

ARIZONA STATE SENATE

RESEARCH STAFF



TO: MEMBERS OF THE SENATE
APPROPRIATIONS COMMITTEE

DATE: March 30, 2022

SUBJECT: Strike everything amendment to H.B. 2123, relating to occupational; licensure

JASON THEODOROU
LEGISLATIVE RESEARCH ANALYST
COMMERCE COMMITTEE
Telephone: (602) 926-3171

Purpose

Continues the Arizona State Board of Funeral Directors' and Embalmers' (Board) until March 31, 2023. Effective April 1, 2023, modifies definitions relating to the regulation of funeral directors, embalmers and cremationists to reflect the transfer of Board responsibilities to a funeral service regulating authority of Arizona and to redefine licensed persons as registered persons.

Background

The Board licenses and registers funeral directors, embalmers, assistant funeral directors, embalmer's assistants, cremationists, funeral establishments and crematories ([A.R.S. Title 32, Chapter 12](#)). The Board consists of seven Governor-appointed members to serve staggered, four-year terms. Three members must be licensed, practicing funeral directors or embalmers and four must be public members ([A.R.S. § 32-1302](#)).

The Board must maintain records, investigate violations and adopt rules relating to: 1) administrative and investigative procedures; 2) records and advertising; 3) standards of practice; 4) consumer disclosure; 5) standard price disclosure and price list requirements; 6) the inspection of funeral establishments and crematories every five years; and 7) any other matters deemed necessary. The Board may: 1) employ professional, investigative and clerical positions; 2) appoint citizen advisory committees; 3) issue subpoenas regarding investigations or hearings; 4) contract with state or federal agencies; 5) charge reasonable fees for distribution of Board-printed materials; and 6) reasonably charge license or registration applicants for fingerprint background checks ([A.R.S. § 32-1307](#)).

The House Commerce Committee of Reference met on January 11, 2022, and the Senate Commerce Committee of Reference met on January 19, 2022, to conduct a review of the Board. Both committees of reference recommended the Board be continued for two years ([Board Sunset Report](#)). The Board is statutorily set to terminate on July 1, 2022, unless legislation is enacted for its continuation ([A.R.S. § 41-3022.22](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Board Continuation

1. Continues the Board, retroactive to July 1, 2022, until March 31, 2023.
2. Repeals the Board on January 1, 2024.

3. Contains a purpose statement.
4. Declares the Legislature's intent to continue the Board, through March 31, 2023, to allow for additional time to ensure proper legislative consideration and transference of responsibilities for the purposes of public health and safety.
5. Directs Legislative Council staff to prepare proposed conforming legislation for consideration in the Fifty-sixth Legislature, First Regular Session.

Definitions (Effective April 1, 2023)

6. Eliminates the definitions for *Board*, *licensee* and *license*.
7. Defines *registrant* as a person who is registered by the funeral services regulating authority of Arizona to act as funeral director, embalmer or intern or to operate a funeral establishment or crematory in Arizona.
8. Redefines the following to mean persons registered, rather than licensed, according to statutes governing funeral directors and embalmers:
 - a) *cremationist*;
 - b) *crematory*;
 - c) *embalmer*;
 - d) *funeral director*;
 - e) *funeral establishment*;
 - f) *intern*;
 - g) *responsible cremationist*; and
 - h) *responsible funeral director*.
9. Modifies the definition of *registration* to mean a requirement to give notice to the government, which may include the individual's name and address, the individual's agent for service of process, the location of the activity to be performed and a description of the service the individual provides, rather than a written authorization by the Board.

Miscellaneous

10. Makes technical and conforming changes.
13. Becomes effective on the general effective date, with retroactive and delayed provisions as noted.