

REFERENCE TITLE: death certificates; gender

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

# **SB 1128**

Introduced by  
Senator Gabaldón

AN ACT

AMENDING SECTION 36-325, ARIZONA REVISED STATUTES; RELATING TO DEATH  
CERTIFICATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-325, Arizona Revised Statutes, is amended to  
3 read:

4 36-325. Death certificate registration; gender identity;  
5 moving human remains; immunity

6 A. Within seven calendar days after receiving possession of human  
7 remains, a funeral establishment or responsible person who takes  
8 possession of the human remains shall:

9 1. Obtain and complete the information, including the social  
10 security number of the decedent, on the death certificate required  
11 pursuant to this chapter and rules adopted pursuant to this chapter.

12 2. Provide on the death certificate the name and address of the  
13 person completing the death certificate.

14 3. Submit the death certificate for registration to a local  
15 registrar, a deputy local registrar or the state registrar. The funeral  
16 establishment or responsible person may submit the death certificate by  
17 electronic means in the format prescribed by the state registrar.

18 B. Within seventy-two hours after receiving a death certificate  
19 pursuant to this section, a local registrar, a deputy local registrar or  
20 the state registrar shall register ~~a~~ THE death certificate if it is  
21 accurate and complete and submitted pursuant to this chapter and rules  
22 adopted pursuant to this chapter.

23 C. If a county medical examiner or alternate medical examiner  
24 determines that the circumstances of a death provide jurisdiction pursuant  
25 to section 11-593, subsection B, the medical examiner or alternate medical  
26 examiner shall complete and sign the medical certification of death on a  
27 death certificate within seventy-two hours after the examination,  
28 excluding weekends and holidays. If the medical examiner or alternate  
29 medical examiner cannot determine the cause of death within that time, the  
30 medical examiner or alternate medical examiner shall enter "pending" for  
31 the cause of death and sign the medical certification of death within  
32 seventy-two hours after the examination, excluding weekends and holidays.

33 D. A local registrar, a deputy local registrar or the state  
34 registrar shall register a death certificate if there is a medical  
35 certification of death signed by the medical examiner or alternate medical  
36 examiner with a pending cause of death.

37 E. IN ANY DOCUMENTATION OF THE DECEDENT'S SEX ON THE DEATH  
38 CERTIFICATE, THE PERSON COMPLETING THE DEATH CERTIFICATE SHALL RECORD THE  
39 DECEDENT'S SEX TO REFLECT THE DECEDENT'S GENDER IDENTITY. THE PERSON  
40 COMPLETING THE DEATH CERTIFICATE SHALL REPORT THE DECEDENT'S GENDER  
41 IDENTITY UNLESS THE PERSON COMPLETING THE DEATH CERTIFICATE IS PRESENTED  
42 WITH ONE OR MORE DOCUMENTS THAT MEMORIALIZE THE DECEDENT'S GENDER  
43 TRANSITION. IF SUCH A DOCUMENT IS PROVIDED, THE PERSON COMPLETING THE  
44 DEATH CERTIFICATE SHALL RECORD THE DECEDENT'S SEX AS THAT CORRESPONDING TO  
45 THE DECEDENT'S GENDER IDENTITY AS INDICATED IN THAT DOCUMENT. IF MORE

1 THAN ONE DOCUMENT IS PRESENTED AND THE DOCUMENTS CONFLICT REGARDING THE  
2 DECEDENT'S GENDER IDENTITY, THE MOST RECENT DOCUMENT THAT MEMORIALIZES THE  
3 DECEDENT'S GENDER TRANSITION PREVAILS.

4 F. IF A DOCUMENT MEMORIALIZING A GENDER TRANSITION IS NOT PRESENTED  
5 AND THE PERSON WITH THE RIGHT, OR A MAJORITY OF PERSONS WHO HAVE EQUAL  
6 RIGHTS, TO CONTROL THE DISPOSITION OF THE REMAINS PURSUANT TO SECTION  
7 36-831 DISAGREES WITH THE DECEDENT'S GENDER IDENTITY REPORTED BY THE  
8 PERSON COMPLETING THE DEATH CERTIFICATE, THE DECEDENT'S GENDER IDENTITY  
9 RECORDED ON THE DEATH CERTIFICATE SHALL BE AS REPORTED BY THE PERSON OR  
10 MAJORITY OF PERSONS WITH THE RIGHT TO CONTROL THE DISPOSITION OF THE  
11 REMAINS.

12 G. ON BEING PRESENTED WITH A DOCUMENT MEMORIALIZING A GENDER  
13 TRANSITION, A LOCAL REGISTRAR, A DEPUTY LOCAL REGISTRAR OR THE STATE  
14 REGISTRAR SHALL AMEND THE SEX LISTED ON A REGISTERED DEATH CERTIFICATE TO  
15 REFLECT THE DECEDENT'S GENDER IDENTITY. A DOCUMENT THAT MEMORIALIZES A  
16 GENDER TRANSITION INCLUDES A COURT ORDER APPROVING A NAME OR GENDER  
17 CHANGE, WRITTEN INSTRUCTIONS FROM THE DECEDENT, A HEALTH CARE DIRECTIVE,  
18 PROOF OF CLINICAL TREATMENT FOR GENDER TRANSITION OR DOCUMENTATION OF A  
19 CHANGE TO THE GENDER IDENTITY ON A BIRTH CERTIFICATE, DRIVER LICENSE,  
20 SOCIAL SECURITY RECORD OR PASSPORT.

21 ~~F.~~ H. Final disposition of human remains with a pending cause of  
22 death shall not occur until the medical examiner or alternate medical  
23 examiner releases the human remains for final disposition.

24 ~~F.~~ I. When the medical examiner or alternate medical examiner  
25 determines the cause of death, the medical examiner or alternate medical  
26 examiner shall submit the information to the local registrar, deputy local  
27 registrar or state registrar.

28 ~~G.~~ J. If a person under the current care of a health care provider  
29 for an acute or chronic medical condition dies of that condition, or  
30 complications associated with that condition, the health care provider or  
31 a health care provider designated by that provider shall complete and sign  
32 the medical certification of death on a death certificate within  
33 seventy-two hours. If current care has not been provided, the medical  
34 examiner or alternate medical examiner shall complete and sign the medical  
35 certification of death on a death certificate within seventy-two hours  
36 after the examination, excluding weekends and holidays.

37 ~~H.~~ K. If a person dies in a hospital, nursing care institution or  
38 hospice inpatient facility of natural causes, the hospital, nursing care  
39 institution or facility shall designate a health care provider to complete  
40 and sign the medical certification of death within seventy-two hours.

41 ~~I.~~ L. If a person dies on an Indian reservation in this state and  
42 a county medical examiner or alternate medical examiner is not available,  
43 the tribal law enforcement authority, acting in an official investigative  
44 capacity, may complete and sign the medical certification of death.

1           ~~J.~~ M. If the place of death is unknown, the death is considered to  
2 have occurred in the place where the human remains were found.  
3           ~~K.~~ N. If a person dies in a moving conveyance, the death is  
4 considered to have occurred in the place where the human remains were  
5 initially removed from the conveyance. In all other cases, the place  
6 where death is pronounced is considered the place where the death  
7 occurred.  
8           ~~L.~~ O. The state registrar shall create and register a death  
9 certificate when the state registrar receives a court order of a  
10 presumptive death. The court order shall contain the following  
11 information, if known:  
12           1. The decedent's name, social security number, date of birth, date  
13 of death, cause of death and location of death.  
14           2. Any other information necessary to complete a death certificate  
15 for a presumptive death.  
16           ~~M.~~ P. If a murder victim's body is not recovered, a conviction for  
17 the murder is proof of death. The court shall forward a record of the  
18 conviction to the state registrar. The state registrar shall obtain the  
19 personal data regarding the murder victim from information provided by the  
20 court, a family member of the murder victim or another reliable source and  
21 create and register the death certificate.  
22           ~~N.~~ Q. A health care provider who completes and signs a medical  
23 certification of death in good faith pursuant to this section is not  
24 subject to civil liability or professional disciplinary action.