

COMMITTEE ON APPROPRIATIONS  
SENATE AMENDMENTS TO H.B. 2123  
(Reference to House engrossed bill)

1 Strike everything after the enacting clause and 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 BEING recognized or authorized by the American  
7 board 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~~ ENCASING 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.

1           5. "Beneficiary" means a person whose future funeral arrangements  
2 will be handled by a funeral establishment pursuant to a prearranged  
3 funeral agreement.

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

5           ~~7.~~ 6. "Business entity" includes any corporation, association,  
6 limited liability company, professional corporation, partnership, limited  
7 partnership, sole proprietorship, business trust, trust, joint venture and  
8 other business entity.

9           ~~8.~~ 7. "Casket" means a rigid container that is designed to  
10 permanently encase human remains and that is usually constructed of wood,  
11 metal or synthetic substances and ornamented and lined with fabric.

12           ~~9.~~ 8. "Change of ownership" means a transfer of a controlling legal  
13 or equitable interest in a ~~licensed~~ REGISTERED funeral establishment or  
14 crematory resulting from a sale or merger. If the establishment or  
15 crematory is operated by a business entity, any transfer of the ownership  
16 of ten percent or more of the entity constitutes a change of ownership.

17           ~~10.~~ 9. "Conviction" means a criminal adjudication or conviction by  
18 any state or federal court of competent jurisdiction, including a judgment  
19 based on a no contest plea, without regard to whether civil rights have  
20 been restored.

21           ~~11.~~ 10. "Cremated remains" means the remaining bone fragments after  
22 cremation.

23           ~~12.~~ 11. "Cremation" means the heating process that reduces human  
24 remains to bone fragments by combustion and evaporation.

1           ~~13.~~ 12. "Cremation container" means a leak and spill resistant,  
2 rigid, combustible, closed receptacle into which human remains are placed  
3 before cremation.

4           ~~14.~~ 13. "Cremationist" means a person who operates a crematory  
5 retort, who performs the actual cremation of human remains and who may be  
6 ~~licensed~~ REGISTERED pursuant to article 6 of this chapter.

7           ~~15.~~ 14. "Crematory" means a building or portion of a building that  
8 is ~~licensed~~ REGISTERED pursuant to article 6 of this chapter and that  
9 houses a retort in which only human remains are cremated.

10           ~~16.~~ 15. "Disciplinary action" means an action taken ~~by the board~~ to  
11 revoke or suspend a ~~license or~~ registration, to impose probationary  
12 requirements or civil penalties or to issue a letter of censure or  
13 reprimand to any person who is subject to this chapter and who violates any  
14 provision of this chapter or rules ~~adopted by the board~~.

15           ~~17.~~ 16. "Embalmer" means a person who is ~~licensed~~ REGISTERED  
16 pursuant to this chapter and who is engaged in embalming.

17           ~~18.~~ 17. "Embalmer's assistant" means a person who is registered  
18 pursuant to this chapter and who is engaged in embalming without the  
19 supervision of a ~~licensed~~ REGISTERED embalmer.

20           ~~19.~~ 18. "Embalming" means the implementation of reconstructive  
21 procedures and the process of disinfecting and preserving a dead human body  
22 to retard organic decomposition by treating the body to reduce the presence  
23 and growth of organisms.

1           ~~20.~~ 19. "Financial institution" means a bank, savings and loan  
2 association, trust company or credit union that is lawfully doing business  
3 in this state and that is not affiliated with a funeral establishment.

4           ~~21.~~ 20. "Fixed price prearranged funeral agreement funded by trust"  
5 means any agreement or combination of agreements that establishes a fixed  
6 price for funeral goods and services, that requires a funeral establishment  
7 to provide those funeral goods and services at the price levels in effect  
8 at the time of the execution of the agreement and that requires the  
9 purchaser to convey all or a portion of the accrued interest to the funeral  
10 establishment at the time that the funeral goods and services are actually  
11 provided.

12           ~~22.~~ 21. "Funded by insurance" means that monies for a prearranged  
13 funeral agreement are paid directly to an insurance company licensed  
14 pursuant to title 20 on behalf of the beneficiary of the agreement.

15           ~~23.~~ 22. "Funeral directing" means arranging, directing or providing  
16 a service in the disposition of dead human bodies for compensation.

17           ~~24.~~ 23. "Funeral director" means a person who is ~~licensed~~  
18 REGISTERED pursuant to this chapter and who is engaged in funeral  
19 directing.

20           ~~25.~~ 24. "Funeral establishment" means a business at a specific  
21 location that is ~~licensed~~ REGISTERED pursuant to this chapter and that is  
22 devoted to the care, storage or preparation for final disposition or  
23 transportation of dead human bodies.

1           ~~26.~~ 25. "Funeral goods and services":

2           (a) Means any personal property or services that are typically sold  
3           or provided in connection with the final disposition of human remains,  
4           including caskets, alternative containers, outer burial containers,  
5           cremation containers, transportation containers, funeral clothing or  
6           accessories, monuments, grave markers, urns, embalming services, funeral  
7           directing services and similar funeral or burial items. ~~Funeral goods and~~  
8           ~~services do~~

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

10          ~~27.~~ 26. "Good moral character" means that a person:

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

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

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

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

1 (e) Has not engaged in fraud or misrepresentation in connection with  
2 an application for ~~license or~~ registration under this chapter or an  
3 examination required for ~~license or~~ registration.

4 (f) Has not, within five years of applying for ~~license or~~  
5 registration, had a license, registration or endorsement revoked or  
6 suspended ~~by the board or~~ by the funeral services ~~licensing~~ REGULATING  
7 authority of THIS STATE OR any other jurisdiction.

8 (g) Has not surrendered a license, registration or endorsement to  
9 ~~the board or~~ the funeral ~~licensing~~ SERVICES REGULATING authority of THIS  
10 STATE OR any other jurisdiction in lieu of disciplinary action.

11 (h) Has not practiced funeral directing or embalming without a  
12 ~~license~~ REGISTRATION in this state or any other jurisdiction that requires  
13 ~~license~~ REGISTRATION to perform these activities.

14 ~~28.~~ 27. "Holding facility" means a designated area for ~~the~~  
15 ~~retention of~~ RETAINING human remains.

16 ~~29.~~ 28. "Human remains" means a lifeless human body or parts of a  
17 human body that allow a reasonable inference that death occurred.

18 ~~30.~~ 29. "Intern" means a person who is ~~licensed~~ REGISTERED pursuant  
19 to this chapter and who is engaged in either or both of the following:

20 (a) Embalming under the supervision of a ~~licensed~~ REGISTERED  
21 embalmer.

22 (b) Arranging and directing funerals under the supervision of a  
23 ~~licensed~~ REGISTERED funeral director.

1           ~~31.~~ 30. "Intern trainee" means a person who intends to enter  
2 training as an intern and who is temporarily employed by a funeral  
3 establishment.

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

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

10          ~~34.~~ 31. "Manage" means:

11           (a) That a responsible funeral director exercises control and  
12 oversight over all employees of a funeral establishment and over funeral  
13 transactions, including the care of dead human bodies, funeral services and  
14 activities and the documentation and retention of records.

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

17          ~~35.~~ 32. "National board examination" means the test or tests given  
18 by the conference of funeral service examining boards to determine the  
19 entry level knowledge and skills of a person regarding funeral directing  
20 and embalming.

21          ~~36.~~ 33. "Net interest" means interest earned on a prearranged  
22 funeral trust account minus applicable taxes, reasonable and necessary  
23 charges made by the financial institution and the annual service fee

1 allowed to be deducted by the funeral establishment according to section  
2 32-1391.06, subsection B.

3 ~~37.~~ 34. "Outer burial container" means a container that is designed  
4 for placement in a grave around a casket, including burial vaults, grave  
5 boxes and grave liners.

6 ~~38.~~ 35. "Owner":

7 (a) Means a person who owns ten percent or more of a business  
8 entity. ~~owner~~

9 (b) Does not include shareholders of companies who have a class of  
10 common equity stock listed or authorized to be listed on the New York stock  
11 exchange or the American stock exchange or listed on the NASDAQ stock  
12 market.

13 ~~39.~~ 36. "Person legally responsible" means the person responsible  
14 for burying a dead body as determined in section 36-831.

15 ~~40.~~ 37. "Prearranged funeral agreement" means any agreement or  
16 combination of agreements under which a payment is made before the death of  
17 the intended beneficiary for funeral goods and services to be delivered or  
18 performed after the death of the beneficiary.

19 ~~41.~~ 38. "Prearranged funeral trust account" means a trust account  
20 that is established at a financial institution and into which all monies  
21 paid on behalf of a beneficiary pursuant to a prearranged funeral agreement  
22 are deposited.

1           ~~42.~~ 39. "Preparation" means washing, shaving, dressing or arranging  
2 hair on, applying cosmetics to or positioning bodily features on a dead  
3 human body and placing THE dead human body in a casket.

4           ~~43.~~ 40. "Processed cremated remains" means cremated remains after  
5 they are pulverized and cleaned, leaving primarily small bone fragments.

6           ~~44.~~ 41. "Provisionally accredited" means BEING granted candidacy  
7 status by the American board of funeral service education.

8           42. "REGISTRANT" MEANS A PERSON WHO IS REGISTERED BY THE FUNERAL  
9 SERVICES REGULATING AUTHORITY OF THIS STATE TO ACT AS A FUNERAL DIRECTOR,  
10 EMBALMER OR INTERN OR TO OPERATE A FUNERAL ESTABLISHMENT OR CREMATORY IN  
11 THIS STATE.

12           ~~45.~~ 43. "Registration" means ~~a written authorization that is issued~~  
13 ~~by the board and that~~ GOVERNMENT REGISTRATION AS DEFINED IN SECTION 41-3501  
14 AND entitles a person to act as an assistant funeral director, an  
15 embalmer's assistant or a prearranged funeral salesperson in this state.

16           ~~46.~~ 44. "Responsible cremationist" means a ~~licensed~~ REGISTERED  
17 cremationist who manages a crematory.

18           ~~47.~~ 45. "Responsible funeral director" means a person who is  
19 ~~licensed~~ REGISTERED pursuant to this chapter, who is engaged in funeral  
20 directing and who manages and is accountable for a funeral establishment.

21           ~~48.~~ 46. "Retort" means an enclosed space within which cremation  
22 takes place.

23           ~~49.~~ 47. "State equivalent examination" means the test or tests that  
24 are provided by the conference of funeral service examining boards and

1 offered by the ~~board~~ REGULATING AUTHORITY OF THIS STATE to determine the  
2 entry level knowledge and skills of a person regarding funeral directing  
3 and embalming.

4 ~~50.~~ 48. "Supervise" or "supervision" means that a ~~licensed~~  
5 REGISTERED embalmer has responsibility for and is within sight and sound of  
6 a ~~licensed~~ REGISTERED intern who is embalming a dead human body or a  
7 student who is assisting in embalming a dead human body.

8 ~~51.~~ 49. "Temporary container" means a receptacle that is usually  
9 made of cardboard, rigid plastic or another similar material and that is  
10 designed to hold processed cremated remains until they are placed in an urn  
11 or another permanent container.

12 ~~52.~~ 50. "Trust funds" means all monies that are deposited on behalf  
13 of a beneficiary of a prearranged funeral agreement funded by trust and all  
14 accrued net interest. Trust funds shall be considered an account kept in  
15 suspense until distributed to the beneficiary, the funeral establishment or  
16 the estate of the beneficiary in accordance with this article.

17 ~~53.~~ 51. "Universal precautions" means the universal blood and fluid  
18 precautions recommended by the centers for disease control of the United  
19 States public health service to prevent the transmission of bloodborne and  
20 bodily fluid-borne infectious diseases.

21 ~~54.~~ 52. "Unprofessional conduct" includes the following acts,  
22 whether occurring in this state or elsewhere:

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

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

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

8 (d) Bribing or offering to bribe, directly or indirectly, a member  
9 of the ~~board~~ FUNERAL SERVICES REGULATING AUTHORITY OF THIS STATE to  
10 influence the member's actions in performing the member's duties.

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

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

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

22 (h) Certifying falsely to having embalmed or prepared a dead human  
23 body that was embalmed by a person other than a ~~licensed~~ REGISTERED

1        embalmer making the certification or an intern under the supervision of a  
2        ~~licensed~~ REGISTERED embalmer making the certification.

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

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

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

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

15           (m) Within a period of five years, having a license, registration or  
16       endorsement suspended or revoked ~~by the board or~~ by the funeral services  
17       ~~licensing~~ REGULATING authority of THIS STATE OR any other jurisdiction or  
18       surrendering a license, registration or endorsement in lieu of disciplinary  
19       action.

20           ~~55-~~ 53. "Urn" means a receptacle into which processed cremated  
21       remains are placed for disposition.



1           Sec. 6. Effective date; retroactivity

2           A. Section 32-1301, Arizona Revised Statutes, as amended by this  
3 act, is effective from and after March 31, 2023.

4           B. Sections 2 and 3 of this act apply retroactively to from and  
5 after July 1, 2022."

6 Amend title to conform

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