

REFERENCE TITLE: disposition-transit permits; human remains

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

# SB 1022

Introduced by  
Senator Townsend

AN ACT

AMENDING SECTION 36-326, ARIZONA REVISED STATUTES; RELATING TO  
DISPOSITION-TRANSIT PERMITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-326, Arizona Revised Statutes, is amended to  
3 read:

4 36-326. Disposition-transit permits

5 A. A funeral establishment or responsible person who takes  
6 possession of human remains shall obtain a disposition-transit permit from  
7 a local registrar, a deputy local registrar or the state registrar before  
8 ~~DOING~~ either of the following:

- 9 1. Providing final disposition of the human remains.
- 10 2. Moving the human remains out of this state.

11 B. Human remains ~~THAT ARE~~ moved from a hospital, nursing care  
12 institution or hospice inpatient facility must be accompanied by a form  
13 provided by the hospital, nursing care institution or hospice inpatient  
14 facility authorizing the release of the human remains. The form shall  
15 contain the information required in rules adopted pursuant to this  
16 chapter.

17 C. A funeral establishment or responsible person may move human  
18 remains from a hospital, nursing care institution or hospice inpatient  
19 facility where death occurred without obtaining a disposition-transit  
20 permit if the funeral establishment or responsible person does not remove  
21 the human remains from this state and provides notice to the local  
22 registrar or deputy local registrar in the registration district where the  
23 death occurred within twenty-four hours after moving the human remains.

24 D. A funeral establishment or responsible person may move human  
25 remains from a place other than a hospital, nursing care institution or  
26 hospice inpatient facility where death occurred without obtaining a  
27 disposition-transit permit if the funeral establishment or responsible  
28 person does not remove the human remains from this state and provides  
29 notice to the local registrar or deputy local registrar in the  
30 registration district where death occurred within seventy-two hours after  
31 moving the human remains.

32 E. Embalmed human remains, disinterred human remains and human  
33 remains that are not embalmed that are shipped by common carrier inside or  
34 outside of this state for the purposes of burial, cremation or funeral  
35 services shall be placed in a suitable shipping container that is designed  
36 for ~~the transportation of~~ TRANSPORTING human remains. Human remains that  
37 are not embalmed and that are shipped inside or outside of this state are  
38 not required to be transported within twenty-four hours after death.

39 F. A hospital or abortion clinic is not required to obtain a  
40 disposition-transit permit if ~~a product of human conception~~ AN UNBORN  
41 CHILD is expelled or extracted at the hospital or abortion clinic and all  
42 the following apply:

- 43 1. The gestation period of the ~~product of human conception~~ UNBORN  
44 CHILD is less than twenty weeks or, if the gestation period is unknown,

1 the weight of the ~~product of human conception~~ UNBORN CHILD is less than  
2 three hundred fifty grams.

3 2. A county medical examiner's investigation is not required.

4 3. The woman on whom the abortion was performed has authorized the  
5 hospital or abortion clinic to dispose of the ~~product of human conception~~  
6 UNBORN CHILD.

7 G. To obtain a disposition-transit permit, a funeral establishment  
8 or responsible person must submit the information required pursuant to  
9 this chapter and rules adopted pursuant to this chapter to the state  
10 registrar or to the local registrar or deputy local registrar of the  
11 registration district where the death occurred.

12 H. A local registrar, a deputy local registrar or the state  
13 registrar shall provide a disposition-transit permit to a funeral  
14 establishment or other responsible person if the information provided  
15 pursuant to subsection B OF THIS SECTION complies with this chapter and  
16 rules adopted pursuant to this chapter.

17 I. A local registrar, a deputy local registrar or the state  
18 registrar shall provide a disposition-transit permit for interment of  
19 human remains in a cemetery only if the location of the cemetery has been  
20 recorded in the office of the county recorder in the county where the  
21 cemetery is located or the cemetery is located on federal or tribal land.

22 J. A local registrar, a deputy local registrar or the state  
23 registrar shall provide a disposition-transit permit issued by this state  
24 for the final disposition of human remains in this state on receipt of a  
25 disposition-transit permit from another state that accompanies the human  
26 remains from the other state.