State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 257

HOUSE BILL 2024

AN ACT

AMENDING SECTIONS 11-594, 11-599, 32-1301, 32-1307, 32-1309 AND 32-1334,
ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 12, ARIZONA REVISED
STATUTES, BY ADDING ARTICLE 2.1; AMENDING SECTIONS 32-1365, 32-1366,
32-1372, 32-1373 AND 32-1399, ARIZONA REVISED STATUTES; RELATING TO THE
STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

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

11-594. Powers and duties of county medical examiner

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

1. Take charge of the dead body.
2. Determine if an autopsy is required.
3. Certify to the cause and manner of death following completion of the death investigation, reduce the findings to writing and promptly make a full report on forms prescribed for that purpose.
4. Have subpoena authority for all documents, records and papers deemed useful in the death investigation.
5. Execute a death certificate provided by the state registrar of vital statistics indicating the cause and the manner of death for those bodies for which a death investigation has been conducted and jurisdiction is assumed.
6. Give approval for cremation OR ALKALINE HYDROLYSIS of a dead body after a death investigation and record the approval on the death certificate.
7. Notify the county attorney or other law enforcement authority when death is found to be from nonnatural causes.
8. Carry out the duties specified under section 28-668.
9. Carry out the duties specified under title 36, chapter 7, article 3.
10. Provide a blood sample from a deceased person for the purpose of communicable disease testing pursuant to sections 13-1210 and 36-670 if the blood is available and the collection or release will not interfere with a medical examination, autopsy or certification of death.
11. Observe all policies adopted by the board of supervisors regarding conflicts of interest and disclosure of noncounty employment.

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

1. Assign to a medical death investigator or other qualified personnel all aspects of a death investigation except the performance of autopsies.
2. Authorize forensic pathologists to perform examinations and autopsies. The medical examiner or alternate medical examiner may authorize medical students or residents and fellows in pathology training to perform autopsies under the supervision of a licensed physician who is board certified in forensic pathology, pursuant to procedures adopted by the county medical examiner or alternate medical examiner. Authorization and the amount to be paid by the county for pathology services are subject to approval of the board of supervisors.
3. Delegate any power, duty or function whether ministerial or discretionary vested by this chapter in the medical examiner or alternate medical examiner to a person meeting the qualifications prescribed in this chapter who is employed by or who has contracted with the county to provide death investigation services. The medical examiner or alternate medical examiner shall be responsible for the official acts of the person designated pursuant to this section and shall act under the name and authority of the medical examiner or alternate medical examiner.

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

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

6. Limit the removal of organs or tissues for transplants or other therapy or treatment if, based on a review of available medical and investigative information within a time that permits a medically viable donation, the medical examiner or alternate medical examiner makes an initial determination that their removal would interfere with a medical examination, autopsy or certification of death. Before making a final decision to limit the removal of organs, the medical examiner or alternate medical examiner shall consult with the organ procurement organization. After the consultation and when the organ procurement organization provides information that the organ procurement organization reasonably believes could alter the initial decision and at the request of the organ procurement organization, the medical examiner or alternate medical examiner shall conduct a physical examination of the body. If the medical examiner or alternate medical examiner limits the removal of organs, the medical examiner or alternate medical examiner shall maintain documentation of this decision and shall make the documentation available to the organ procurement organization.

C. A county medical examiner or alternate medical examiner shall not be held civilly or criminally liable for any acts performed in good faith pursuant to subsection A, paragraph 10 and subsection B, paragraphs 4, 5 and 6 of this section.

D. If a dispute arises over the findings of the medical examiner's report, the medical examiner, on an order of the superior court, shall make available all evidence and documentation to a court-designated licensed forensic pathologist for review, and the results of the review shall be reported to the superior court in the county issuing the order.
E. For providing external examinations and autopsies pursuant to this section, the medical examiner may charge a fee established by the board of supervisors pursuant to section 11-251.08.

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

Sec. 2. Section 11-599, Arizona Revised Statutes, is amended to read:

11-599. Cremation

When a funeral director, embalmer or ALKALINE HYDROLYSIS OPERATOR is requested to cremate or prepare for cremation OR ALKALINE HYDROLYSIS the body of a dead person, the funeral director, embalmer OR ALKALINE HYDROLYSIS OPERATOR or any other person having knowledge of an intention to so cremate DISPOSE OF HUMAN REMAINS shall notify the county medical examiner or alternate medical examiner to review the death certificate. If after reviewing the death certificate the county medical examiner or alternate medical examiner is satisfied that there is no evidence of foul play or violence, the examiner shall so certify.

Sec. 3. Section 32-1301, Arizona Revised Statutes, is amended to read:

32-1301. Definitions

In this chapter, unless the context otherwise requires:

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

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

3. "ALKALINE HYDROLYSIS" MEANS A FORM OF FINAL DISPOSITION THAT INCLUDES ALL OF THE FOLLOWING:

   (a) REDUCING A DEAD HUMAN BODY TO ESSENTIAL ELEMENTS THROUGH A WATER-BASED DISSOLUTION PROCESS USING ALKALINE CHEMICALS, HEAT, AGITATION AND PRESSURE TO ACCELERATE NATURAL DECOMPOSITION.

   (b) PROCESSING THE HYDROLYZED REMAINS AFTER THEY ARE REMOVED FROM THE ALKALINE HYDROLYSIS VESSEL.

   (c) PLACING THE PROCESSED REMAINS IN A HYDROLYZED REMAINS CONTAINER.

   (d) RELEASING THE HYDROLYZED REMAINS TO AN APPROPRIATE PARTY.

4. "ALKALINE HYDROLYSIS CONTAINER":

   (a) MEANS A HYDROLYZABLE OR BIODEGRADABLE CLOSED CONTAINER OR POUCH THAT IS RESISTANT TO LEAKAGE OF BODILY FLUIDS, THAT ENCASES A DEAD HUMAN BODY AND INTO WHICH THE BODY IS PLACED BEFORE THE CONTAINER'S INSERTION INTO AN ALKALINE HYDROLYSIS VESSEL.

   (b) INCLUDES A HYDROLYZABLE OR BIODEGRADABLE ALTERNATIVE CONTAINER OR CASKET.
5. "ALKALINE HYDROLYSIS FACILITY" MEANS A BUILDING OR STRUCTURE CONTAINING ONE OR MORE ALKALINE HYDROLYSIS VESSELS FOR ALKALINE HYDROLYSIS.
6. "ALKALINE HYDROLYSIS OPERATOR" MEANS A PERSON WHO IS TRAINED TO CARRY OUT THE PROCESS OF ALKALINE HYDROLYSIS.
7. "ALKALINE HYDROLYSIS VESSEL" MEANS THE CONTAINER IN WHICH ALKALINE HYDROLYSIS IS PERFORMED.
8. "Alternative container" means any unfinished wood box or other nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, that is designed for the encasement of human remains.
9. "Authorizing agent" means a person who is legally entitled to order the cremation, disinterment or embalming of human remains pursuant to section 32-1365.02.
10. "Beneficiary" means a person whose future funeral arrangements will be handled by a funeral establishment pursuant to a prearranged funeral agreement.
11. "Board" means the state board of funeral directors and embalmers.
12. "Business entity" includes any corporation, association, limited liability company, professional corporation, partnership, limited partnership, sole proprietorship, business trust, trust, joint venture and other business entity.
13. "Casket" means a rigid container that is designed to permanently encase human remains and that is usually constructed of wood, metal or synthetic substances and ornamented and lined with fabric.
14. "Change of ownership" means a transfer of a controlling legal or equitable interest in a licensed funeral establishment or crematory resulting from a sale or merger. If the establishment or crematory is operated by a business entity, any transfer of the ownership of ten percent or more of the entity constitutes a change of ownership.
15. "Conviction" means a criminal adjudication or conviction by any state or federal court of competent jurisdiction, including a judgment based on a no contest plea, without regard to whether civil rights have been restored.
16. "Cremated remains" means the remaining bone fragments after cremation.
17. "Cremation" means the heating process that reduces human remains to bone fragments by combustion and evaporation.
18. "Cremation container" means a leak and spill resistant, rigid, combustible, closed receptacle into which human remains are placed before cremation.
19. "Cremationist" means a person who operates a crematory retort, who performs the actual cremation of human remains and who may be licensed pursuant to article 6 of this chapter.
15. "Crematory" means a building or portion of a building that is licensed pursuant to article 6 of this chapter and that houses a retort in which only human remains are cremated.

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

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

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

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

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

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

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

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

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

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

26. "Funeral goods and services":

(a) Means any personal property or services that are typically sold or provided in connection with the final disposition of human remains, including caskets, alternative containers, outer burial containers, cremation containers, transportation containers, funeral clothing or
accessories, monuments, grave markers, urns, embalming services, funeral
directing services and similar funeral or burial items. Funeral goods and
services do not include goods and services sold by cemeteries.

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

27. "Good moral character" means that a person:
(a) Has not been convicted of a class 1 or 2 felony by a court of
competent jurisdiction.
(b) Has not, within five years of applying for licensure or
registration, been convicted of a felony or misdemeanor if the offense has
a reasonable relationship to the person's proposed area of licensure or
registration.
(c) Has not, within five years of applying for licensure or
registration, committed any act involving dishonesty, fraud,
representation, breach of fiduciary duty, gross negligence or
incompetence if the act has a reasonable relationship to the person's
proposed area of licensure or registration.
(d) Is not currently incarcerated in or on community supervision
after a period of imprisonment in a local, state or federal penal
institution or on criminal probation.
(e) Has not engaged in fraud or misrepresentation in connection
with an application for licensure or registration under this chapter or an
examination required for licensure or registration.
(f) Has not, within five years of applying for licensure or
registration, had a license, registration or endorsement revoked or
suspended by the board or by the funeral services licensing authority of
any other jurisdiction.
(g) Has not surrendered a license, registration or endorsement to
the board or the funeral licensing authority of any other jurisdiction in
lieu of disciplinary action.
(h) Has not practiced funeral directing or embalming without a
license in this state or any other jurisdiction that requires licensure to
perform these activities.

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

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

30. "Intern" means a person who is licensed pursuant to this
chapter and who is engaged in either or both of the following:
(a) Embalming under the supervision of a licensed embalmer.
(b) Arranging and directing funerals under the supervision of a
licensed funeral director.

31. "Intern trainee" means a person who intends to enter
training as an intern and who is temporarily employed by a funeral
establishment.
32. "License" means a written authorization that is issued by the board and that entitles a person to act as a funeral director, embalmer, or intern OR ALKALINE HYDROLYSIS OPERATOR or to operate a funeral establishment, OR crematory OR ALKALINE HYDROLYSIS FACILITY in this state.

33. "Licensee" means a person to whom the board has issued a license to act as a funeral director, embalmer, or intern OR ALKALINE HYDROLYSIS OPERATOR or to operate a funeral establishment, OR crematory OR ALKALINE HYDROLYSIS FACILITY in this state.

34. "Manage" means:
   (a) That a responsible funeral director exercises control and oversight over all employees of a funeral establishment and over funeral transactions, including the care of dead human bodies, funeral services and activities and the documentation and retention of records.
   (b) That a responsible cremationist exercises control and oversight over all employees of a crematory and crematory operations.

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

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

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

38. "Owner":
   (a) Means a person who owns ten percent or more of a business entity. Owner
   (b) Does not include shareholders of companies who have a class of common equity stock listed or authorized to be listed on the New York stock exchange or the American stock exchange or listed on the NASDAQ stock market.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Committing a class 1 or 2 felony.
(b) Committing a felony or misdemeanor if the offense has a reasonable relationship to funeral directing or embalming. Conviction by any court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission.

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

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

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

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

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

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

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

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

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

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

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

55. "Urn" means a receptacle into which processed cremated remains are placed for disposition.
Sec. 4. Section 32-1307, Arizona Revised Statutes, is amended to read:

32-1307. Powers and duties of board
A. The board shall:
1. Administer and enforce this chapter and the rules adopted pursuant to this chapter.
2. Adopt a seal.
3. Maintain a record of the name and the mailing or employer's business address of each licensee and registrant.
4. Investigate alleged violations of this chapter and the rules adopted pursuant to this chapter.
5. Adopt rules in accordance with title 41, chapter 6, that include provisions relating to the following:
   (a) The keeping and disposition of records by licensees and registrants.
   (b) Standards of practice, professional conduct, competence and consumer disclosure relating to owning or operating a funeral establishment or crematory, funeral directing, embalming and cremation.
   (c) The prohibition of deceptive, misleading or professionally negligent practices in advertising, offering or selling funeral goods or services by funeral establishments, crematories, licensees and registrants and agents of funeral establishments, crematories, licensees and registrants. The rules shall specifically prohibit misrepresentation of the legal requirements concerning the preparation and interment of dead human bodies.
   (d) Standard price disclosure formats and price list requirements and definitions to facilitate price comparisons by members of the public.
   (e) Guidelines to enable members of the public to determine the substantial equivalency of funeral goods available for sale to the public.
   (f) Administrative and investigative procedures.
   (g) The efficient administration of the board's affairs and the enforcement of the provisions of this chapter.
   (h) The inspection of all funeral establishments, and crematories and alkaline hydrolysis facilities at least once every five years.
   (i) Any other matters the board deems necessary to carry out the provisions of this chapter.
B. The board may:
1. Subject to title 41, chapter 4, article 4, employ investigative, professional and clerical employees as it deems necessary to carry out this chapter. Compensation of these employees shall be determined pursuant to section 38-611.
2. Appoint citizen advisory committees to make recommendations to the board concerning enforcement and the administration of this chapter.
3. In connection with investigations or administrative hearings, issue subpoenas to compel the attendance of witnesses and the production of books, papers, contracts, agreements and other documents or records in any form, administer oaths and take testimony and evidence concerning all matters within its jurisdiction. The board may pay the fees and expenses of witnesses who appear in any proceeding before the board. If a person refuses to obey a subpoena issued by the board, the board may invoke the aid of any court in this state to require the attendance and testimony of witnesses and the production of documentary evidence.

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

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

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

Sec. 5. Section 32-1309, Arizona Revised Statutes, is amended to read:

32-1309. Fees

A. The board shall establish and collect the following application fees:

1. For a funeral director license, eighty-five dollars $85.
2. For an embalmer license, eighty-five dollars $85.
3. For an embalmer’s assistant registration, eighty-five dollars $85.
4. For an intern license, eighty-five dollars $85.
5. For a funeral director or embalmer license for a person who does not reside in this state, eighty-five dollars $85.
6. For a prearranged funeral salesperson registration, eighty-five dollars $85.
7. For a funeral establishment license:
   (a) For a new establishment, new owner or new location, five hundred dollars $500.
   (b) For a change of name, one hundred seventy-five dollars $175.
8. For a prearranged funeral sales establishment endorsement, one hundred eighty-five dollars $185.
9. For a crematory license:
   (a) For a new crematory, new owner or new location, one hundred dollars $100 per retort.
   (b) For a change of name, one hundred seventy-five dollars $175.
10. For a cremationist license, eighty-five dollars $85.
11. For an Alkaline Hydrolysis Facility License:
   (a) For a new Alkaline Hydrolysis Facility, a fee in an amount to be determined by the board.
(b) for a change of name or location, a fee in an amount to be determined by the board.

12. for an alkaline hydrolysis operator license, a fee in an amount to be determined by the board.

13. for an interim alkaline hydrolysis facility permit, a fee in an amount to be determined by the board.

14. for extension of an interim alkaline hydrolysis facility permit, a fee in an amount to be determined by the board.

B. The board shall establish and collect the following examination fees:

1. for the funeral director state laws and rules examination, eighty dollars $80.

2. for the embalmer state laws and rules examination, eighty dollars $80.

3. for the prearranged funeral salesperson state laws and rules examination, eighty dollars $80.

4. for the funeral service science section of the state equivalent examination, one hundred fifty dollars $150.

5. for the funeral service arts section of the state equivalent examination, one hundred fifty dollars $150.

C. The board shall establish and collect the following license and registration issuance fees:

1. for a funeral director license, eighty-five dollars $85.

2. for an embalmer license, eighty-five dollars $85.

3. for an embalmer's assistant registration, eighty-five dollars $85.

4. for an intern license, eighty-five dollars $85.

5. for a prearranged funeral salesperson registration, eighty-five dollars $85.

6. for a cremationist license, eighty-five dollars $85.

7. for an alkaline hydrolysis facility license, a fee in an amount to be determined by the board.

8. for an alkaline hydrolysis operator license, a fee in an amount to be determined by the board.

D. The board shall establish and collect the following renewal fees:

1. for a funeral director license, eighty-five dollars $85.

2. for an embalmer license, eighty-five dollars $85.

3. for an embalmer's assistant registration, eighty-five dollars $85.

4. for an intern license, eighty-five dollars $85.

5. for an assistant funeral director registration, eighty-five dollars $85.

6. for a prearranged funeral salesperson registration, eighty-five dollars $85.
7. For an establishment license, **four dollars** $4 for each disposition performed by the establishment during the immediately preceding calendar year. For the purposes of this paragraph, a funeral establishment performs a disposition each time the establishment files a death certificate pursuant to section 36-325.

8. For a prearranged funeral sales establishment endorsement, **one hundred eighty-five dollars** $185.

9. For a crematory license, **two-hundred dollars** $200 per retort.

10. For a cremationist license, **eighty-five dollars** $85.

11. **FOR AN ALKALINE HYDROLYSIS FACILITY LICENSE, A FEE IN AN AMOUNT TO BE DETERMINED BY THE BOARD.**

12. **FOR AN ALKALINE HYDROLYSIS OPERATOR LICENSE, A FEE IN AN AMOUNT TO BE DETERMINED BY THE BOARD.**

E. The board shall establish and collect the following fees:

1. For a duplicate license or registration, **twenty-five dollars** $25.

2. For a reexamination:
   (a) For a state laws and rules examination, **fifty dollars** $50.
   (b) For the funeral service science section or the funeral service arts section of the state equivalent examination, **sixty-five dollars** $65.

3. For late renewal of a licensee or registration, **thirty-five dollars** $35.

4. For late renewal of an establishment license or endorsement, **sixty dollars** $60.

5. For inactive licensure or registration, **twenty-five dollars** $25.

6. For reinstatement of an inactive license, **fifty dollars** $50.

7. For reinstatement of an inactive registration, **one-hundred thirty dollars** $130.

8. For an interim funeral establishment permit, **twenty-five dollars** $25.

9. For filing an annual trust report, a fee of not more than **two hundred dollars** $200.

10. For filing a late or incomplete annual trust report, a penalty of not more than **two hundred dollars** $200.

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

Sec. 6. Section 32-1334, Arizona Revised Statutes, is amended to read:

32-1334. **Inactive status**

A. A licensed embalmer, funeral director, or cremationist OR ALKALINE HYDROLYSIS OPERATOR who retires from practicing embalming, or funeral directing, or cremating CREMATION OR ALKALINE HYDROLYSIS AND who is not currently practicing embalming, or funeral directing, CREMATION OR ALKALINE HYDROLYSIS in this state may request that the board place the person’s license on inactive status. The person shall submit the request
on a form prescribed by the board and shall pay the applicable fee pursuant to section 32-1309.

B. A person who holds an inactive license shall not practice embalming, funeral directing, or cremation OR ALKALINE HYDROLYSIS in this state.

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

Sec. 7. Title 32, chapter 12, Arizona Revised Statutes, is amended by adding article 2.1, to read:

ARTICLE 2.1. ALKALINE HYDROLYSIS

32-1341. Alkaline hydrolysis facilities; license required

A PERSON MAY NOT ADVERTISE OR OPERATE AN ALKALINE HYDROLYSIS FACILITY WITHOUT FIRST OBTAINING AN ALKALINE HYDROLYSIS FACILITY LICENSE ISSUED BY THE BOARD.

32-1342. Alkaline hydrolysis facilities; requirements

A. AN ALKALINE HYDROLYSIS FACILITY LICENSED UNDER THIS ARTICLE MUST MEET ALL OF THE FOLLOWING:

1. HAVE A BUILDING OR STRUCTURE THAT COMPLIES WITH APPLICABLE LOCAL AND STATE BUILDING CODES, ZONING LAWS AND ORDINANCES AND WASTEWATER MANAGEMENT AND ENVIRONMENTAL STANDARDS AND THAT CONTAINS ONE OR MORE ALKALINE HYDROLYSIS VESSELS.

2. USE A METHOD THAT IS APPROVED BY THE BOARD TO DRY THE HYDROLYZED REMAINS AND THAT OCCURS WITHIN THE LICENSED FACILITY.

3. HAVE A MEANS APPROVED BY THE BOARD FOR REFRIGERATING DEAD HUMAN BODIES AWAITING ALKALINE HYDROLYSIS.

4. HAVE AN APPROPRIATE REFRIGERATED HOLDING FACILITY FOR DEAD HUMAN BODIES AWAITING ALKALINE HYDROLYSIS THAT MAINTAINS DEAD HUMAN BODIES AT OR BELOW THIRTY-EIGHT DEGREES FAHRENHEIT.

B. AN ALKALINE HYDROLYSIS FACILITY:

1. SHALL EMPLOY A LICENSED ALKALINE HYDROLYSIS OPERATOR TO CARRY OUT THE PROCESS OF ALKALINE HYDROLYSIS.

2. SHALL PROVIDE PROPER PROCEDURES FOR ALL PERSONNEL.

3. SHALL COMPLY WITH THIS CHAPTER AND OTHER APPLICABLE STATE AND FEDERAL LAWS RELATING TO OCCUPATIONAL AND WORKPLACE HEALTH AND SAFETY.

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

A. AN APPLICANT FOR AN ALKALINE HYDROLYSIS OPERATOR LICENSE SHALL SUBMIT A COMPLETED APPLICATION ON A FORM PRESCRIBED BY THE BOARD. THE
APPLICATION SHALL BE SUBSCRIBED UNDER OATH AND SHALL BE ACCOMPANIED BY THE
APPLICABLE FEE PURSUANT TO SECTION 32-1309 AND ANY ADDITIONAL INFORMATION
THAT THE BOARD DEEMS NECESSARY.

B. AN APPLICANT FOR AN ALKALINE HYDROLYSIS OPERATOR LICENSE SHALL
MEET ALL OF THE FOLLOWING:
   1. BE OF GOOD MORAL CHARACTER.
   2. SUBMIT A COMPLETED FINGERPRINT CARD AND THE PRESCRIBED
      FINGERPRINT RECORDS CHECK FEE TO THE BOARD TO ENABLE THE BOARD OR THE
      DEPARTMENT OF PUBLIC SAFETY TO CONDUCT A CRIMINAL RECORDS CHECK.
   3. MEET THE EDUCATIONAL REQUIREMENTS AS PRESCRIBED BY THE BOARD IN
      RULE.

C. IF THE BOARD FINDS THAT THE APPLICANT MEETS THE CRITERIA FOR AN
ALKALINE HYDROLYSIS OPERATOR LICENSE UNDER THIS SECTION AND UNDER RULES
ADOPTED BY THE BOARD, THE BOARD SHALL ISSUE AN ALKALINE HYDROLYSIS
OPERATOR LICENSE.

D. EXCEPT AS PROVIDED IN SECTION 32-4301, AN ALKALINE HYDROLYSIS
OPERATOR LICENSE ISSUED PURSUANT TO THIS ARTICLE EXPIRES ON AUGUST 1 OF
EACH YEAR. A LICENSED ALKALINE HYDROLYSIS OPERATOR SHALL SUBMIT A RENEWAL
APPLICATION AND THE APPLICABLE NONREFUNDABLE RENEWAL FEE PURSUANT TO
SECTION 32-1309 ON OR BEFORE JULY 1 OF EACH YEAR. A LICENSED ALKALINE
HYDROLYSIS OPERATOR THAT SUBMITS A RENEWAL APPLICATION AND THE APPLICABLE
RENEWAL FEE AFTER JULY 1 BUT BEFORE AUGUST 1 SHALL PAY A LATE FEE PURSUANT
TO SECTION 32-1309 IN ADDITION TO THE RENEWAL FEE. A LICENSED ALKALINE
HYDROLYSIS OPERATOR THAT FAILS TO SUBMIT A RENEWAL APPLICATION AND THE
APPLICABLE FEE ON OR BEFORE AUGUST 1 MUST APPLY FOR A NEW LICENSE PURSUANT
TO THIS ARTICLE.

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

A. AN APPLICATION FOR AN ALKALINE HYDROLYSIS FACILITY SHALL BE IN A
FORM PRESCRIBED BY THE BOARD. IF THE APPLICANT IS A BUSINESS ENTITY, THE
ENTITY SHALL DIRECT A NATURAL PERSON WHO IS AN OWNER OF THE ENTITY TO
SUBMIT ITS APPLICATION. THE APPLICATION SHALL BE SUBSCRIBED UNDER OATH
AND SHALL BE ACCOMPANIED BY THE APPLICABLE FEE PURSUANT TO SECTION 32-1309
AND ANY ADDITIONAL INFORMATION THAT THE BOARD DEEMS NECESSARY. A BUSINESS
ENTITY THAT APPLIES FOR A LICENSE PURSUANT TO THIS ARTICLE SHALL SUBMIT TO
THE BOARD WITH ITS APPLICATION FOR LICENSURE A COPY OF ITS PARTNERSHIP
AGREEMENT, ITS ARTICLES OF INCORPORATION OR ORGANIZATION OR ANY OTHER
ORGANIZATIONAL DOCUMENTS REQUIRED TO BE FILED WITH THE CORPORATION
COMMISSION.

B. AN INDIVIDUAL WHO APPLIES FOR AN ALKALINE HYDROLYSIS FACILITY
LICENSE PURSUANT TO THIS ARTICLE, OR IF THE APPLICANT IS A BUSINESS
ENTITY, THE OWNERS, PARTNERS, OFFICERS, DIRECTORS AND TRUST BENEFICIARIES
OF THE ENTITY, SHALL:
   1. BE OF GOOD MORAL CHARACTER.
2. SUBMIT A COMPLETED FINGERPRINT CARD, CRIMINAL HISTORY BACKGROUND INFORMATION AND A FINGERPRINT BACKGROUND CHECK FEE TO THE BOARD.

C. THE BOARD OR THE BOARD'S DESIGNEE SHALL INSPECT THE PREMISES OF AN ALKALINE HYDROLYSIS FACILITY AND INVESTIGATE THE CHARACTER AND OTHER QUALIFICATIONS OF ALL APPLICANTS FOR LICENSURE PURSUANT TO THIS ARTICLE TO DETERMINE WHETHER THE ALKALINE HYDROLYSIS FACILITY AND THE APPLICANTS ARE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE AND RULES ADOPTED BY THE BOARD.

D. IF THE BOARD FINDS THAT THE APPLICANT MEETS THE CRITERIA FOR LICENSURE UNDER THIS ARTICLE AND RULES ADOPTED BY THE BOARD, THE BOARD SHALL ISSUE AN ALKALINE HYDROLYSIS FACILITY LICENSE.

E. EXCEPT AS PROVIDED IN SECTION 32-4301, AN ALKALINE HYDROLYSIS FACILITY LICENSE ISSUED PURSUANT TO THIS ARTICLE EXPIRES ON AUGUST 1 OF EACH YEAR. A LICENSED ALKALINE HYDROLYSIS FACILITY SHALL SUBMIT A RENEWAL APPLICATION AND THE APPLICABLE NONREFUNDABLE RENEWAL FEE PURSUANT TO SECTION 32-1309 ON OR BEFORE JULY 1 OF EACH YEAR. A LICENSED ALKALINE HYDROLYSIS FACILITY THAT SUBMITS A RENEWAL APPLICATION AND THE APPLICABLE RENEWAL FEE AFTER JULY 1 BUT BEFORE AUGUST 1 SHALL PAY A LATE FEE PURSUANT TO SECTION 32-1309 IN ADDITION TO THE RENEWAL FEE. A LICENSED ALKALINE HYDROLYSIS FACILITY THAT FAILS TO SUBMIT A RENEWAL APPLICATION AND THE APPLICABLE FEE ON OR BEFORE AUGUST 1 MUST APPLY FOR A NEW LICENSE PURSUANT TO THIS ARTICLE.

32-1345. Display of license

AN ALKALINE HYDROLYSIS FACILITY SHALL DISPLAY ITS LICENSE IN A LOCATION THAT ENABLES ANY MEMBER OF THE PUBLIC WHO ENTERS THE ALKALINE HYDROLYSIS FACILITY TO OBSERVE AND READ THE LICENSE.

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

A. AN ALKALINE HYDROLYSIS FACILITY LICENSE ISSUED BY THE BOARD IS NOT TRANSFERABLE OR SUBJECT TO SALE OR ASSIGNMENT, WHETHER BY A VOLUNTARY OR INVOLUNTARY PROCESS.

B. IF A CHANGE OF OWNERSHIP OF AN ALKALINE HYDROLYSIS FACILITY OCCURS, THE LICENSEE SHALL NOTIFY THE BOARD IN WRITING AND SHALL SURRENDER THE LICENSE TO THE BOARD WITHIN TWENTY DAYS AFTER THE CHANGE OF OWNERSHIP. THE NEW OWNER SHALL ALSO NOTIFY THE BOARD IN WRITING WITHIN TWENTY DAYS AFTER THE CHANGE OF OWNERSHIP AND SHALL SUBMIT AN APPLICATION FOR AN ALKALINE HYDROLYSIS FACILITY LICENSE TO THE BOARD PURSUANT TO SECTION 32-1344.

C. THE BOARD SHALL ISSUE AN INTERIM PERMIT TO THE NEW OWNER OF AN ALKALINE HYDROLYSIS FACILITY TO ALLOW THE NEW OWNER TO CONTINUE OPERATING THE ALKALINE HYDROLYSIS FACILITY DURING THE PERIOD THAT THE NEW OWNER'S LICENSE APPLICATION IS PENDING IF THE FOLLOWING CONDITIONS ARE MET:

1. THE NEW OWNER NOTIFIES THE BOARD OF THE CHANGE OF OWNERSHIP AND SUBMITS AN APPLICATION FOR AN INTERIM PERMIT AND THE APPLICABLE FEE
Pursuant to Section 32-1309, at least three days, excluding Saturdays, Sundays and holidays, after the change takes place. Notice shall be given during regular business hours.

2. The alkaline hydrolysis facility continues to meet the requirements of Section 32-1342.

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

E. Notwithstanding subsection D of this section, for good cause shown, the Board may extend an interim permit for not more than forty-five days.

F. Until the new owner's license is issued, the Board shall keep confidential all notices filed with the Board by the prospective new owner of an alkaline hydrolysis facility pursuant to this section.

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

32-1347. Change of name or location

A. The owner of a licensed alkaline hydrolysis facility who desires to change the name of the alkaline hydrolysis facility shall submit an application on a form prescribed by the Board. The application shall be subscribed under oath and shall be accompanied by the applicable fee.

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

Sec. 8. Section 32-1365, Arizona Revised Statutes, is amended to read:

32-1365. Violations; classification

A. It is unlawful:

1. For an embalmer or embalmer's assistant who knows or should know of a fact that is sufficient to raise suspicion of a crime related to the cause of death or a crime against a dead human body to embalm a dead human body without the permission of the county medical examiner or any other proper official in whose jurisdiction the embalming is to be performed.
2. To disinter a dead human body for removal to any location other than the original cemetery of burial except under the direction of a licensed funeral director.

3. To use, for burial purposes, a casket THAT WAS previously used as a receptacle for the burial or other disposition of a dead human body.

4. To sell a casket that has been used for rental purposes unless fully disclosed in writing to the purchaser and at least the pillow and the mattress have been replaced.

5. For a funeral director or embalmer, or an agent of a funeral director or embalmer, after a death or while a death is impending, to knowingly pay, offer to pay or cause to be paid, directly or indirectly, a sum of money or any other valuable consideration for securing business relating to the death. This paragraph does not prohibit the payment of commissions to salespersons and funeral directors who are employed by a funeral establishment.

6. To knowingly pay, offer to pay or cause to be paid any commission, bonus, rebate or other consideration to a funeral director or embalmer, or to an agent or employee of a funeral director or embalmer, as an inducement to cause a dead human body to be unlawfully disposed of in a crematory or cemetery or to recommend the unlawful disposition of a dead human body in a crematory or cemetery.

7. For any funeral establishment or funeral director to advertise under any name that tends to mislead the public or that sufficiently resembles the professional or business name of another licensed funeral director or establishment as to cause confusion or misunderstanding.

8. For a funeral director or embalmer or an agent of a funeral director or embalmer responsible for directing the lawful disposition of a dead human body to hold a direct pecuniary or proprietary interest in a procurement organization as defined in section 36-841. This paragraph does not preclude reasonable payments to a funeral establishment or a licensee for the preparation, transportation, preservation, storage, PREPARING, TRANSPORTING, PRESERVING, STORING and delivery of DELIVERING a dead human body to a procurement organization as defined in section 36-841.

9. For a funeral establishment owner or operator to influence employees of the funeral establishment to direct human remains to a procurement organization in which the owner or operator of the funeral establishment has a direct pecuniary or proprietary interest.

10. For a procurement organization and a funeral establishment to operate on the same premises.

11. FOR A PERSON WHO IS LICENSED OR REGISTERED PURSUANT TO THIS CHAPTER TO PLACE THE HUMAN REMAINS OF ONE PERSON, WHETHER INSIDE OR OUTSIDE OF A CONTAINER, INCLUDING A BODY BAG, CASKET, ALTERNATIVE CONTAINER OR ALKALINE HYDROLYSIS VESSEL, IN A LOCATION THAT IS ON TOP OF THE HUMAN REMAINS OF ANOTHER PERSON.
B. Unless another penalty is specifically provided, a person who intentionally and knowingly violates any provision of this chapter is guilty of a class 2 misdemeanor.

Sec. 9. Section 32-1366, Arizona Revised Statutes, is amended to read:

32-1366. Grounds for disciplinary action
A. After a formal hearing, the board may deny or refuse to renew a license or registration or may take disciplinary action against any embalmer, intern, funeral director, ALKALINE HYDROLYSIS OPERATOR or other person who is licensed or registered pursuant to article 2 or 2.1 of this chapter for any of the following reasons:
2. Repeated or continuing negligence or any other professional incompetence in the practice of funeral directing, or embalming or ALKALINE HYDROLYSIS.
3. Violation of any provision of this chapter or any rule adopted pursuant to this chapter.

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

Sec. 10. Section 32-1372, Arizona Revised Statutes, is amended to read:

32-1372. Display of merchandise prices; rules
The board shall adopt rules that require each funeral establishment to place a price card in a conspicuous place with each casket, alternative container, outer burial container, ALKALINE HYDROLYSIS CONTAINER or other item of funeral goods available for purchase. A funeral establishment shall place each price card in a location that enables a person to view the card without physically handling the card. Merchandise photographs must have the price of the merchandise displayed in a conspicuous manner.

Sec. 11. Section 32-1373, Arizona Revised Statutes, is amended to read:

32-1373. Statement of funeral goods and services
A. A licensee or registrant shall not enter into a contract to furnish funeral goods or services in connection with the burial or other disposition of a dead human body until the licensee or registrant has first delivered to the potential purchaser a written or printed statement of funeral goods and services that contains the following information, if this information is available at the time the contract is executed:
1. The total charge for the services of the licensee or registrant and the use of the funeral establishment, including the preparation of
PREPARING the body and other professional services, and the charge for the use of automotive and other necessary equipment.

2. An itemization of charges for the casket, or alternative container of ALKALINE HYDROLYSIS CONTAINER and any outer burial container.

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

4. The method of payment and any interest charges.

5. An itemization of any fees or charges not included in paragraphs 1 through 4 OF THIS SUBSECTION.

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

7. The location where the deceased will be held, embalmed or cremated, OR WILL UNDERGO ALKALINE HYDROLYSIS if the location is not the funeral establishment's premises.

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

B. The statement of funeral goods and services delivered to the potential purchaser shall also contain a conspicuous statement informing the potential purchaser that a casket, or outer burial container, ALTERNATIVE CONTAINER USED FOR CREMATION OR COVERING USED FOR ALKALINE HYDROLYSIS may be purchased and used, at the option of the purchaser, in connection with the funeral services and final disposition of human remains, but that, except as provided pursuant to section 36-136, the purchase or use of caskets, or outer burial containers, ALTERNATIVE CONTAINERS USED FOR CREMATION OR COVERINGS USED FOR ALKALINE HYDROLYSIS is not required by law.

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

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

E. A funeral director shall certify a statement of funeral goods and services with the funeral director's license number and signature before conducting final services or within five days after the purchaser signs the statement, whichever is earlier.
Sec. 12. Section 32-1399, Arizona Revised Statutes, is amended to read:

32-1399. Crematories; standards of practice

The board shall adopt rules that establish standards equivalent to section 32-1307, subsection A, paragraph 5 for the regulation of crematories and cremation and that include the following:

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

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

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

4. All body prostheses, bridgework or similar items removed from the cremated remains shall be disposed of by the crematory unless an alternative disposition is agreed to in the authorization to cremate.
5. After cremation, the crematory as far as practicable shall remove visible parts of the residual of the cremation process from the retort, shall not combine the cremated or processed remains with other cremated or processed remains and shall attach the identification of the cremated or processed remains to the temporary container or urn into which the remains are placed.

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

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

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

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

10. Unless the deceased has prepared a document pursuant to section 32-1365.01, employees of the crematory shall not remove a dead human body from the container in which it is delivered to the crematory without the express written consent of the authorizing agent. If, after accepting a dead human body for cremation, employees of a crematory discover that a mechanical or radioactive device is implanted in the body, an embalmer licensed pursuant to article 2 of this chapter shall remove the device from the body before cremation takes place.

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

APPROVED BY THE GOVERNOR MAY 27, 2022.