

COMMITTEE ON GOVERNMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2065
(Reference to printed bill)

Amendment instruction key:
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
~~[GREEN STRIKEOUT IN BRACKETS]~~ indicates new text removed from statute or previously enacted session law.
~~[Green strikeout in brackets]~~ indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

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.

1 10. Provide a blood sample from a deceased person for the purpose
2 of communicable disease testing pursuant to sections 13-1210 and 36-670 if
3 the blood is available and the collection or release will not interfere
4 with a medical examination, autopsy or certification of death.

5 11. Observe all policies adopted by the board of supervisors
6 regarding conflicts of interest and disclosure of noncounty employment.

7 B. The county medical examiner or alternate medical examiner may:

8 1. Assign to a medical death investigator or other qualified
9 personnel all aspects of a death investigation except performing
10 autopsies.

11 2. Authorize forensic pathologists to perform examinations and
12 autopsies. The medical examiner or alternate medical examiner may
13 authorize medical students or residents and fellows in pathology training
14 to perform autopsies under the supervision of a licensed physician ~~who is~~
15 ~~board certified in forensic pathology~~ [TRAINED] [in forensic pathology],
16 pursuant to procedures adopted by the county medical examiner or alternate
17 medical examiner. Authorization and the amount to be paid by the county
18 for pathology services are subject to approval of the board of
19 supervisors.

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

26 4. Delegate any power, duty or function, whether ministerial or
27 discretionary, vested by this chapter in the medical examiner or alternate
28 medical examiner to a person meeting the qualifications prescribed in this
29 chapter who is employed by or who has contracted with the county to
30 provide death investigation services. The medical examiner or alternate
31 medical examiner shall be responsible for the official acts of the person
32 designated pursuant to this section and shall act under the name and
33 authority of the medical examiner or alternate medical examiner.

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

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

43 7. Limit the removal of organs or tissues for transplants or other
44 therapy or treatment if, based on a review of available medical and
45 investigative information within a time that allows a medically viable
46 donation, the medical examiner or alternate medical examiner makes an
47 initial determination that their removal would interfere with a medical
48 examination, autopsy or certification of death. Before making a final

1 decision to limit the removal of organs, the medical examiner or alternate
2 medical examiner shall consult with the organ procurement organization.
3 After the consultation and when the organ procurement organization
4 provides information that the organ procurement organization reasonably
5 believes could alter the initial decision and at the request of the organ
6 procurement organization, the medical examiner or alternate medical
7 examiner shall conduct a physical examination of the body. If the medical
8 examiner or alternate medical examiner limits the removal of organs, the
9 medical examiner or alternate medical examiner shall maintain
10 documentation of this decision and shall make the documentation available
11 to the organ procurement organization.

12 C. A county medical examiner or alternate medical examiner shall
13 not be held civilly or criminally liable for any acts performed in good
14 faith pursuant to subsection A, paragraph 10 and subsection B, paragraphs
15 5, 6 and 7 of this section.

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

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

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

27 Sec. 2. Section 11-600, Arizona Revised Statutes, is amended to
28 read:

29 11-600. Indigent deceased persons; disposition of remains;
30 disposal of property

31 A. When a death investigation has been completed by the county
32 medical examiner or alternate medical examiner and no other person takes
33 charge of the body of the deceased, the examiner shall cause the body to
34 be delivered to the funeral establishment, licensed pursuant to title 32,
35 chapter 12, article 4, closest geographically to the place where the body
36 is pronounced dead, for preservation, disinfection and final
37 disposition. The medical examiner or alternate medical examiner may
38 establish ~~geographical~~ GEOGRAPHIC areas within the county and a rotation
39 system whereby the bodies are delivered equally in sequence to all
40 licensed funeral establishments in each ~~geographical~~ GEOGRAPHIC area. All
41 licensed funeral establishments in any incorporated city or town shall be
42 in the same ~~geographical~~ GEOGRAPHIC area. Area boundaries in
43 unincorporated areas shall be drawn so as to approximate equal distances
44 between incorporated cities or towns in which a licensed funeral
45 establishment or establishments exist. ~~Upon~~ ON request of any licensed
46 funeral establishment, in writing, ~~they~~ THE FUNERAL ESTABLISHMENT shall be
47 removed from participation in the receipt of medical examiner cases until
48 ~~they rescind their~~ THE FUNERAL ESTABLISHMENT RESCINDS ITS request. If

1 there is not sufficient property in the estate of the deceased to pay the
2 necessary expenses of the burial, the expenses shall be a legal charge
3 against the county. ~~upon~~ ON determination of indigency, the funeral
4 establishment shall perform the normal county indigent burial, in the
5 manner and for the fee then being paid by the county, or release the body,
6 ~~upon~~ ON county request, without fee, to the funeral establishment
7 designated by the county for other indigent burials.

8 B. Notwithstanding subsection A of this section, the county medical
9 examiner or alternate medical examiner may cause the body to be delivered
10 to a community college under the jurisdiction of a community college
11 district as defined in section 15-1401, if the community college has an
12 accredited mortuary science program. On acceptance of the body and with
13 proper authorization, the community college mortuary science program shall
14 preserve and disinfect the body, prepare ~~it~~ THE BODY for final disposition
15 and deliver the body to a licensed funeral establishment pursuant to
16 subsection A of this section for final disposition. For the purposes of
17 this subsection, proper authorization may be provided by the next of kin
18 pursuant to section 36-831, subsection A or the public fiduciary of the
19 county.

20 C. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE COUNTY MEDICAL
21 EXAMINER OR ALTERNATE MEDICAL EXAMINER MAY RETAIN THE BODY AND SUPERVISE
22 THE PRESERVATION, DISINFECTION AND FINAL DISPOSITION OF THE BODY AT A
23 CREMATORY THAT IS OWNED AND OPERATED BY THE COUNTY AND THAT IS LICENSED
24 PURSUANT TO SECTION 32-1393.

25 ~~C.~~ D. Within thirty days after the examination, the medical
26 examiner or alternate medical examiner shall deliver to the public
27 fiduciary of the county or the legal representative of the deceased any
28 money or property found ~~upon~~ ON the body.

29 Sec. 3. Section 32-1321, Arizona Revised Statutes, is amended to
30 read:

31 32-1321. License requirement: persons not required to be
32 licensed: nontransferability: display

33 A. A person shall not advertise or engage in funeral directing,
34 cremation, alkaline hydrolysis or embalming without having a valid license
35 issued by the department.

36 B. This article does not prohibit:

37 1. A person from performing removals or arrangements or from
38 directing funeral services if the person is under the direction of and
39 accountable to a licensed funeral director.

40 2. A licensed cemetery employee from selling burial or final
41 disposition items or from arranging or directing cemetery services.

42 3. A MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER FROM PROVIDING
43 SERVICES INCIDENTAL TO THE DISPOSITION OF AN INDIGENT DECEASED PERSON
44 PURSUANT TO SECTION 11-600, SUBSECTION C, INCLUDING REGISTERING THE DEATH
45 AS THE PERSON RESPONSIBLE FOR THE FINAL DISPOSITION OF THE DECEASED
46 PERSON'S REMAINS.

1 C. A license issued by the department is not transferrable or
2 subject to sale or assignment, whether by a voluntary or involuntary
3 process.

4 D. A licensee shall conspicuously display the person's license at
5 the person's place of employment.

6 Sec. 4. Section 32-1395, Arizona Revised Statutes, is amended to
7 read:

8 32-1395. Application; qualifications for licensure

9 A. An applicant for a crematory license shall submit a completed
10 application on a form prescribed by the department. If the applicant is a
11 business entity, the entity shall direct a natural person who is an owner
12 of the entity to submit its application. IF THE APPLICANT IS A COUNTY,
13 THE MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER OF THE COUNTY SHALL
14 SUBMIT AN APPLICATION ON THE COUNTY'S BEHALF. The application shall be
15 subscribed under oath, shall contain the name of the responsible
16 cremationist and shall be accompanied by the applicable fee pursuant to
17 section 32-1309 and any additional information that the department deems
18 necessary. A business entity that applies for a license pursuant to this
19 article shall submit to the department with its application for licensure
20 a copy of its partnership agreement, its articles of incorporation or
21 organization or any other organizational documents required to be filed
22 with the corporation commission.

23 B. A person who applies for a license pursuant to this article, or
24 if the applicant is a business entity, all owners, partners, officers,
25 directors and trust beneficiaries of the entity, shall submit a completed
26 fingerprint card, criminal history background information and a
27 fingerprint background check fee to the department.

28 C. The department shall inspect the premises of a crematory and
29 investigate the character and other qualifications of all applicants for
30 licensure pursuant to this article to determine whether the crematory and
31 the applicants are in compliance with the requirements of this article and
32 rules adopted by the department.

33 D. If the department finds that the applicant meets the criteria
34 for licensure under this article and rules adopted by the department, the
35 department shall issue a crematory license.

36 Enroll and engross to conform

37 Amend title to conform

And, as so amended, it do pass

WALT BLACKMAN
CHAIRMAN

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