

House Engrossed

funeral practices; transportation protection agreements

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

# HOUSE BILL 2255

AN ACT

AMENDING SECTION 32-1301, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 257, SECTION 3; AMENDING SECTION 32-1301, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 279, SECTION 1; AMENDING TITLE 32, CHAPTER 12, ARTICLE 3.1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1378; RELATING TO FUNERAL PRACTICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-1301, Arizona Revised Statutes, as amended by  
3 Laws 2022, chapter 257, section 3, is amended to read:

4 32-1301. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Accredited" means being recognized or authorized by the  
7 American 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  
10 and office of administrative hearings costs.

11 3. "Alkaline hydrolysis" means a form of final disposition that  
12 includes all of the following:

13 (a) Reducing a dead human body to essential elements through a  
14 water-based dissolution process using alkaline chemicals, heat, agitation  
15 and pressure to accelerate natural decomposition.

16 (b) Processing the hydrolyzed remains after they are removed from  
17 the alkaline hydrolysis vessel.

18 (c) Placing the processed remains in a hydrolyzed remains  
19 container.

20 (d) Releasing the hydrolyzed remains to an appropriate party.

21 4. "Alkaline hydrolysis container":

22 (a) Means a hydrolyzable or biodegradable closed container or pouch  
23 that is resistant to leakage of bodily fluids, that encases a dead human  
24 body and into which the body is placed before the container's insertion  
25 into an alkaline hydrolysis vessel.

26 (b) Includes a hydrolyzable or biodegradable alternative container  
27 or casket.

28 5. "Alkaline hydrolysis facility" means a building or structure  
29 containing one or more alkaline hydrolysis vessels for alkaline  
30 hydrolysis.

31 6. "Alkaline hydrolysis operator" means a person who is trained to  
32 carry out the process of alkaline hydrolysis.

33 7. "Alkaline hydrolysis vessel" means the container in which  
34 alkaline hydrolysis is performed.

35 8. "Alternative container" means any unfinished wood box or other  
36 nonmetal receptacle or enclosure, without ornamentation or a fixed  
37 interior lining, that is designed for encasing human remains.

38 9. "Authorizing agent" means a person who is legally entitled to  
39 order the cremation, disinterment or embalming of human remains pursuant  
40 to section 32-1365.02.

41 10. "Beneficiary" means a person whose future funeral arrangements  
42 will be handled by a funeral establishment pursuant to a prearranged  
43 funeral agreement.

44 11. "Board" means the state board of funeral directors and  
45 embalmers.

1           12. "Business entity" includes any corporation, association,  
2 limited liability company, professional corporation, partnership, limited  
3 partnership, sole proprietorship, business trust, trust, joint venture and  
4 other business entity.

5           13. "Casket" means a rigid container that is designed to  
6 permanently encase human remains and that is usually constructed of wood,  
7 metal or synthetic substances and ornamented and lined with fabric.

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

13           15. "Conviction" means a criminal adjudication or conviction by any  
14 state or federal court of competent jurisdiction, including a judgment  
15 based on a no contest plea, without regard to whether civil rights have  
16 been restored.

17           16. "Cremated remains" means the remaining bone fragments after  
18 cremation.

19           17. "Cremation" means the heating process that reduces human  
20 remains to bone fragments by combustion and evaporation.

21           18. "Cremation container" means a leak and spill resistant, rigid,  
22 combustible, closed receptacle into which human remains are placed before  
23 cremation.

24           19. "Cremationist" means a person who operates a crematory retort,  
25 who performs the actual cremation of human remains and who may be licensed  
26 pursuant to article 6 of this chapter.

27           20. "Crematory" means a building or portion of a building that is  
28 licensed pursuant to article 6 of this chapter and that houses a retort in  
29 which only human remains are cremated.

30           21. "Disciplinary action" means an action taken by the board to  
31 revoke or suspend a license or registration, to impose probationary  
32 requirements or civil penalties or to issue a letter of censure or  
33 reprimand to any person who is subject to this chapter and who violates  
34 any provision of this chapter or rules adopted by the board.

35           22. "Embalmer" means a person who is licensed pursuant to this  
36 chapter and who is engaged in embalming.

37           23. "Embalmer's assistant" means a person who is registered  
38 pursuant to this chapter and who is engaged in embalming without the  
39 supervision of a licensed embalmer.

40           24. "Embalming" means the implementation of reconstructive  
41 procedures and the process of disinfecting and preserving a dead human  
42 body to retard organic decomposition by treating the body to reduce the  
43 presence and growth of organisms.

1           25. "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           26. "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  
7 establishment to provide those funeral goods and services at the price  
8 levels in effect at the time of the execution of the agreement and that  
9 requires the purchaser to convey all or a portion of the accrued interest  
10 to the funeral establishment at the time that the funeral goods and  
11 services are actually provided.

12           27. "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           28. "Funeral directing" means arranging, directing or providing a  
16 service in the disposition of dead human bodies for compensation.

17           29. "Funeral director" means a person who is licensed pursuant to  
18 this chapter and who is engaged in funeral directing.

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

23           31. "Funeral goods and services":

24           (a) Means any personal property or services that are typically sold  
25 or provided in connection with the final disposition of human remains,  
26 including caskets, alternative containers, outer burial containers,  
27 cremation containers, transportation containers, funeral clothing or  
28 accessories, monuments, grave markers, urns, embalming services, funeral  
29 directing services and similar funeral or burial items.

30           (b) Does not include:

31           (i) Goods and services sold by cemeteries.

32           (ii) SERVICES PROVIDED PURSUANT TO A TRANSPORTATION PROTECTION  
33 AGREEMENT.

34           32. "Good moral character" means that a person:

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

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

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

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

4 (e) Has not engaged in fraud or misrepresentation in connection  
5 with an application for licensure or registration under this chapter or an  
6 examination required for licensure or registration.

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

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

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

17 33. "Holding facility" means a designated area for retaining human  
18 remains.

19 34. "Human remains" means a lifeless human body or parts of a human  
20 body that allow a reasonable inference that death occurred.

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

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

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

26 36. "Intern trainee" means a person who intends to enter training  
27 as an intern and who is temporarily employed by a funeral establishment.

28 37. "License" means a written authorization that is issued by the  
29 board and that entitles a person to act as a funeral director, embalmer,  
30 intern or alkaline hydrolysis operator or to operate a funeral  
31 establishment, crematory or alkaline hydrolysis facility in this state.

32 38. "Licensee" means a person to whom the board has issued a  
33 license to act as a funeral director, embalmer, intern or alkaline  
34 hydrolysis operator or to operate a funeral establishment, crematory or  
35 alkaline hydrolysis facility in this state.

36 39. "Manage" means:

37 (a) That a responsible funeral director exercises control and  
38 oversight over all employees of a funeral establishment and over funeral  
39 transactions, including caring for dead human bodies, funeral services and  
40 activities and documenting and retaining records.

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

43 40. "National board examination" means the test or tests given by  
44 the conference of funeral service examining boards to determine the entry

1 level knowledge and skills of a person regarding funeral directing and  
2 embalming.

3 41. "Net interest" means interest earned on a prearranged funeral  
4 trust account minus applicable taxes, reasonable and necessary charges  
5 made by the financial institution and the annual service fee allowed to be  
6 deducted by the funeral establishment according to section 32-1391.06,  
7 subsection B.

8 42. "Outer burial container" means a container that is designed for  
9 placement in a grave around a casket, including burial vaults, grave boxes  
10 and grave liners.

11 43. "Owner":

12 (a) Means a person who owns ten percent or more of a business  
13 entity.

14 (b) Does not include shareholders of companies who have a class of  
15 common equity stock listed or authorized to be listed on the New York  
16 stock exchange or the American stock exchange or listed on the NASDAQ  
17 stock market.

18 44. "Person legally responsible" means the person responsible for  
19 burying a dead body as determined in section 36-831.

20 45. "Prearranged funeral agreement" means any agreement or  
21 combination of agreements under which a payment is made before the death  
22 of the intended beneficiary for funeral goods and services to be delivered  
23 or performed after the death of the beneficiary.

24 46. "Prearranged funeral trust account" means a trust account that  
25 is established at a financial institution and into which all monies paid  
26 on behalf of a beneficiary pursuant to a prearranged funeral agreement are  
27 deposited.

28 47. "Preparation" means washing, shaving, dressing or arranging  
29 hair on, applying cosmetics to or positioning bodily features on a dead  
30 human body and placing the dead human body in a casket.

31 48. "Processed cremated remains" means cremated remains after they  
32 are pulverized and cleaned, leaving primarily small bone fragments.

33 49. "Provisionally accredited" means being granted candidacy status  
34 by the American board of funeral service education.

35 50. "Registration" means a written authorization that is issued by  
36 the board and that entitles a person to act as an assistant funeral  
37 director, an embalmer's assistant or a prearranged funeral salesperson in  
38 this state.

39 51. "Responsible cremationist" means a licensed cremationist who  
40 manages a crematory.

41 52. "Responsible funeral director" means a person who is licensed  
42 pursuant to this chapter, who is engaged in funeral directing and who  
43 manages and is accountable for a funeral establishment.

44 53. "Retort" means an enclosed space within which cremation takes  
45 place.

1           54. "State equivalent examination" means the test or tests that are  
2 provided by the conference of funeral service examining boards and offered  
3 by the board to determine the entry level knowledge and skills of a person  
4 regarding funeral directing and embalming.

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

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

13           57. "TRANSPORTATION PROTECTION AGREEMENT" MEANS AN AGREEMENT THAT  
14 PRIMARILY PROVIDES OR ARRANGES FOR SERVICES THAT ARE RELATED TO PREPARING  
15 HUMAN REMAINS OR CREMATED REMAINS FOR THE PURPOSE OF TRANSPORTATION AND  
16 SUCH SUBSEQUENT TRANSPORTATION.

17           ~~57.~~ 58. "Trust funds" means all monies that are deposited on  
18 behalf of a beneficiary of a prearranged funeral agreement funded by trust  
19 and all accrued net interest. Trust funds shall be considered an account  
20 kept in suspense until distributed to the beneficiary, the funeral  
21 establishment or the estate of the beneficiary in accordance with this  
22 article.

23           ~~58.~~ 59. "Universal precautions" means the universal blood and  
24 fluid precautions recommended by the centers for disease control of the  
25 United States public health service to prevent the transmission of  
26 bloodborne and bodily fluid-borne infectious diseases.

27           ~~59.~~ 60. "Unprofessional conduct" includes the following acts,  
28 whether occurring in this state or elsewhere:

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

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

34           (c) Providing false, misleading or deceptive information on an  
35 application for licensure or registration pursuant to this chapter or on  
36 an examination required for licensure or registration.

37           (d) Bribing or offering to bribe, directly or indirectly, a member  
38 of the board to influence the member's actions in performing the member's  
39 duties.

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

44           (f) Paying or causing monies or other valuable consideration to be  
45 paid to a person, other than an employee of a funeral establishment, to

1 secure business regulated pursuant to this chapter from or through the  
2 person.

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

6 (h) Certifying falsely to having embalmed or prepared a dead human  
7 body that was embalmed by a person other than a licensed embalmer making  
8 the certification or an intern under the supervision of a licensed  
9 embalmer making the certification.

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

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

15 (k) Committing any act involving dishonesty, fraud,  
16 misrepresentation, breach of fiduciary duty, gross negligence or  
17 incompetence if the act has a reasonable relationship to funeral directing  
18 or embalming.

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

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

26 ~~60.~~ 61. "Urn" means a receptacle into which processed cremated  
27 remains are placed for disposition.

28 Sec. 2. Section 32-1301, Arizona Revised Statutes, as amended by  
29 Laws 2022, chapter 279, section 1, is amended to read:

30 32-1301. Definitions

31 In this chapter, unless the context otherwise requires:

32 1. "Accredited" means being recognized or authorized by the  
33 American board of funeral service education.

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

37 3. "Alternative container" means any unfinished wood box or other  
38 nonmetal receptacle or enclosure, without ornamentation or a fixed  
39 interior lining, that is designed for encasing human remains.

40 4. "Authorizing agent" means a person who is legally entitled to  
41 order the cremation, disinterment or embalming of human remains pursuant  
42 to section 32-1365.02.

43 5. "Beneficiary" means a person whose future funeral arrangements  
44 will be handled by a funeral establishment pursuant to a prearranged  
45 funeral agreement.



1           6. "Business entity" includes any corporation, association, limited  
2 liability company, professional corporation, partnership, limited  
3 partnership, sole proprietorship, business trust, trust, joint venture and  
4 other business entity.

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

8           8. "Change of ownership" means a transfer of a controlling legal or  
9 equitable interest in a registered funeral establishment or crematory  
10 resulting from a sale or merger. If the establishment or crematory is  
11 operated by a business entity, any transfer of the ownership of ten  
12 percent or more of the entity constitutes a change of ownership.

13           9. "Conviction" means a criminal adjudication or conviction by any  
14 state or federal court of competent jurisdiction, including a judgment  
15 based on a no contest plea, without regard to whether civil rights have  
16 been restored.

17           10. "Cremated remains" means the remaining bone fragments after  
18 cremation.

19           11. "Cremation" means the heating process that reduces human  
20 remains to bone fragments by combustion and evaporation.

21           12. "Cremation container" means a leak and spill resistant, rigid,  
22 combustible, closed receptacle into which human remains are placed before  
23 cremation.

24           13. "Cremationist" means a person who operates a crematory retort,  
25 who performs the actual cremation of human remains and who may be  
26 registered pursuant to article 6 of this chapter.

27           14. "Crematory" means a building or portion of a building that is  
28 registered pursuant to article 6 of this chapter and that houses a retort  
29 in which only human remains are cremated.

30           15. "Disciplinary action" means an action taken to revoke or  
31 suspend a registration, to impose probationary requirements or civil  
32 penalties or to issue a letter of censure or reprimand to any person who  
33 is subject to this chapter and who violates any provision of this chapter  
34 or rules.

35           16. "Embalmer" means a person who is registered pursuant to this  
36 chapter and who is engaged in embalming.

37           17. "Embalmer's assistant" means a person who is registered  
38 pursuant to this chapter and who is engaged in embalming without the  
39 supervision of a registered embalmer.

40           18. "Embalming" means the implementation of reconstructive  
41 procedures and the process of disinfecting and preserving a dead human  
42 body to retard organic decomposition by treating the body to reduce the  
43 presence and growth of organisms.

1           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           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  
7 establishment to provide those funeral goods and services at the price  
8 levels in effect at the time of the execution of the agreement and that  
9 requires the purchaser to convey all or a portion of the accrued interest  
10 to the funeral establishment at the time that the funeral goods and  
11 services are actually provided.

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

17           23. "Funeral director" means a person who is registered pursuant to  
18 this chapter and who is engaged in funeral directing.

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

23           25. "Funeral goods and services":

24           (a) Means any personal property or services that are typically sold  
25 or provided in connection with the final disposition of human remains,  
26 including caskets, alternative containers, outer burial containers,  
27 cremation containers, transportation containers, funeral clothing or  
28 accessories, monuments, grave markers, urns, embalming services, funeral  
29 directing services and similar funeral or burial items.

30           (b) Does not include:

31           (i) Goods and services sold by cemeteries.

32           (ii) SERVICES PROVIDED PURSUANT TO A TRANSPORTATION PROTECTION  
33 AGREEMENT.

34           26. "Good moral character" means that a person:

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

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

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

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

4 (e) Has not engaged in fraud or misrepresentation in connection  
5 with an application for registration under this chapter or an examination  
6 required for registration.

7 (f) Has not, within five years of applying for registration, had a  
8 license, registration or endorsement revoked or suspended by the funeral  
9 services regulating authority of this state or any other jurisdiction.

10 (g) Has not surrendered a license, registration or endorsement to  
11 the funeral services regulating authority of this state or any other  
12 jurisdiction in lieu of disciplinary action.

13 (h) Has not practiced funeral directing or embalming without a  
14 registration in this state or any other jurisdiction that requires  
15 registration to perform these activities.

16 27. "Holding facility" means a designated area for retaining human  
17 remains.

18 28. "Human remains" means a lifeless human body or parts of a human  
19 body that allow a reasonable inference that death occurred.

20 29. "Intern" means a person who is registered pursuant to this  
21 chapter and who is engaged in either or both of the following:

22 (a) Embalming under the supervision of a registered embalmer.

23 (b) Arranging and directing funerals under the supervision of a  
24 registered funeral director.

25 30. "Intern trainee" means a person who intends to enter training  
26 as an intern and who is temporarily employed by a funeral establishment.

27 31. "Manage" means:

28 (a) That a responsible funeral director exercises control and  
29 oversight over all employees of a funeral establishment and over funeral  
30 transactions, including the care of dead human bodies, funeral services  
31 and activities and the documentation and retention of records.

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

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

38 33. "Net interest" means interest earned on a prearranged funeral  
39 trust account minus applicable taxes, reasonable and necessary charges  
40 made by the financial institution and the annual service fee allowed to be  
41 deducted by the funeral establishment according to section 32-1391.06,  
42 subsection B.

43 34. "Outer burial container" means a container that is designed for  
44 placement in a grave around a casket, including burial vaults, grave boxes  
45 and grave liners.

1           35. "Owner":

2           (a) Means a person who owns ten percent or more of a business  
3 entity.

4           (b) Does not include shareholders of companies who have a class of  
5 common equity stock listed or authorized to be listed on the New York  
6 stock exchange or the American stock exchange or listed on the NASDAQ  
7 stock market.

8           36. "Person legally responsible" means the person responsible for  
9 burying a dead body as determined in section 36-831.

10          37. "Prearranged funeral agreement" means any agreement or  
11 combination of agreements under which a payment is made before the death  
12 of the intended beneficiary for funeral goods and services to be delivered  
13 or performed after the death of the beneficiary.

14          38. "Prearranged funeral trust account" means a trust account that  
15 is established at a financial institution and into which all monies paid  
16 on behalf of a beneficiary pursuant to a prearranged funeral agreement are  
17 deposited.

18          39. "Preparation" means washing, shaving, dressing or arranging  
19 hair on, applying cosmetics to or positioning bodily features on a dead  
20 human body and placing the dead human body in a casket.

21          40. "Processed cremated remains" means cremated remains after they  
22 are pulverized and cleaned, leaving primarily small bone fragments.

23          41. "Provisionally accredited" means being granted candidacy status  
24 by the American board of funeral service education.

25          42. "Registrant" means a person who is registered by the funeral  
26 services regulating authority of this state to act as a funeral director,  
27 embalmer or intern or to operate a funeral establishment or crematory in  
28 this state.

29          43. "Registration" means government registration as defined in  
30 section 41-3501 and entitles a person to act as an assistant funeral  
31 director, an embalmer's assistant or a prearranged funeral salesperson in  
32 this state.

33          44. "Responsible cremationist" means a registered cremationist who  
34 manages a crematory.

35          45. "Responsible funeral director" means a person who is registered  
36 pursuant to this chapter, who is engaged in funeral directing and who  
37 manages and is accountable for a funeral establishment.

38          46. "Retort" means an enclosed space within which cremation takes  
39 place.

40          47. "State equivalent examination" means the test or tests that are  
41 provided by the conference of funeral service examining boards and offered  
42 by the regulating authority of this state to determine the entry level  
43 knowledge and skills of a person regarding funeral directing and  
44 embalming.

1           48. "Supervise" or "supervision" means that a registered embalmer  
2 has responsibility for and is within sight and sound of a registered  
3 intern who is embalming a dead human body or a student who is assisting in  
4 embalming a dead human body.

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

9           50. "TRANSPORTATION PROTECTION AGREEMENT" MEANS AN AGREEMENT THAT  
10 PRIMARILY PROVIDES OR ARRANGES FOR SERVICES THAT ARE RELATED TO PREPARING  
11 HUMAN REMAINS OR CREMATED REMAINS FOR THE PURPOSE OF TRANSPORTATION AND  
12 SUCH SUBSEQUENT TRANSPORTATION.

13           ~~50.~~ 51. "Trust funds" means all monies that are deposited on  
14 behalf of a beneficiary of a prearranged funeral agreement funded by trust  
15 and all accrued net interest. Trust funds shall be considered an account  
16 kept in suspense until distributed to the beneficiary, the funeral  
17 establishment or the estate of the beneficiary in accordance with this  
18 article.

19           ~~51.~~ 52. "Universal precautions" means the universal blood and  
20 fluid precautions recommended by the centers for disease control of the  
21 United States public health service to prevent the transmission of  
22 bloodborne and bodily fluid-borne infectious diseases.

23           ~~52.~~ 53. "Unprofessional conduct" includes the following acts,  
24 whether occurring in this state or elsewhere:

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

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

30           (c) Providing false, misleading or deceptive information on an  
31 application for registration pursuant to this chapter or on an examination  
32 required for registration.

33           (d) Bribing or offering to bribe, directly or indirectly, a member  
34 of the funeral services regulating authority of this state to influence  
35 the member's actions in performing the member's duties.

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

40           (f) Paying or causing monies or other valuable consideration to be  
41 paid to a person, other than an employee of a funeral establishment, to  
42 secure business regulated pursuant to this chapter from or through the  
43 person.

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

4 (h) Certifying falsely to having embalmed or prepared a dead human  
5 body that was embalmed by a person other than a registered embalmer making  
6 the certification or an intern under the supervision of a registered  
7 embalmer making the certification.

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

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

13 (k) Committing any act involving dishonesty, fraud,  
14 misrepresentation, breach of fiduciary duty, gross negligence or  
15 incompetence if the act has a reasonable relationship to funeral directing  
16 or embalming.

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

20 (m) Within a period of five years, having a license, registration  
21 or endorsement suspended or revoked by the funeral services regulating  
22 authority of this state or any other jurisdiction or surrendering a  
23 license, registration or endorsement in lieu of disciplinary action.

24 ~~53.~~ 54. "Urn" means a receptacle into which processed cremated  
25 remains are placed for disposition.

26 Sec. 3. Title 32, chapter 12, article 3.1, Arizona Revised  
27 Statutes, is amended by adding section 32-1378, to read:

28 32-1378. Transportation protection agreements

29 A TRANSPORTATION PROTECTION AGREEMENT IS NOT INSURANCE UNDER THIS  
30 CHAPTER OR UNDER TITLE 20, CHAPTER 29.