24 department shall issue a crematory license.