

Senate Engrossed

medical examiners; authorized persons

State of Arizona  
Senate  
Fifty-seventh Legislature  
Second Regular Session  
2026

# **CHAPTER 33**

## **SENATE BILL 1123**

AN ACT

AMENDING SECTIONS 11-594, 32-3207 AND 36-831, ARIZONA REVISED STATUTES;  
RELATING TO DUTIES OF THE MEDICAL EXAMINER.

(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  
7 circumstances of the death provide jurisdiction pursuant to section  
8 11-593, subsection B, 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 performing  
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~~ TRAINED in forensic pathology, pursuant to procedures  
43 adopted by the county medical examiner or alternate medical examiner.  
44 Authorization and the amount to be paid by the county for pathology  
45 services are subject to approval of the board of supervisors.

1           3. Authorize pathologist assistants to assist with performing  
2 autopsies under the direct supervision of a licensed physician who is  
3 board certified in forensic pathology, pursuant to procedures adopted by  
4 the county medical examiner or alternate medical examiner. A pathologist  
5 assistant may not certify a cause of death or independently perform an  
6 autopsy.

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

15           5. Authorize the taking of organs and tissues as they prove to be  
16 usable for transplants, other treatment, therapy, education or research if  
17 all of the requirements of title 36, chapter 7, article 3 are met. The  
18 medical examiner or alternate medical examiner shall give this  
19 authorization within a time period that allows a medically viable  
20 donation.

21           6. Authorize licensed physicians, surgeons or trained technicians  
22 to remove parts of bodies provided they follow an established protocol  
23 approved by the medical examiner or alternate medical examiner.

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

41           C. A county medical examiner or alternate medical examiner shall  
42 not be held civilly or criminally liable for any acts performed in good  
43 faith pursuant to subsection A, paragraph 10 and subsection B, paragraphs  
44 5, 6 and 7 of this section.

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

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

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

12 Sec. 2. Section 32-3207, Arizona Revised Statutes, is amended to  
13 read:

14 32-3207. Disease hazard; suspected significant exposure;  
15 testing; petition; notice of results; definition

16 A. A health professional may petition the court to allow for the  
17 testing of a patient or deceased person if there is probable cause to  
18 believe that in the course of that health professional's practice there  
19 was a significant exposure.

20 B. The court shall hear ~~the~~ A petition FILED PURSUANT TO SUBSECTION  
21 A OF THIS SECTION promptly. If the court finds that probable cause exists  
22 to believe that significant exposure occurred between the patient or  
23 deceased person and the health professional, the court shall order that  
24 either:

25 1. The person who transferred blood or bodily fluids onto the  
26 health professional provide two specimens of blood for testing.

27 2. If the person is deceased, the medical examiner draw two  
28 specimens of blood for testing.

29 C. On written notice from the employer of the health professional,  
30 the medical examiner OR PERSON AUTHORIZED TO PERFORM THE DUTIES OF A  
31 MEDICAL EXAMINER, INCLUDING A MEDICAL STUDENT, RESIDENT OR FELLOW IN  
32 PATHOLOGY TRAINING UNDER THE SUPERVISION OF A LICENSED PHYSICIAN WHO IS  
33 TRAINED IN FORENSIC PATHOLOGY, is authorized to draw two specimens of  
34 blood for testing during the autopsy or other examination of the deceased  
35 person's body. The medical examiner OR PERSON AUTHORIZED TO PERFORM THE  
36 DUTIES OF THE MEDICAL EXAMINER shall release the specimen to the employing  
37 agency or entity for testing only after the court issues its order  
38 pursuant to subsection B OF THIS SECTION. If the court does not issue an  
39 order within thirty days after the medical examiner OR PERSON AUTHORIZED  
40 TO PERFORM THE DUTIES OF THE MEDICAL EXAMINER collects the specimen, the  
41 medical examiner shall destroy the specimen.

42 D. Notice of the test results shall be provided as prescribed by  
43 the department of health services to the person tested, the health  
44 professional named in the petition and the health professional's employer.  
45 If the person TESTED is incarcerated or detained, the notice shall also be

1 provided to the chief medical officer of the facility in which the person  
2 is incarcerated or detained.

3 E. For the purposes of this section, "significant exposure" means  
4 contact of a person's ruptured or broken skin or mucous membranes with  
5 another person's blood or bodily fluid, other than tears, saliva or  
6 perspiration, of a magnitude that the UNITED STATES centers for disease  
7 control ~~of the United States public health service~~ AND PREVENTION have  
8 epidemiologically demonstrated can result in the transmission of ~~blood~~  
9 ~~borne~~ BLOODBORNE or bodily fluid carried diseases.

10 Sec. 3. Section 36-831, Arizona Revised Statutes, is amended to  
11 read:

12 36-831. Duty for funeral and disposition arrangements; waiver  
13 of decision-making; counties; civil liability;  
14 costs; veterans; immunity; definitions

15 A. Except as provided ~~pursuant to~~ IN subsection I or J of this  
16 section, the duty of burying the body of or providing other funeral and  
17 disposition arrangements for a ~~dead person~~ DECEDENT devolves in the  
18 following order:

19 1. If the ~~dead person~~ DECEDENT was married, on the surviving spouse  
20 unless:

21 (a) The ~~dead person~~ DECEDENT was legally separated from the  
22 person's spouse.

23 (b) A petition for divorce or for legal separation from the ~~dead~~  
24 ~~person's~~ DECEDENT'S spouse was filed before the person's death and remains  
25 pending at the time of death.

26 2. On the person who is designated as having power of attorney for  
27 the decedent in the decedent's most recent health care power of attorney  
28 pursuant to chapter 32, article 2 of this title if that power of attorney  
29 specifically gives that person the authority to make decisions regarding  
30 the disposition of the decedent's remains or a durable power of attorney  
31 if that power of attorney specifically gives that person the authority to  
32 make decisions regarding the disposition of the decedent's remains.

33 3. If the ~~dead person~~ DECEDENT was a minor, on the parents.

34 4. On the adult children of the ~~dead person~~ DECEDENT.

35 5. On the ~~dead person's~~ DECEDENT'S parent.

36 6. On the ~~dead person's~~ DECEDENT'S adult sibling.

37 7. On the ~~dead person's~~ DECEDENT'S adult grandchild.

38 8. On the ~~dead person's~~ DECEDENT'S grandparent.

39 9. On an adult who exhibited special care and concern for the ~~dead~~  
40 ~~person~~ DECEDENT.

41 10. On the person who was acting as the guardian of the person of  
42 the ~~dead person~~ DECEDENT at the time of death.

43 11. On any other person who has the authority to dispose of the  
44 ~~dead person's~~ DECEDENT'S body.

1           12. If none of the persons named in paragraphs 1 through 11 of this  
2 subsection is financially capable of providing for the burial or other  
3 funeral and disposition arrangements, ~~or~~ or cannot be located on reasonable  
4 inquiry, on any person or fraternal, charitable or religious organization  
5 willing to assume responsibility.

6           13. If the ~~dead person~~ DECEDENT was a prisoner in the custody of  
7 the state department of corrections at the time of death and none of the  
8 persons named in paragraphs 1 through 11 of this subsection is willing to  
9 provide for the burial or other funeral and disposition arrangements, ~~or~~ or  
10 cannot be located on reasonable inquiry, on the state department of  
11 corrections.

12           B. During a person's life, the person's family members that are  
13 listed in subsection A of this section may sign a waiver of ~~decision~~  
14 ~~making~~ DECISION-MAKING that waives their rights under this section  
15 relating to the disposition of the person's body when the person dies.

16           C. If none of the persons named in subsection A of this section is  
17 willing or financially able to bury or provide other funeral and  
18 disposition arrangements for a ~~dead~~ DECEASED person, or if the person  
19 cannot be located after reasonable efforts have been made to do so, the  
20 county in which death occurs shall bury or place in a permanent care crypt  
21 the dead body or cremated remains of a dead body. The county officer who  
22 is responsible for determining financial eligibility or abandonment may  
23 conduct an investigation for that purpose. If the decedent is known to be  
24 an honorably discharged veteran or the surviving spouse of an honorably  
25 discharged veteran, the county shall notify the United States department  
26 of veterans affairs or a local veteran's organization, or both, of the  
27 death and give the department or that organization the opportunity to  
28 provide for the person's burial or for other funeral and disposition  
29 arrangements. If the department or organization is unable to provide for  
30 the burial of the veteran or the surviving spouse, the county shall ensure  
31 that the decedent is properly interred and that burial is made in a  
32 veterans' cemetery or a portion of a cemetery that is designated for the  
33 burial of veterans and spouses of veterans.

34           D. If there is more than one member of a category listed in  
35 subsection A, paragraph 3, 4, 5, 6, 7, 8 or 9 of this section entitled to  
36 serve as the authorizing agent, final arrangements may be made by any  
37 member of that category unless that member knows of any objection by  
38 another member of the category. If an objection is known, final  
39 arrangements shall be made by a majority of the members of the category  
40 who are reasonably available.

41           E. If the county medical examiner or person ~~performing~~ AUTHORIZED  
42 TO PERFORM the duties of the county medical examiner, INCLUDING A MEDICAL  
43 STUDENT, RESIDENT OR FELLOW IN PATHOLOGY TRAINING UNDER THE SUPERVISION OF  
44 A LICENSED PHYSICIAN WHO IS TRAINED IN FORENSIC PATHOLOGY, knows that the  
45 ~~dead person~~ DECEASED is a member of a federally recognized Native American

1 tribe located in this state, the county medical examiner or person  
2 ~~performing~~ AUTHORIZED TO PERFORM the duties of the county medical examiner  
3 must notify the tribe and give the tribe the opportunity to provide for  
4 the person's burial or other funeral and disposition arrangements. If an  
5 autopsy is required by section 11-597, the county medical examiner or  
6 person ~~performing~~ AUTHORIZED TO PERFORM the duties of the county medical  
7 examiner, if possible, shall complete the autopsy and return the remains  
8 to the federally recognized Native American tribe located in this state  
9 within four calendar days after the determined date of death.

10 F. A person on whom the duty prescribed in subsection A of this  
11 section is imposed who omits or is unwilling to perform that duty within a  
12 reasonable time or is prohibited from performing that duty under  
13 subsection I of this section is liable to the person performing the duty  
14 in an amount of two times the expenses the person incurred in providing  
15 for the burial or other funeral and disposition arrangements. The person  
16 who performs this duty may recover this amount in a civil action.

17 G. Notwithstanding the probate requirements of title 14, if a  
18 county is required to bury a person pursuant to subsection C of this  
19 section, the county may recover the burial costs from the decedent's  
20 estate. The county may record a lien on the decedent's estate, and the  
21 lien takes priority over a beneficiary deed. A financial institution ~~in~~  
22 ~~possession of~~ THAT POSSESSES monies in an account in the decedent's name  
23 must reimburse the county for the burial costs on presentation by the  
24 county of an affidavit that certifies:

25 1. The date of the decedent's death.

26 2. That, pursuant to this section, the county performed the  
27 decedent's burial.

28 3. The total burial costs incurred by the county.

29 H. A person, a corporation or an agency of government that provides  
30 for the burial or other funeral and disposition arrangements on the  
31 instructions of a person described in subsection A of this section is  
32 immune from civil liability:

33 1. For failing to honor the wishes of the decedent or the wishes of  
34 a person who has a higher priority AS PRESCRIBED in subsection A or C of  
35 this section if the person, corporation or agency of government was not  
36 aware, after reasonable inquiry, of the contrary wishes.

37 2. For refusing to follow conflicting directions of persons who  
38 have the same priority AS PRESCRIBED in subsection A of this section.

39 3. For following directions of a personal representative that are  
40 consistent with the written testamentary instructions of the decedent.

41 I. The duty to bury or to provide other funeral and disposition  
42 arrangements devolves to the next person in the order prescribed ~~pursuant~~  
43 ~~to~~ IN subsection A of this section if the person who is otherwise  
44 responsible for performing this duty is charged with the criminal death of  
45 the person to whom the duty is owed and the funeral director is aware of

1 the charge. The person who performs this duty may recover costs as  
2 prescribed in subsection F of this section. If the charges against the  
3 person on whom this duty originally fell are subsequently dismissed or are  
4 resolved in that person's favor on the merits, the person is responsible  
5 for only the actual costs.

6 J. If the decedent died while serving in any branch of the United  
7 States armed forces, the United States reserve forces or the national  
8 guard, and completed a United States department of defense record of  
9 emergency data, DD form 93, or its successor form, the duty to bury the  
10 decedent or to provide other funeral and disposition arrangements for the  
11 decedent devolves on the person authorized by the decedent pursuant to  
12 that form.

13 K. A person that possesses unclaimed cremated remains may release  
14 to the United States department of veterans affairs or a veterans' service  
15 organization verification information associated with the remains to  
16 verify whether the remains are of a veteran or a veteran's dependent WHO  
17 IS eligible to be interred in a veterans' cemetery if the person has  
18 possessed the cremated remains for at least one year, a person described  
19 in subsection A of this section has not claimed the cremated remains and  
20 the person made a reasonable effort to locate a relative of the decedent  
21 to claim the remains. If the person receives notice from the United  
22 States department of veterans affairs or a veterans' service organization  
23 that the unclaimed cremated remains are the remains of a veteran or a  
24 veteran's dependent WHO IS eligible to be interred in a veterans'  
25 cemetery, the person may transfer the cremated remains to a veterans'  
26 service organization, which must ensure that the cremated remains are  
27 interred in a veterans' cemetery or transport the cremated remains to a  
28 veterans' cemetery for burial.

29 L. A person that releases verification information pursuant to  
30 subsection K of this section or that transfers cremated remains to a  
31 veterans' service organization or a veterans' cemetery pursuant to  
32 subsection K of this section is immune from civil liability for damages  
33 resulting from the release or transfer. A veterans' service organization  
34 that inters cremated remains in or transports cremated remains to a  
35 veterans' cemetery pursuant to subsection K of this section is immune from  
36 civil liability for damages arising from the interment.

37 M. For the purposes of this section:

38 1. "Person" includes a natural person, a corporation, a company, a  
39 partnership, a firm, an association, a society, the United States, this  
40 state, any territory, state or country, an Arizona federally recognized  
41 Native American tribe, any political subdivision of this state or a public  
42 or private corporation, a partnership or association or a veterans'  
43 service organization.

1           2. "Verification information":

2           (a) Means data required by the United States department of veterans  
3 affairs to verify whether a person is a veteran or a veteran's dependent  
4 and is eligible for burial in a veterans' cemetery. ~~, including~~

5           (b) INCLUDES a copy of the person's death certificate and the  
6 person's name, service number, social security number, date of birth, date  
7 of death and place of birth.

8           3. "Veterans' service organization" means a veterans' organization  
9 that is chartered by the United States Congress, that is recognized by the  
10 United States department of veterans affairs or that qualifies as a  
11 charitable organization that is recognized under either section 501(c)(3)  
12 or 501(c)(19) of the internal revenue code and that is organized for the  
13 verification and burial of veterans and their dependents.

14           N. For the purposes of this article, "burial" includes cremation.

APPROVED BY THE GOVERNOR APRIL 13, 2026.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2026.