



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

REVISED
FACT SHEET FOR H.B. 2024

alkaline hydrolysis; facilities; operators; licensure

Purpose

Establishes regulatory and licensure requirements for alkaline hydrolysis facilities and operators under the Arizona State Board of Funeral Directors and Embalmers (Board).

Background

The Board licenses and registers funeral directors, embalmers, interns, embalmer's assistants, cremationists, funeral establishments and crematories. The Board must: 1) administer and enforce statutory requirements and rules; 2) adopt rules relating to standards of practice, professional conduct, competence and consumer disclosure; 3) investigate violations of statutory requirements and take disciplinary actions; and 4) deposit 10 percent of all fees and other monies collected in the state General Fund (state GF) and the remaining 90 percent in the Board of Funeral Directors' and Embalmers' Fund ([A.R.S. Title 32, Chapter 12](#)).

If establishing fees for licensure of alkaline hydrolysis facilities and operators results in a change to the Board's revenues, there may be a fiscal impact to the state GF.

Provisions

Alkaline Hydrolysis Facilities

1. Prohibits a person from advertising or operating an alkaline hydrolysis facility without first obtaining an alkaline hydrolysis facility license issued by the Board.
2. Requires a licensed alkaline hydrolysis facility to meet all of the following:
 - a) 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;
 - b) use a method that is approved by the Board to dry the hydrolyzed remains and that occurs within the licensed facility;
 - c) have a means approved by the Board for refrigerating dead human bodies awaiting alkaline hydrolysis; and
 - d) have an appropriate refrigerated holding facility for dead bodies at or below 38 degrees Fahrenheit.
3. Requires an alkaline hydrolysis facility to:
 - a) employ a licensed alkaline hydrolysis operator to carry out the process of alkaline hydrolysis;
 - b) provide proper procedures for all personnel; and
 - c) comply with all regulatory statutes and other applicable state and federal law relating to occupational and workplace health and safety.

4. Requires an application for an alkaline hydrolysis facility to be in a form prescribed by the Board.
5. Requires an applicant that is a business entity to direct a natural person who is an owner of the entity to submit its application.
6. Requires the application to be:
 - a) subscribed under oath; and
 - b) accompanied by the application fee and any additional information that the Board deems necessary.
7. Requires a business entity that applies for a license to submit to the Board with its application for licensure a copy of its partnership agreement, articles of incorporation or organization or any other organizational documents required to be filed with the Corporation Commission.
8. Requires an individual who applies for an alkaline hydrolysis facility license or, if the applicant is a business entity, the owners, partners, officers, directors and trust beneficiaries of the entity to:
 - a) be of good moral character; and
 - b) submit a completed fingerprint card, criminal history background information and a fingerprint background check fee to the Board.
9. Requires the Board or the Board's designee to inspect the premises of an alkaline hydrolysis facility and investigate the character and other qualifications of all applicants for licensure to determine whether the alkaline hydrolysis facility and the applicants are in compliance with the statutory requirements and rules adopted by the Board.
10. Requires the Board to issue an alkaline hydrolysis facility license, if the Board finds that the applicant meets the criteria for licensure.
11. Specifies that an issued alkaline hydrolysis facility license expires on August 1 of each year.
12. Requires a licensed alkaline hydrolysis facility to submit a renewal application and the applicable nonrefundable renewal fee on or before July 1 of each year.
13. Requires a licensed alkaline hydrolysis facility that submits a renewal application and the applicable renewal fee after July 1 but before August 1 to additionally pay a late fee.
14. Requires a licensed alkaline hydrolysis facility who fails to submit a renewal application and the applicable fee on or before August 1 to apply for a new license.
15. Requires an alkaline hydrolysis facility to display its license in a location that enables any member of the public who enters the facility to observe and read the license.
16. Stipulates that 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.
17. Requires an alkaline hydrolysis facility licensee, if a change of ownership of an alkaline hydrolysis facility occurs, to:
 - a) notify the Board in writing; and
 - b) surrender the license to the Board within 20 days after the change of ownership.

18. Requires the new owner to:
 - a) notify the Board in writing within 20 days after the change of ownership; and
 - b) submit an application for an alkaline hydrolysis facility license to the Board.
19. Requires the Board to issue an interim permit to the new owner of an alkaline hydrolysis facility to allow the new owner to continue operating the facility during the period that the new owner's license application is pending if the following conditions are met:
 - a) the new owner notifies the Board of the change of ownership and submits an application for an interim permit and the applicable fee at least three days after the change takes place during regular business hours, excluding Saturdays, Sundays and holidays; and
 - b) the alkaline hydrolysis facility continues to meet the statutory requirements.
20. Requires an interim permit issued by the Board to be for not more than 45 days.
21. Prohibits an interim permit issued by the Board from being extended, except for good cause shown, by not more than 45 days.
22. Specifies that 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.
23. Subjects a holder on an interim permit to the licensing rules and disciplinary proceedings prescribed by statute and in rules adopted by the Board.
24. Requires the Board, until the new owner's license is issued, to keep confidential all notices filed with the Board by the prospective new owner of an alkaline hydrolysis facility.
25. Requires the owner of a licensed alkaline hydrolysis facility who desires to change the name of the facility to submit an application on a form prescribed by the Board.
26. Requires the change of name or location application to be:
 - a) subscribed under oath; and
 - b) accompanied by the applicable fee.
27. Requires the owner of a licensed alkaline hydrolysis facility to demonstrate that the new location meets statutory requirements, before the Board approves a request for a change of location.

Alkaline Hydrolysis Operators

28. Requires an applicant for an alkaline hydrolysis operator license to submit a completed application on a form prescribed by the Board.
29. Requires the application for an alkaline hydrolysis operator license to be:
 - a) subscribed under oath; and
 - b) accompanied by the applicable application fee and any additional information that the Board deems necessary.
30. Requires an applicant for an alkaline hydrolysis operator license to meet all of the following:
 - a) be of good moral character;

- b) 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; and
 - c) meet the educational requirements as prescribed by the Board in rule.
31. Requires the Board to issue an alkaline hydrolysis operator license, if the Board finds that the applicant meets the criteria for licensure and rules adopted by the Board.
32. Specifies that an issued alkaline hydrolysis operator license expires on August 1 of each year.
33. Requires a licensed alkaline hydrolysis operator to submit a renewal application and the applicable nonrefundable renewal fee on or before July 1 of each year.
34. Requires a licensed alkaline hydrolysis operator who submits a renewal application and the applicable renewal fee after July 1 but before August 1 to additionally pay a late fee.
35. Requires a licensed alkaline hydrolysis operator who fails to submit a renewal application and the applicable fee on or before August 1 to apply for a new license.
36. Allows a licensed alkaline hydrolysis operator who retires from practicing alkaline hydrolysis and who is not currently practicing alkaline hydrolysis in Arizona to request that the Board place the person's license on inactive status.
37. Prohibits a person who holds an inactive license from practicing alkaline hydrolysis.

Board Duties

38. Requires the Board to adopt rules:
- a) relating to the inspection of alkaline hydrolysis facilities at least once every five years; and
 - b) that require each funeral establishment to place a price card in a conspicuous place with each alkaline hydrolysis container available for purchase.
39. Requires the Board to establish and collect application fees in an amount determined by the Board for the following:
- a) a new alkaline hydrolysis facility;
 - b) a change of name or location of an alkaline hydrolysis facility;
 - c) an alkaline hydrolysis operator license;
 - d) an interim alkaline hydrolysis facility permit; and
 - e) an extension of an interim alkaline hydrolysis facility permit.
40. Requires the Board to establish and collect examination fees in an amount determined by the Board for the following:
- a) an alkaline hydrolysis facility license; and
 - b) an alkaline hydrolysis operator license.
41. Requires the Board to establish and collect renewal fees in an amount determined by the Board for the following:
- a) an alkaline hydrolysis facility license; and
 - b) an alkaline hydrolysis operator license.

42. Allows the Board, after a formal hearing, to deny or refuse to renew a license or registration or take disciplinary action against any licensed alkaline hydrolysis operator for any of the following reasons:
- a) commission of an act of unprofessional conduct;
 - b) repeated or continuing negligence or any other professional incompetence in the practice of alkaline hydrolysis;
 - c) violation of any statutory requirement or rule; and
 - d) violation of the consumer fraud statutes.

Miscellaneous

43. Deems it unlawful for a person who is licensed or registered by the Board to place 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.
44. Subjects a person to a class 2 misdemeanor who knowingly or intentionally commits an unlawful placement of human remains.
45. Requires that the written or printed statement of funeral goods and services, provided by a licensee or registrant to a potential purchaser prior to entering a contract, include:
- a) an itemization of charges for the alkaline hydrolysis container;
 - b) the location where the deceased will undergo alkaline hydrolysis, if the location is not the funeral establishment's premises; and
 - c) a conspicuous statement informing the potential purchaser that an alternative container used for cremation or coverings used in alkaline hydrolysis may be purchased and used in connection with the funeral service and final disposition of human remains and is not required by law.
46. Specifies that the requirement for human remains that are not embalmed to be held by the crematory in a refrigerated holding facility must be maintained at or below 38 degrees Fahrenheit.
47. Requires the county medical examiner or alternative medical examiner to give approval for alkaline hydrolysis for a dead body after investigation and record the approval on the death certificate.
48. Requires an alkaline hydrolysis operator to notify the county medical examiner or alternate medical examiner to review the death certificate for certification of no foul play or violence, when requesting to alkaline hydrolysis the body of a dead person.
49. Adds, to the definition of *licensee*, a person to whom the Board has issued a license to act as an alkaline hydrolysis operator or to operate an alkaline hydrolysis facility in Arizona.
50. Defines *alkaline hydrolysis*, *alkaline hydrolysis container*, *alkaline hydrolysis facility*, *alkaline hydrolysis operator*, *alkaline hydrolysis vessel* and *regular business hours*.
51. Makes technical and conforming changes.
52. Becomes effective on the general effective date.

Revisions

1. Corrects the provisions to add the requirements outlined for the alkaline hydrolysis facility application, issuance and renewal processes.
2. Corrects the provisions to reflect that an applicant for an alkaline hydrolysis operator license must:
 - a) submit a fingerprint card and the prescribed fingerprint records check fee to enable the Board or the Department of Public Safety to conduct a criminal records check, rather than submit criminal history background information to the Board; and
 - b) meet the educational requirements as prescribed by the Board in rule.

House Action

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Prepared by Senate Research

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JT/sr