



**Bill Number: S.B. 1136**

**Pace Floor Amendment**

**Reference to: printed bill**

**Amendment drafted by: Laura Benitez**

## **FLOOR AMENDMENT EXPLANATION**

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- 1. Requires the State Board of Funeral Directors and Embalmers (Board) to approve, based on compliance with statutory regulations, a funeral director, embalmer or cremationist as a mentor to train an apprentice.**
- 2. Prohibits the Board from conditioning mentorship approval on the funeral director's, embalmer's or cremationist's payment of an additional fee or completion of an additional requirement.**
- 3. Defines *mentor*.**
- 4. Makes a technical change.**

**Amendment explanation prepared by Laura Benitez**

**3/3/20**

PACE FLOOR AMENDMENT  
SENATE AMENDMENTS TO S.B. 1136  
(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

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 recognized or authorized by the American board  
7 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 and  
10 office of administrative hearings costs.

11 3. "Alternative container" means any unfinished wood box or other  
12 nonmetal receptacle or enclosure, without ornamentation or a fixed interior  
13 lining, that is designed for the encasement of human remains.

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

17 5. "Beneficiary" means a person whose future funeral arrangements  
18 will be handled by a funeral establishment pursuant to a prearranged  
19 funeral agreement.

20 6. "Board" means the state board of funeral directors and embalmers.

21 7. "Business entity" includes any corporation, association, limited  
22 liability company, professional corporation, partnership, limited  
23 partnership, sole proprietorship, business trust, trust, joint venture and  
24 other business entity.

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

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

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

13           11. "Cremated remains" means the remaining bone fragments after  
14 cremation.

15           12. "Cremation" means the heating process that reduces human remains  
16 to bone fragments by combustion and evaporation.

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

20           14. "Cremationist" means a person who operates a crematory retort,  
21 who performs the actual cremation of human remains and who may be licensed  
22 pursuant to article 6 of this chapter.

23           15. "Crematory" means a building or portion of a building that is  
24 licensed pursuant to article 6 of this chapter and that houses a retort in  
25 which only human remains are cremated.

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

1           17. "Embalmer" means a person who is licensed pursuant to this  
2 chapter and who is engaged in embalming.

3           18. "Embalmer's assistant" means a person who is registered pursuant  
4 to this chapter and who is engaged in embalming without the supervision of  
5 a licensed embalmer.

6           19. "Embalming" means the implementation of reconstructive  
7 procedures and the process of disinfecting and preserving a dead human body  
8 to retard organic decomposition by treating the body to reduce the presence  
9 and growth of organisms.

10           20. "Financial institution" means a bank, savings and loan  
11 association, trust company or credit union that is lawfully doing business  
12 in this state and that is not affiliated with a funeral establishment.

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

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

24           23. "Funeral directing" means arranging, directing or providing a  
25 service in the disposition of dead human bodies for compensation.

26           24. "Funeral director" means a person who is licensed pursuant to  
27 this chapter and who is engaged in funeral directing.

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

1           26. "Funeral goods and services" means any personal property or  
2 services that are typically sold or provided in connection with the final  
3 disposition of human remains, including caskets, alternative containers,  
4 outer burial containers, cremation containers, transportation containers,  
5 funeral clothing or accessories, monuments, grave markers, urns, embalming  
6 services, funeral directing services and similar funeral or burial items.  
7 Funeral goods and services do not include goods and services sold by  
8 cemeteries.

9           27. "Good moral character" means that a person:

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

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

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

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

24           (e) Has not engaged in fraud or misrepresentation in connection with  
25 an application for licensure or registration under this chapter or an  
26 examination required for licensure or registration.

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

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

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

7 28. "Holding facility" means a designated area for the retention of  
8 human remains.

9 29. "Human remains" means a lifeless human body or parts of a human  
10 body that allow a reasonable inference that death occurred.

11 30. "Intern" means a person who is licensed pursuant to this chapter  
12 and who is engaged in either or both of the following:

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

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

16 31. "Intern trainee" means a person who intends to enter training as  
17 an intern and who is temporarily employed by a funeral establishment.

18 32. "License" means a written authorization that is issued by the  
19 board and that entitles a person to act as a funeral director, embalmer or  
20 intern or to operate a funeral establishment or crematory in this state.

21 33. "Licensee" means a person to whom the board has issued a license  
22 to act as a funeral director, embalmer or intern or to operate a funeral  
23 establishment or crematory in this state.

24 34. "Manage" means:

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

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

31 35. "MENTOR" MEANS EITHER:

1 (a) A FUNERAL DIRECTOR OR EMBALMER WHO IS APPROVED BY THE BOARD TO  
2 TRAIN A PERSON IN A DEPARTMENT OF ECONOMIC SECURITY-APPROVED APPRENTICESHIP  
3 PROGRAM IN FUNERAL DIRECTING AND EMBALMING IN A FUNERAL ESTABLISHMENT  
4 LICENSED BY THE BOARD.

5 (b) A CREMATIONIST WHO IS APPROVED BY THE BOARD TO TRAIN A PERSON IN  
6 A DEPARTMENT OF ECONOMIC SECURITY-APPROVED APPRENTICESHIP PROGRAM IN  
7 CREMATION IN A CREMATORY LICENSED BY THE BOARD.

8 ~~35.~~ 36. "National board examination" means the test or tests given  
9 by the conference of funeral service examining boards to determine the  
10 entry level knowledge and skills of a person regarding funeral directing  
11 and embalming.

12 ~~36.~~ 37. "Net interest" means interest earned on a prearranged  
13 funeral trust account minus applicable taxes, reasonable and necessary  
14 charges made by the financial institution and the annual service fee  
15 allowed to be deducted by the funeral establishment according to section  
16 32-1391.06, subsection B.

17 ~~37.~~ 38. "Outer burial container" means a container that is designed  
18 for placement in a grave around a casket, including burial vaults, grave  
19 boxes and grave liners.

20 ~~38.~~ 39. "Owner" means a person who owns ten percent or more of a  
21 business entity. Owner does not include shareholders of companies who have  
22 a class of common equity stock listed or authorized to be listed on the New  
23 York stock exchange or the American stock exchange or listed on the NASDAQ  
24 stock market.

25 ~~39.~~ 40. "Person legally responsible" means the person responsible  
26 for burying a dead body as determined in section 36-831.

27 ~~40.~~ 41. "Prearranged funeral agreement" means any agreement or  
28 combination of agreements under which a payment is made before the death of  
29 the intended beneficiary for funeral goods and services to be delivered or  
30 performed after the death of the beneficiary.

1           ~~41.~~ 42. "Prearranged funeral trust account" means a trust account  
2 that is established at a financial institution and into which all monies  
3 paid on behalf of a beneficiary pursuant to a prearranged funeral agreement  
4 are deposited.

5           ~~42.~~ 43. "Preparation" means washing, shaving, dressing or arranging  
6 hair on, applying cosmetics to or positioning bodily features on a dead  
7 human body and placing THE dead human body in a casket.

8           ~~43.~~ 44. "Processed cremated remains" means cremated remains after  
9 they are pulverized and cleaned, leaving primarily small bone fragments.

10          ~~44.~~ 45. "Provisionally accredited" means granted candidacy status by  
11 the American board of funeral service education.

12          ~~45.~~ 46. "Registration" means a written authorization that is issued  
13 by the board and that entitles a person to act as an assistant funeral  
14 director, an embalmer's assistant or a prearranged funeral salesperson in  
15 this state.

16          ~~46.~~ 47. "Responsible cremationist" means a licensed cremationist who  
17 manages a crematory.

18          ~~47.~~ 48. "Responsible funeral director" means a person who is  
19 licensed pursuant to this chapter, who is engaged in funeral directing and  
20 who manages and is accountable for a funeral establishment.

21          ~~48.~~ 49. "Retort" means an enclosed space within which cremation  
22 takes place.

23          ~~49.~~ 50. "State equivalent examination" means the test or tests that  
24 are provided by the conference of funeral service examining boards and  
25 offered by the board to determine the entry level knowledge and skills of a  
26 person regarding funeral directing and embalming.

27          ~~50.~~ 51. "Supervise" or "supervision" means that a licensed embalmer  
28 has responsibility for and is within sight and sound of a licensed intern  
29 who is embalming a dead human body or a student who is assisting in  
30 embalming a dead human body.



1           ~~51.~~ 52. "Temporary container" means a receptacle that is usually  
2 made of cardboard, rigid plastic or another similar material and that is  
3 designed to hold processed cremated remains until they are placed in an urn  
4 or another permanent container.

5           ~~52.~~ 53. "Trust funds" means all monies that are deposited on behalf  
6 of a beneficiary of a prearranged funeral agreement funded by trust and all  
7 accrued net interest. Trust funds shall be considered an account kept in  
8 suspense until distributed to the beneficiary, the funeral establishment or  
9 the estate of the beneficiary in accordance with this article.

10          ~~53.~~ 54. "Universal precautions" means the universal blood and fluid  
11 precautions recommended by the centers for disease control of the United  
12 States public health service to prevent the transmission of bloodborne and  
13 bodily fluid-borne infectious diseases.

14          ~~54.~~ 55. "Unprofessional conduct" includes the following acts,  
15 whether occurring in this state or elsewhere:

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

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

21           (c) Providing false, misleading or deceptive information on an  
22 application for licensure or registration pursuant to this chapter or on an  
23 examination required for licensure or registration.

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

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

1 (f) Paying or causing money 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 of health services that relates to embalming or preparing dead  
7 human bodies.

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

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

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

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

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

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

28 ~~55.~~ 56. "Urn" means a receptacle into which processed cremated  
29 remains are placed for disposition.

30

1           Sec. 2. Section 32-1307, Arizona Revised Statutes, is amended to  
2 read:

3           32-1307. Powers and duties of board

4           A. The board shall:

5           1. Administer and enforce this chapter and the rules adopted  
6 pursuant to this chapter.

7           2. Adopt a seal.

8           3. Maintain a record of the name and the mailing or employer's  
9 business address of each licensee and registrant.

10          4. Investigate alleged violations of this chapter and the rules  
11 adopted pursuant to this chapter.

12          5. Adopt rules in accordance with title 41, chapter 6. Rules  
13 adopted by the board shall include provisions relating to the following:

14           (a) The keeping and disposition of records by licensees and  
15 registrants.

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

19           (c) The prohibition of deceptive, misleading or professionally  
20 negligent practices in advertising, offering or selling funeral goods or  
21 services by funeral establishments, crematories, licensees and registrants  
22 and agents of funeral establishments, crematories, licensees and  
23 registrants. The rules shall specifically prohibit misrepresentation of the  
24 legal requirements concerning the preparation and interment of dead human  
25 bodies.

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

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

30           (f) Administrative and investigative procedures.

1 (g) The efficient administration of the board's affairs and the  
2 enforcement of the provisions of this chapter.

3 (h) The inspection of all funeral establishments and crematories at  
4 least once every five years.

5 (i) Any other matters the board deems necessary to carry out the  
6 provisions of this chapter.

7 6. APPROVE A FUNERAL DIRECTOR, EMBALMER OR CREMATIONIST AS A MENTOR  
8 BASED ON THE FUNERAL DIRECTOR'S, EMBALMER'S OR CREMATIONIST'S RECORD OF  
9 COMPLIANCE WITH THIS CHAPTER. THE BOARD MAY NOT CONDITION THE APPROVAL ON  
10 THE PAYMENT OF AN ADDITIONAL FEE OR COMPLETION OF AN ADDITIONAL  
11 REQUIREMENT.

12 B. The board may:

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

17 2. Appoint citizen advisory committees to make recommendations to  
18 the board concerning enforcement and the administration of this chapter.

19 3. In connection with investigations or administrative hearings,  
20 issue subpoenas to compel the attendance of witnesses and the production of  
21 books, papers, contracts, agreements and other documents or records in any  
22 form, administer oaths and take testimony and evidence concerning all  
23 matters within its jurisdiction. The board may pay the fees and expenses  
24 of witnesses who appear in any proceeding before the board. If a person  
25 refuses to obey a subpoena issued by the board, the board may invoke the  
26 aid of any court in this state to require the attendance and testimony of  
27 witnesses and the production of documentary evidence.

28 4. Contract with other state and federal agencies as it deems  
29 necessary to carry out this chapter.

1           5. Charge reasonable fees for the distribution of materials that the  
2 board prints or has printed at its expense and for the costs of mailing  
3 these materials.

4           6. Charge the reasonable costs of a fingerprint background check to  
5 an applicant for licensure or registration."

6 Renumber to conform

7 Amend title to conform

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