

House Engrossed

alkaline hydrolysis; facilities; operators; licensure

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

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)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 11-594, Arizona Revised Statutes, is amended to
3 read:
4 11-594. Powers and duties of county medical examiner
5 A. The county medical examiner or alternate medical examiner shall
6 direct a death investigation and on a determination that the circumstances
7 of the death provide jurisdiction pursuant to section 11-593, subsection B
8 shall:
9 1. Take charge of the dead body.
10 2. Determine if an autopsy is required.
11 3. Certify to the cause and manner of death following completion of
12 the death investigation, reduce the findings to writing and promptly make
13 a full report on forms prescribed for that purpose.
14 4. Have subpoena authority for all documents, records and papers
15 deemed useful in the death investigation.
16 5. Execute a death certificate provided by the state registrar of
17 vital statistics indicating the cause and the manner of death for those
18 bodies for which a death investigation has been conducted and jurisdiction
19 is assumed.
20 6. Give approval for cremation OR ALKALINE HYDROLYSIS of a dead
21 body after a death investigation and record the approval on the death
22 certificate.
23 7. Notify the county attorney or other law enforcement authority
24 when death is found to be from nonnatural causes.
25 8. Carry out the duties specified under section 28-668.
26 9. Carry out the duties specified under title 36, chapter 7,
27 article 3.
28 10. Provide a blood sample from a deceased person for the purpose
29 of communicable disease testing pursuant to sections 13-1210 and 36-670 if
30 the blood is available and the collection or release will not interfere
31 with a medical examination, autopsy or certification of death.
32 11. Observe all policies adopted by the board of supervisors
33 regarding conflicts of interest and disclosure of noncounty employment.
34 B. The county medical examiner or alternate medical examiner may:
35 1. Assign to a medical death investigator or other qualified
36 personnel all aspects of a death investigation except the performance of
37 autopsies.
38 2. Authorize forensic pathologists to perform examinations and
39 autopsies. The medical examiner or alternate medical examiner may
40 authorize medical students or residents and fellows in pathology training
41 to perform autopsies under the supervision of a licensed physician who is
42 board certified in forensic pathology, pursuant to procedures adopted by
43 the county medical examiner or alternate medical examiner. Authorization
44 and the amount to be paid by the county for pathology services are subject
45 to approval of the board of supervisors.

1 3. Delegate any power, duty or function whether ministerial or
2 discretionary vested by this chapter in the medical examiner or alternate
3 medical examiner to a person meeting the qualifications prescribed in this
4 chapter who is employed by or who has contracted with the county to
5 provide death investigation services. The medical examiner or alternate
6 medical examiner shall be responsible for the official acts of the person
7 designated pursuant to this section and shall act under the name and
8 authority of the medical examiner or alternate medical examiner.

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

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

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

35 C. A county medical examiner or alternate medical examiner shall
36 not be held civilly or criminally liable for any acts performed in good
37 faith pursuant to subsection A, paragraph 10 and subsection B, paragraphs
38 4, 5 and 6 of this section.

39 D. If a dispute arises over the findings of the medical examiner's
40 report, the medical examiner, on an order of the superior court, shall
41 make available all evidence and documentation to a court-designated
42 licensed forensic pathologist for review, and the results of the review
43 shall be reported to the superior court in the county issuing the order.

1 E. For providing external examinations and autopsies pursuant to
2 this section, the medical examiner may charge a fee established by the
3 board of supervisors pursuant to section 11-251.08.

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

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

9 11-599. Cremation

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

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

21 32-1301. Definitions

22 In this chapter, unless the context otherwise requires:

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

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

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

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

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

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

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

38 4. "ALKALINE HYDROLYSIS CONTAINER":

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

43 (b) INCLUDES A HYDROLYZABLE OR BIODEGRADABLE ALTERNATIVE CONTAINER
44 OR CASKET.

1 5. "ALKALINE HYDROLYSIS FACILITY" MEANS A BUILDING OR STRUCTURE
2 CONTAINING ONE OR MORE ALKALINE HYDROLYSIS VESSELS FOR ALKALINE
3 HYDROLYSIS.
4 6. "ALKALINE HYDROLYSIS OPERATOR" MEANS A PERSON WHO IS TRAINED TO
5 CARRY OUT THE PROCESS OF ALKALINE HYDROLYSIS.
6 7. "ALKALINE HYDROLYSIS VESSEL" MEANS THE CONTAINER IN WHICH
7 ALKALINE HYDROLYSIS IS PERFORMED.
8 ~~8.~~ 8. "Alternative container" means any unfinished wood box or
9 other nonmetal receptacle or enclosure, without ornamentation or a fixed
10 interior lining, that is designed for ~~the encasement of~~ ENCASING human
11 remains.
12 ~~9.~~ 9. "Authorizing agent" means a person who is legally entitled
13 to order the cremation, disinterment or embalming of human remains
14 pursuant to section 32-1365.02.
15 ~~10.~~ 10. "Beneficiary" means a person whose future funeral
16 arrangements will be handled by a funeral establishment pursuant to a
17 prearranged funeral agreement.
18 ~~11.~~ 11. "Board" means the state board of funeral directors and
19 embalmers.
20 ~~12.~~ 12. "Business entity" includes any corporation, association,
21 limited liability company, professional corporation, partnership, limited
22 partnership, sole proprietorship, business trust, trust, joint venture and
23 other business entity.
24 ~~13.~~ 13. "Casket" means a rigid container that is designed to
25 permanently encase human remains and that is usually constructed of wood,
26 metal or synthetic substances and ornamented and lined with fabric.
27 ~~14.~~ 14. "Change of ownership" means a transfer of a controlling
28 legal or equitable interest in a licensed funeral establishment or
29 crematory resulting from a sale or merger. If the establishment or
30 crematory is operated by a business entity, any transfer of the ownership
31 of ten percent or more of the entity constitutes a change of ownership.
32 ~~15.~~ 15. "Conviction" means a criminal adjudication or conviction
33 by any state or federal court of competent jurisdiction, including a
34 judgment based on a no contest plea, without regard to whether civil
35 rights have been restored.
36 ~~16.~~ 16. "Cremated remains" means the remaining bone fragments
37 after cremation.
38 ~~17.~~ 17. "Cremation" means the heating process that reduces human
39 remains to bone fragments by combustion and evaporation.
40 ~~18.~~ 18. "Cremation container" means a leak and spill resistant,
41 rigid, combustible, closed receptacle into which human remains are placed
42 before cremation.
43 ~~19.~~ 19. "Cremationist" means a person who operates a crematory
44 retort, who performs the actual cremation of human remains and who may be
45 licensed pursuant to article 6 of this chapter.

1 ~~15.~~ 20. "Crematory" means a building or portion of a building that
2 is licensed pursuant to article 6 of this chapter and that houses a retort
3 in which only human remains are cremated.

4 ~~16.~~ 21. "Disciplinary action" means an action taken by the board
5 to revoke or suspend a license or registration, to impose probationary
6 requirements or civil penalties or to issue a letter of censure or
7 reprimand to any person who is subject to this chapter and who violates
8 any provision of this chapter or rules adopted by the board.

9 ~~17.~~ 22. "Embalmer" means a person who is licensed pursuant to this
10 chapter and who is engaged in embalming.

11 ~~18.~~ 23. "Embalmer's assistant" means a person who is registered
12 pursuant to this chapter and who is engaged in embalming without the
13 supervision of a licensed embalmer.

14 ~~19.~~ 24. "Embalming" means the implementation of reconstructive
15 procedures and the process of disinfecting and preserving a dead human
16 body to retard organic decomposition by treating the body to reduce the
17 presence and growth of organisms.

18 ~~20.~~ 25. "Financial institution" means a bank, savings and loan
19 association, trust company or credit union that is lawfully doing business
20 in this state and that is not affiliated with a funeral establishment.

21 ~~21.~~ 26. "Fixed price prearranged funeral agreement funded by
22 trust" means any agreement or combination of agreements that establishes a
23 fixed price for funeral goods and services, that requires a funeral
24 establishment to provide those funeral goods and services at the price
25 levels in effect at the time of the execution of the agreement and that
26 requires the purchaser to convey all or a portion of the accrued interest
27 to the funeral establishment at the time that the funeral goods and
28 services are actually provided.

29 ~~22.~~ 27. "Funded by insurance" means that monies for a prearranged
30 funeral agreement are paid directly to an insurance company licensed
31 pursuant to title 20 on behalf of the beneficiary of the agreement.

32 ~~23.~~ 28. "Funeral directing" means arranging, directing or
33 providing a service in the disposition of dead human bodies for
34 compensation.

35 ~~24.~~ 29. "Funeral director" means a person who is licensed pursuant
36 to this chapter and who is engaged in funeral directing.

37 ~~25.~~ 30. "Funeral establishment" means a business at a specific
38 location that is licensed pursuant to this chapter and that is devoted to
39 the care, storage or preparation for final disposition or transportation
40 of dead human bodies.

41 ~~26.~~ 31. "Funeral goods and services":

42 (a) Means any personal property or services that are typically sold
43 or provided in connection with the final disposition of human remains,
44 including caskets, alternative containers, outer burial containers,
45 cremation containers, transportation containers, funeral clothing or

1 accessories, monuments, grave markers, urns, embalming services, funeral
2 directing services and similar funeral or burial items. ~~Funeral goods and~~
3 ~~services do~~

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

5 ~~27.~~ 32. "Good moral character" means that a person:

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

8 (b) Has not, within five years of applying for licensure or
9 registration, been convicted of a felony or misdemeanor if the offense has
10 a reasonable relationship to the person's proposed area of licensure or
11 registration.

12 (c) Has not, within five years of applying for licensure or
13 registration, committed any act involving dishonesty, fraud,
14 misrepresentation, breach of fiduciary duty, gross negligence or
15 incompetence if the act has a reasonable relationship to the person's
16 proposed area of licensure or registration.

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

20 (e) Has not engaged in fraud or misrepresentation in connection
21 with an application for licensure or registration under this chapter or an
22 examination required for licensure or registration.

23 (f) Has not, within five years of applying for licensure or
24 registration, had a license, registration or endorsement revoked or
25 suspended by the board or by the funeral services licensing authority of
26 any other jurisdiction.

27 (g) Has not surrendered a license, registration or endorsement to
28 the board or the funeral licensing authority of any other jurisdiction in
29 lieu of disciplinary action.

30 (h) Has not practiced funeral directing or embalming without a
31 license in this state or any other jurisdiction that requires licensure to
32 perform these activities.

33 ~~28.~~ 33. "Holding facility" means a designated area for ~~the~~
34 ~~retention of~~ RETAINING human remains.

35 ~~29.~~ 34. "Human remains" means a lifeless human body or parts of a
36 human body that allow a reasonable inference that death occurred.

37 ~~30.~~ 35. "Intern" means a person who is licensed pursuant to this
38 chapter and who is engaged in either or both of the following:

39 (a) Embalming under the supervision of a licensed embalmer.

40 (b) Arranging and directing funerals under the supervision of a
41 licensed funeral director.

42 ~~31.~~ 36. "Intern trainee" means a person who intends to enter
43 training as an intern and who is temporarily employed by a funeral
44 establishment.

1 ~~32.~~ 37. "License" means a written authorization that is issued by
2 the board and that entitles a person to act as a funeral director,
3 embalmer, ~~or~~ intern OR ALKALINE HYDROLYSIS OPERATOR or to operate a
4 funeral establishment, ~~or~~ crematory OR ALKALINE HYDROLYSIS FACILITY in
5 this state.

6 ~~33.~~ 38. "Licensee" means a person to whom the board has issued a
7 license to act as a funeral director, embalmer, ~~or~~ intern OR ALKALINE
8 HYDROLYSIS OPERATOR or to operate a funeral establishment, ~~or~~ crematory OR
9 ALKALINE HYDROLYSIS FACILITY in this state.

10 ~~34.~~ 39. "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~~ CARING FOR dead human bodies, funeral
14 services and activities and ~~the documentation~~ DOCUMENTING and ~~retention of~~
15 RETAINING records.

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

18 ~~35.~~ 40. "National board examination" means the test or tests given
19 by the conference of funeral service examining boards to determine the
20 entry level knowledge and skills of a person regarding funeral directing
21 and embalming.

22 ~~36.~~ 41. "Net interest" means interest earned on a prearranged
23 funeral trust account minus applicable taxes, reasonable and necessary
24 charges made by the financial institution and the annual service fee
25 allowed to be deducted by the funeral establishment according to section
26 32-1391.06, subsection B.

27 ~~37.~~ 42. "Outer burial container" means a container that is
28 designed for placement in a grave around a casket, including burial
29 vaults, grave boxes and grave liners.

30 ~~38.~~ 43. "Owner":

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

33 (b) Does not include shareholders of companies who have a class of
34 common equity stock listed or authorized to be listed on the New York
35 stock exchange or the American stock exchange or listed on the NASDAQ
36 stock market.

37 ~~39.~~ 44. "Person legally responsible" means the person responsible
38 for burying a dead body as determined in section 36-831.

39 ~~40.~~ 45. "Prearranged funeral agreement" means any agreement or
40 combination of agreements under which a payment is made before the death
41 of the intended beneficiary for funeral goods and services to be delivered
42 or performed after the death of the beneficiary.

43 ~~41.~~ 46. "Prearranged funeral trust account" means a trust account
44 that is established at a financial institution and into which all monies

1 paid on behalf of a beneficiary pursuant to a prearranged funeral
2 agreement are deposited.

3 ~~42.~~ 47. "Preparation" means washing, shaving, dressing or
4 arranging hair on, applying cosmetics to or positioning bodily features on
5 a dead human body and placing THE dead human body in a casket.

6 ~~43.~~ 48. "Processed cremated remains" means cremated remains after
7 they are pulverized and cleaned, leaving primarily small bone fragments.

8 ~~44.~~ 49. "Provisionally accredited" means BEING granted candidacy
9 status by the American board of funeral service education.

10 ~~45.~~ 50. "Registration" means a written authorization that is
11 issued by the board and that entitles a person to act as an assistant
12 funeral director, an embalmer's assistant or a prearranged funeral
13 salesperson in this state.

14 ~~46.~~ 51. "Responsible cremationist" means a licensed cremationist
15 who manages a crematory.

16 ~~47.~~ 52. "Responsible funeral director" means a person who is
17 licensed pursuant to this chapter, who is engaged in funeral directing and
18 who manages and is accountable for a funeral establishment.

19 ~~48.~~ 53. "Retort" means an enclosed space within which cremation
20 takes place.

21 ~~49.~~ 54. "State equivalent examination" means the test or tests
22 that are provided by the conference of funeral service examining boards
23 and offered by the board to determine the entry level knowledge and skills
24 of a person regarding funeral directing and embalming.

25 ~~50.~~ 55. "Supervise" or "supervision" means that a licensed
26 embalmer has responsibility for and is within sight and sound of a
27 licensed intern who is embalming a dead human body or a student who is
28 assisting in embalming a dead human body.

29 ~~51.~~ 56. "Temporary container" means a receptacle that is usually
30 made of cardboard, rigid plastic or another similar material and that is
31 designed to hold processed cremated remains until they are placed in an
32 urn or another permanent container.

33 ~~52.~~ 57. "Trust funds" means all monies that are deposited on
34 behalf of a beneficiary of a prearranged funeral agreement funded by trust
35 and all accrued net interest. Trust funds shall be considered an account
36 kept in suspense until distributed to the beneficiary, the funeral
37 establishment or the estate of the beneficiary in accordance with this
38 article.

39 ~~53.~~ 58. "Universal precautions" means the universal blood and
40 fluid precautions recommended by the centers for disease control of the
41 United States public health service to prevent the transmission of
42 bloodborne and bodily fluid-borne infectious diseases.

43 ~~54.~~ 59. "Unprofessional conduct" includes the following acts,
44 whether occurring in this state or elsewhere:

45 (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
7 an examination required for licensure or registration.

8 (d) Bribing or offering to bribe, directly or indirectly, a member
9 of the board to influence the member's actions in performing the member's
10 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 embalmer making
24 the certification or an intern under the supervision of a licensed
25 embalmer making the certification.

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

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

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

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

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

42 ~~55-~~ 60. "Urn" means a receptacle into which processed cremated
43 remains are placed for disposition.

1 Sec. 4. Section 32-1307, Arizona Revised Statutes, is amended to
2 read:

3 32-1307. Powers and duties of board

4 A. The board shall:

5 1. Administer and enforce this chapter and the rules adopted
6 pursuant to this chapter.

7 2. Adopt a seal.

8 3. Maintain a record of the name and the mailing or employer's
9 business address of each licensee and registrant.

10 4. Investigate alleged violations of this chapter and the rules
11 adopted pursuant to this chapter.

12 5. ~~Adopt rules~~ In accordance with title 41, chapter 6, ~~ADOPT~~
13 rules ~~adopted by the board shall~~ THAT include provisions relating to the
14 following:

15 (a) The keeping and disposition of records by licensees and
16 registrants.

17 (b) Standards of practice, professional conduct, competence and
18 consumer disclosure relating to owning or operating a funeral
19 establishment or crematory, funeral directing, embalming and cremation.

20 (c) The prohibition of deceptive, misleading or professionally
21 negligent practices in advertising, offering or selling funeral goods or
22 services by funeral establishments, crematories, licensees and registrants
23 and agents of funeral establishments, crematories, licensees and
24 registrants. The rules shall specifically prohibit misrepresentation of
25 the legal requirements concerning ~~the preparation~~ PREPARING and ~~interment~~
26 ~~of~~ INTERRING dead human bodies.

27 (d) Standard price disclosure formats and price list requirements
28 and definitions to facilitate price comparisons by members of the public.

29 (e) Guidelines to enable members of the public to determine the
30 substantial equivalency of funeral goods available for sale to the public.

31 (f) Administrative and investigative procedures.

32 (g) The efficient administration of the board's affairs and the
33 enforcement of ~~the provisions of~~ this chapter.

34 (h) The inspection of all funeral establishments, ~~and~~ crematories
35 AND ALKALINE HYDROLYSIS FACILITIES at least once every five years.

36 (i) Any other matters the board deems necessary to carry out ~~the~~
37 ~~provisions of~~ this chapter.

38 B. The board may:

39 1. Subject to title 41, chapter 4, article 4, employ investigative,
40 professional and clerical employees as it deems necessary to carry out
41 this chapter. Compensation of these employees shall be determined
42 pursuant to section 38-611.

43 2. Appoint citizen advisory committees to make recommendations to
44 the board concerning ~~enforcement~~ ENFORCING and ~~the administration of~~
45 ADMINISTERING this chapter.

1 3. In connection with investigations or administrative hearings,
2 issue subpoenas to compel the attendance of witnesses and the production
3 of books, papers, contracts, agreements and other documents or records in
4 any form, administer oaths and take testimony and evidence concerning all
5 matters within its jurisdiction. The board may pay the fees and expenses
6 of witnesses who appear in any proceeding before the board. If a person
7 refuses to obey a subpoena issued by the board, the board may invoke the
8 aid of any court in this state to require the attendance and testimony of
9 witnesses and the production of documentary evidence.

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

12 5. Charge reasonable fees ~~for the distribution of~~ TO DISTRIBUTE
13 materials that the board prints or has printed at its expense and for the
14 costs of mailing these materials.

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

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

19 32-1309. Fees

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

22 1. For a funeral director license, ~~eighty-five dollars~~ \$85.

23 2. For an embalmer license, ~~eighty-five dollars~~ \$85.

24 3. For an embalmer's assistant registration, ~~eighty-five dollars~~
25 \$85.

26 4. For an intern license, ~~eighty-five dollars~~ \$85.

27 5. For a funeral director or embalmer license for a person who does
28 not reside in this state, ~~eighty-five dollars~~ \$85.

29 6. For a prearranged funeral salesperson registration, ~~eighty-five~~
30 ~~dollars~~ \$85.

31 7. For a funeral establishment license:

32 (a) For a new establishment, new owner or new location, ~~five~~
33 ~~hundred dollars~~ \$500.

34 (b) For a change of name, ~~one hundred seventy-five dollars~~ \$175.

35 8. For a prearranged funeral sales establishment endorsement, ~~one~~
36 ~~hundred eighty-five dollars~~ \$185.

37 9. For a crematory license:

38 (a) For a new crematory, new owner or new location, ~~one hundred~~
39 ~~dollars~~ \$100 per retort.

40 (b) For a change of name, ~~one hundred seventy-five dollars~~ \$175.

41 10. For a cremationist license, ~~eighty-five dollars~~ \$85.

42 11. FOR AN ALKALINE HYDROLYSIS FACILITY LICENSE:

43 (a) FOR A NEW ALKALINE HYDROLYSIS FACILITY, A FEE IN AN AMOUNT TO
44 BE DETERMINED BY THE BOARD.

1 (b) FOR A CHANGE OF NAME OR LOCATION, A FEE IN AN AMOUNT TO BE
2 DETERMINED BY THE BOARD.

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

5 13. FOR AN INTERIM ALKALINE HYDROLYSIS FACILITY PERMIT, A FEE IN AN
6 AMOUNT TO BE DETERMINED BY THE BOARD.

7 14. FOR EXTENSION OF AN INTERIM ALKALINE HYDROLYSIS FACILITY
8 PERMIT, A FEE IN AN AMOUNT TO BE DETERMINED BY THE BOARD.

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

11 1. For the funeral director state laws and rules examination,
12 ~~eighty dollars~~ \$80.

13 2. For the embalmer state laws and rules examination, ~~eighty~~
14 ~~dollars~~ \$80.

15 3. For the prearranged funeral salesperson state laws and rules
16 examination, ~~eighty dollars~~ \$80.

17 4. For the funeral service science section of the state equivalent
18 examination, ~~one hundred fifty dollars~~ \$150.

19 5. For the funeral service arts section of the state equivalent
20 examination, ~~one hundred fifty dollars~~ \$150.

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

23 1. For a funeral director license, ~~eighty-five dollars~~ \$85.

24 2. For an embalmer license, ~~eighty-five dollars~~ \$85.

25 3. For an embalmer's assistant registration, ~~eighty-five dollars~~
26 \$85.

27 4. For an intern license, ~~eighty-five dollars~~ \$85.

28 5. For a prearranged funeral salesperson registration, ~~eighty-five~~
29 ~~dollars~~ \$85.

30 6. For a cremationist license, ~~eighty-five dollars~~ \$85.

31 7. FOR AN ALKALINE HYDROLYSIS FACILITY LICENSE, A FEE IN AN AMOUNT
32 TO BE DETERMINED BY THE BOARD.

33 8. FOR AN ALKALINE HYDROLYSIS OPERATOR LICENSE, A FEE IN AN AMOUNT
34 TO BE DETERMINED BY THE BOARD.

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

37 1. For a funeral director license, ~~eighty-five dollars~~ \$85.

38 2. For an embalmer license, ~~eighty-five dollars~~ \$85.

39 3. For an embalmer's assistant registration, ~~eighty-five dollars~~
40 \$85.

41 4. For an intern license, ~~eighty-five dollars~~ \$85.

42 5. For an assistant funeral director registration, ~~eighty-five~~
43 ~~dollars~~ \$85.

44 6. For a prearranged funeral salesperson registration, ~~eighty-five~~
45 ~~dollars~~ \$85.

1 7. For an establishment license, ~~four dollars~~ \$4 for each
2 disposition performed by the establishment during the immediately
3 preceding calendar year. For the purposes of this paragraph, a funeral
4 establishment performs a disposition each time the establishment files a
5 death certificate pursuant to section 36-325.

6 8. For a prearranged funeral sales establishment endorsement, ~~one~~
7 ~~hundred eighty-five dollars~~ \$185.

8 9. For a crematory license, ~~two hundred dollars~~ \$200 per retort.

9 10. For a cremationist license, ~~eighty-five dollars~~ \$85.

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

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

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

15 1. For a duplicate license or registration, ~~twenty-five dollars~~
16 \$25.

17 2. For a reexamination:

18 (a) For a state laws and rules examination, ~~fifty dollars~~ \$50.

19 (b) For the funeral service science section or the funeral service
20 arts section of the state equivalent examination, ~~sixty-five dollars~~ \$65.

21 3. For late renewal of a licensee or registration, ~~thirty-five~~
22 ~~dollars~~ \$35.

23 4. For late renewal of an establishment license or endorsement,
24 ~~sixty dollars~~ \$60.

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

26 6. For reinstatement of an inactive license, ~~fifty dollars~~ \$50.

27 7. For reinstatement of an inactive registration, ~~one hundred~~
28 ~~thirty dollars~~ \$130.

29 8. For an interim funeral establishment permit, ~~twenty-five dollars~~
30 \$25.

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

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

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

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

39 32-1334. Inactive status

40 A. A licensed embalmer, funeral director, ~~or~~ cremationist ~~OR~~
41 ALKALINE HYDROLYSIS OPERATOR who retires from practicing embalming, ~~or~~
42 funeral directing, ~~or cremating~~ CREMATION OR ALKALINE HYDROLYSIS AND who
43 is not currently practicing embalming, ~~or~~ funeral directing, CREMATION OR
44 ALKALINE HYDROLYSIS in this state may request that the board place the
45 person's license on inactive status. The person shall submit the request

1 on a form prescribed by the board and shall pay the applicable fee
2 pursuant to section 32-1309.

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

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

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

16 ARTICLE 2.1. ALKALINE HYDROLYSIS

17 32-1341. Alkaline hydrolysis facilities; license required

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

21 32-1342. Alkaline hydrolysis facilities; requirements

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

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

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

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

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

35 B. AN ALKALINE HYDROLYSIS FACILITY:

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

38 2. SHALL PROVIDE PROPER PROCEDURES FOR ALL PERSONNEL.

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

41 32-1343. Alkaline hydrolysis operators; licensure;
42 application; qualifications; fingerprinting;
43 renewal

44 A. AN APPLICANT FOR AN ALKALINE HYDROLYSIS OPERATOR LICENSE SHALL
45 SUBMIT A COMPLETED APPLICATION ON A FORM PRESCRIBED BY THE BOARD. THE

1 APPLICATION SHALL BE SUBSCRIBED UNDER OATH AND SHALL BE ACCOMPANIED BY THE
2 APPLICABLE FEE PURSUANT TO SECTION 32-1309 AND ANY ADDITIONAL INFORMATION
3 THAT THE BOARD DEEMS NECESSARY.

4 B. AN APPLICANT FOR AN ALKALINE HYDROLYSIS OPERATOR LICENSE SHALL
5 MEET ALL OF THE FOLLOWING:

6 1. BE OF GOOD MORAL CHARACTER.

7 2. SUBMIT A COMPLETED FINGERPRINT CARD AND THE PRESCRIBED
8 FINGERPRINT RECORDS CHECK FEE TO THE BOARD TO ENABLE THE BOARD OR THE
9 DEPARTMENT OF PUBLIC SAFETY TO CONDUCT A CRIMINAL RECORDS CHECK.

10 3. MEET THE EDUCATIONAL REQUIREMENTS AS PRESCRIBED BY THE BOARD IN
11 RULE.

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

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

27 32-1344. Alkaline hydrolysis facilities: licensure
28 requirements; application; renewal

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

40 B. AN INDIVIDUAL WHO APPLIES FOR AN ALKALINE HYDROLYSIS FACILITY
41 LICENSE PURSUANT TO THIS ARTICLE, OR IF THE APPLICANT IS A BUSINESS
42 ENTITY, THE OWNERS, PARTNERS, OFFICERS, DIRECTORS AND TRUST BENEFICIARIES
43 OF THE ENTITY, SHALL:

44 1. BE OF GOOD MORAL CHARACTER.

1 2. SUBMIT A COMPLETED FINGERPRINT CARD, CRIMINAL HISTORY BACKGROUND
2 INFORMATION AND A FINGERPRINT BACKGROUND CHECK FEE TO THE BOARD.

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

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

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

23 32-1345. Display of license

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

27 32-1346. Alkaline hydrolysis facilities; nontransferability of
28 license; interim permits; confidentiality;
29 definition

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

33 B. IF A CHANGE OF OWNERSHIP OF AN ALKALINE HYDROLYSIS FACILITY
34 OCCURS, THE LICENSEE SHALL NOTIFY THE BOARD IN WRITING AND SHALL SURRENDER
35 THE LICENSE TO THE BOARD WITHIN TWENTY DAYS AFTER THE CHANGE OF OWNERSHIP.
36 THE NEW OWNER SHALL ALSO NOTIFY THE BOARD IN WRITING WITHIN TWENTY DAYS
37 AFTER THE CHANGE OF OWNERSHIP AND SHALL SUBMIT AN APPLICATION FOR AN
38 ALKALINE HYDROLYSIS FACILITY LICENSE TO THE BOARD PURSUANT TO SECTION
39 32-1344.

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

44 1. THE NEW OWNER NOTIFIES THE BOARD OF THE CHANGE OF OWNERSHIP AND
45 SUBMITS AN APPLICATION FOR AN INTERIM PERMIT AND THE APPLICABLE FEE

1 PURSUANT TO SECTION 32-1309 AT LEAST THREE DAYS, EXCLUDING SATURDAYS,
2 SUNDAYS AND HOLIDAYS, AFTER THE CHANGE TAKES PLACE. NOTICE SHALL BE GIVEN
3 DURING REGULAR BUSINESS HOURS.

4 2. THE ALKALINE HYDROLYSIS FACILITY CONTINUES TO MEET THE
5 REQUIREMENTS OF SECTION 32-1342.

6 D. AN INTERIM PERMIT ISSUED BY THE BOARD PURSUANT TO THIS SECTION
7 SHALL BE FOR NOT MORE THAN FORTY-FIVE DAYS AND MAY NOT BE EXTENDED EXCEPT
8 AS PROVIDED IN SUBSECTION E OF THIS SECTION. AN INTERIM PERMIT IS A
9 CONDITIONAL PERMIT AND AUTHORIZES THE HOLDER TO OPERATE AN ALKALINE
10 HYDROLYSIS FACILITY AS WOULD BE ALLOWED UNDER AN ALKALINE HYDROLYSIS
11 FACILITY LICENSE ISSUED PURSUANT TO THIS ARTICLE. THE HOLDER OF AN
12 INTERIM PERMIT IS SUBJECT TO THE LICENSING RULES AND DISCIPLINARY
13 PROCEEDINGS PRESCRIBED IN THIS CHAPTER AND IN RULES ADOPTED BY THE BOARD
14 PURSUANT TO THIS ARTICLE.

15 E. NOTWITHSTANDING SUBSECTION D OF THIS SECTION, FOR GOOD CAUSE
16 SHOWN, THE BOARD MAY EXTEND AN INTERIM PERMIT FOR NOT MORE THAN FORTY-FIVE
17 DAYS.

18 F. UNTIL THE NEW OWNER'S LICENSE IS ISSUED, THE BOARD SHALL KEEP
19 CONFIDENTIAL ALL NOTICES FILED WITH THE BOARD BY THE PROSPECTIVE NEW OWNER
20 OF AN ALKALINE HYDROLYSIS FACILITY PURSUANT TO THIS SECTION.

21 G. FOR THE PURPOSES OF THIS SECTION, "REGULAR BUSINESS HOURS" MEANS
22 BETWEEN THE HOURS OF 8:00 A.M. AND 5:00 P.M. ON ANY DAY OF THE WEEK OTHER
23 THAN SATURDAY, SUNDAY OR ANY OTHER LEGAL HOLIDAY OR A DAY ON WHICH THE
24 BOARD IS AUTHORIZED OR OBLIGATED BY LAW OR EXECUTIVE ORDER TO CLOSE.

25 32-1347. Change of name or location

26 A. THE OWNER OF A LICENSED ALKALINE HYDROLYSIS FACILITY WHO DESIRES
27 TO CHANGE THE NAME OF THE ALKALINE HYDROLYSIS FACILITY SHALL SUBMIT AN
28 APPLICATION ON A FORM PRESCRIBED BY THE BOARD. THE APPLICATION SHALL BE
29 SUBSCRIBED UNDER OATH AND SHALL BE ACCOMPANIED BY THE APPLICABLE FEE.

30 B. THE OWNER OF A LICENSED ALKALINE HYDROLYSIS FACILITY SHALL
31 SUBMIT AN APPLICATION ON A FORM PRESCRIBED BY THE BOARD TO CHANGE THE
32 LOCATION OF THE ALKALINE HYDROLYSIS FACILITY. THE APPLICATION SHALL BE
33 SUBSCRIBED UNDER OATH AND SHALL BE ACCOMPANIED BY THE APPLICABLE FEE.
34 BEFORE THE BOARD APPROVES A REQUEST FOR A CHANGE OF LOCATION PURSUANT TO
35 THIS SECTION, THE OWNER SHALL DEMONSTRATE THAT THE NEW LOCATION MEETS THE
36 REQUIREMENTS OF THIS ARTICLE.

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

39 32-1365. Violations; classification

40 A. It is unlawful:

41 1. For an embalmer or embalmer's assistant who knows or should know
42 of a fact that is sufficient to raise suspicion of a crime related to the
43 cause of death or a crime against a dead human body to embalm a dead human
44 body without the permission of the county medical examiner or any other
45 proper official in whose jurisdiction the embalming is to be performed.

1 2. To disinter a dead human body for removal to any location other
2 than the original cemetery of burial except under the direction of a
3 licensed funeral director.

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

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

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

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

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

26 8. For a funeral director or embalmer or an agent of a funeral
27 director or embalmer responsible for directing the lawful disposition of a
28 dead human body to hold a direct pecuniary or proprietary interest in a
29 procurement organization as defined in section 36-841. This paragraph
30 does not preclude reasonable payments to a funeral establishment or a
31 licensee for ~~the preparation, transportation, preservation, storage~~
32 ~~PREPARING, TRANSPORTING, PRESERVING, STORING and delivery of DELIVERING~~ a
33 dead human body to a procurement organization as defined in section
34 36-841.

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

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

41 11. FOR A PERSON WHO IS LICENSED OR REGISTERED PURSUANT TO THIS
42 CHAPTER TO PLACE THE HUMAN REMAINS OF ONE PERSON, WHETHER INSIDE OR
43 OUTSIDE OF A CONTAINER, INCLUDING A BODY BAG, CASKET, ALTERNATIVE
44 CONTAINER OR ALKALINE HYDROLYSIS VESSEL, IN A LOCATION THAT IS ON TOP OF
45 THE HUMAN REMAINS OF ANOTHER PERSON.

1 B. Unless another penalty is specifically provided, a person who
2 intentionally and knowingly violates any provision of this chapter is
3 guilty of a class 2 misdemeanor.

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

6 32-1366. Grounds for disciplinary action

7 A. After a formal hearing, the board may deny or refuse to renew a
8 license or registration or may take disciplinary action against any
9 embalmer, intern, funeral director, ALKALINE HYDROLYSIS OPERATOR or other
10 person WHO IS licensed or registered pursuant to article 2 OR 2.1 of this
11 chapter for any of the following reasons:

12 1. Commission of an act of unprofessional conduct.

13 2. Repeated or continuing negligence or any other professional
14 incompetence in the practice of funeral directing, ~~or~~ embalming OR
15 ALKALINE HYDROLYSIS.

16 3. Violation of any provision of this chapter or any rule adopted
17 pursuant to this chapter.

18 4. Violation of any provision of title 44, chapter 10, article 7.

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

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

26 32-1372. Display of merchandise prices; rules

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

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

36 32-1373. Statement of funeral goods and services

37 A. A licensee or registrant shall not enter into a contract to
38 furnish funeral goods or services in connection with the burial or other
39 disposition of a dead human body until the licensee or registrant has
40 first delivered to the potential purchaser a written or printed statement
41 of funeral goods and services that contains the following information, if
42 this information is available at the time the contract is executed:

43 1. The total charge for the services of the licensee or registrant
44 and the use of the funeral establishment, including ~~the preparation of~~

1 ~~PREPARING~~ the body and other professional services, and the charge for ~~the~~
2 ~~use of~~ USING automotive and other necessary equipment.

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

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

10 4. The method of payment and any interest charges.

11 5. An itemization of any fees or charges not included in paragraphs
12 1 through 4 OF THIS SUBSECTION.

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

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

18 8. A statement containing the name, address and ~~phone~~ TELEPHONE
19 number of any corporation, limited liability company, partnership or
20 limited partnership that holds an ownership interest of ten ~~per cent~~
21 PERCENT or more in the funeral establishment or crematory.

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

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

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

40 E. A funeral director shall certify a statement of funeral goods
41 and services with the funeral director's license number and signature
42 before conducting final services or within five days after the purchaser
43 signs the statement, whichever is earlier.

1 Sec. 12. Section 32-1399, Arizona Revised Statutes, is amended to
2 read:

3 32-1399. Crematories; standards of practice

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

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

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

33 3. A crematory shall not accept a casket or cremation container
34 from which there is evidence of leakage of body fluids from the human
35 remains and shall not hold human remains for cremation unless they are
36 contained in an individual, closed casket or rigid cremation container of
37 combustible material that preserves the dignity of the human remains and
38 that protects the health of employees of the crematory. Human remains
39 that are not embalmed shall be held by the crematory in a refrigerated
40 holding facility THAT MAINTAINS HUMAN REMAINS AT OR BELOW THIRTY-EIGHT
41 DEGREES FAHRENHEIT or in compliance with applicable public health laws.

42 4. All body prostheses, bridgework or similar items removed from
43 the cremated remains shall be disposed of by the crematory unless an
44 alternative disposition is agreed to in the authorization to cremate.

1 5. After cremation, the crematory as far as practicable shall
2 remove visible parts of the residual of the cremation process from the
3 retort, shall not combine the cremated or processed remains with other
4 cremated or processed remains and shall attach the identification of the
5 cremated or processed remains to the temporary container or urn into which
6 the remains are placed.

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

14 7. A crematory may dispose of cremated or processed remains in any
15 legal manner directed by a document prepared pursuant to section
16 32-1365.01 or agreed to by the authorizing agent. If the authorizing
17 agent agrees to take possession and does not take possession of the
18 remains within thirty days after cremation or on an agreed date, the
19 crematory shall send written notice to the last known address of the
20 authorizing agent to take possession. Ninety days after the notification
21 is sent or delivered, the crematory may dispose of the cremated or
22 processed remains in any legal manner.

23 8. Unless the deceased has prepared a document pursuant to section
24 32-1365.01, the crematory shall obtain an authorization to cremate from
25 the authorizing agent that shall contain a provision holding the crematory
26 harmless for the disposition of unclaimed cremated or processed remains.

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

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

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