

CORRECTED — reinstated omitted language on page 7, lines 14, 15 and 16

House Engrossed Senate Bill

~~cruelty to working animals; classification~~
~~(now: county animal control agencies; bequests)~~
(now: counties; cremation; indigent deceased persons)

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SENATE BILL 1048

AN ACT

AMENDING SECTIONS 11-594, 11-600, 32-1321, 32-1343, 32-1383, 32-1394.01
AND 32-1395, ARIZONA REVISED STATUTES; RELATING TO DECEASED PERSONS.

(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 11-600, Arizona Revised Statutes, is amended to
13 read:

14 11-600. Indigent deceased persons; disposition of remains;
15 disposal of property

16 A. When a death investigation has been completed by the county
17 medical examiner or alternate medical examiner and no other person takes
18 charge of the body of the deceased, the examiner shall cause the body to
19 be delivered to the funeral establishment, licensed pursuant to title 32,
20 chapter 12, article 4, closest geographically to the place where the body
21 is pronounced dead, for preservation, disinfection and final disposition.
22 The medical examiner or alternate medical examiner may establish
23 ~~geographical~~ GEOGRAPHIC areas within the county and a rotation system
24 whereby the bodies are delivered equally in sequence to all licensed
25 funeral establishments in each ~~geographical~~ GEOGRAPHIC area. All licensed
26 funeral establishments in any incorporated city or town shall be in the
27 same ~~geographical~~ GEOGRAPHIC area. Area boundaries in unincorporated
28 areas shall be drawn so as to approximate equal distances between
29 incorporated cities or towns in which a licensed funeral establishment or
30 establishments exist. ~~Upon~~ ON request of any licensed funeral
31 establishment, in writing, ~~they~~ THE FUNERAL ESTABLISHMENT shall be removed
32 from participation in the receipt of medical examiner cases until ~~they~~
33 ~~rescind their~~ THE FUNERAL ESTABLISHMENT RESCINDS ITS request. If there is
34 not sufficient property in the estate of the deceased to pay the necessary
35 expenses of the burial, the expenses shall be a legal charge against the
36 county. ~~Upon~~ ON determination of indigency, the funeral establishment
37 shall perform the normal county indigent burial, in the manner and for the
38 fee then being paid by the county, or release the body, ~~upon~~ ON county
39 request, without fee, to the funeral establishment designated by the
40 county for other indigent burials.

41 B. Notwithstanding subsection A of this section, the county medical
42 examiner or alternate medical examiner may cause the body to be delivered
43 to a community college under the jurisdiction of a community college
44 district as defined in section 15-1401, if the community college has an
45 accredited mortuary science program. On acceptance of the body and with
46 proper authorization, the community college mortuary science program shall

1 preserve and disinfect the body, prepare ~~it~~ THE BODY for final disposition
2 and deliver the body to a licensed funeral establishment pursuant to
3 subsection A of this section for final disposition. For the purposes of
4 this subsection, proper authorization may be provided by the next of kin
5 pursuant to section 36-831, subsection A or the public fiduciary of the
6 county.

7 C. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE COUNTY MEDICAL
8 EXAMINER OR ALTERNATE MEDICAL EXAMINER MAY RETAIN THE BODY AND SUPERVISE
9 THE CREMATION AT A CREMATORY THAT IS OWNED AND OPERATED BY THE COUNTY AND
10 THAT IS LICENSED PURSUANT TO SECTION 32-1393. A CREMATION SHALL BE
11 PERFORMED BY A RESPONSIBLE CREMATIONIST WHO IS LICENSED PURSUANT TO
12 SECTION 32-1394.01.

13 D. IF THE COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER IS
14 THE PERSON RESPONSIBLE FOR SUPERVISING THE CREMATION OF AN INDIGENT
15 DECEASED PERSON'S REMAINS PURSUANT TO SUBSECTION C OF THIS SECTION, THE
16 DIRECTOR OF THE COUNTY'S HEALTH DEPARTMENT SHALL DESIGNATE A COUNTY
17 EMPLOYEE WHO QUALIFIES FOR ACCESS TO VITAL RECORDS SYSTEMS PURSUANT TO
18 SECTION 36-113, SUBSECTION C, OTHER THAN THE COUNTY MEDICAL EXAMINER, AN
19 ALTERNATE MEDICAL EXAMINER OR AN EMPLOYEE THAT REPORTS TO EITHER THE
20 COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER, TO SUBMIT THE DEATH
21 CERTIFICATE FOR REGISTRATION PURSUANT TO SECTION 36-325, SUBSECTION A.

22 ~~E.~~ E. Within thirty days after the examination, the medical
23 examiner or alternate medical examiner shall deliver to the public
24 fiduciary of the county or the legal representative of the deceased any
25 money or property found ~~upon~~ ON the body.

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

28 32-1321. License requirement; persons not required to be
29 licensed; nontransferability; display

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

33 B. This article does not prohibit:

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

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

39 3. A COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER FROM
40 SUPERVISING THE CREMATION OF AN INDIGENT DECEASED PERSON PURSUANT TO
41 SECTION 11-600, SUBSECTION C.

42 C. A license issued by the department is not transferrable or
43 subject to sale or assignment, whether by a voluntary or involuntary
44 process.

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

1 Sec. 4. Section 32-1343, Arizona Revised Statutes, is amended to
2 read:

3 32-1343. Alkaline hydrolysis operators; licensure;
4 application; qualifications; fingerprinting

5 A. An applicant for an alkaline hydrolysis operator license shall
6 submit a completed application on a form prescribed by the department.
7 The application shall be subscribed under oath and shall be accompanied by
8 the applicable fee pursuant to section 32-1309 and any additional
9 information that the department deems necessary.

10 B. An applicant for an alkaline hydrolysis operator license shall
11 meet both of the following:

12 1. Submit ~~a completed fingerprint card and~~ the prescribed
13 fingerprint records check fee **AND A FULL SET OF FINGERPRINTS** to the
14 department of health services ~~to enable the department of health services~~
15 ~~or the department of public safety to conduct a~~ **FOR THE PURPOSE OF**
16 **CONDUCTING A STATE AND FEDERAL** criminal records check **PURSUANT TO SECTION**
17 **41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY**
18 **EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.**

19 2. Meet the educational requirements as prescribed by the
20 department in rule.

21 C. An applicant for licensure under this section may not have a
22 disqualifying criminal history as determined by the department pursuant to
23 section 41-1093.04.

24 D. If the department finds that the applicant meets the criteria
25 for an alkaline hydrolysis operator license under this section and under
26 rules adopted by the department, the department shall issue an alkaline
27 hydrolysis operator license. A person does not need to be licensed as an
28 alkaline hydrolysis operator in order to practice as an alkaline
29 hydrolysis operator if the alkaline hydrolysis facility is operated or
30 supervised by a responsible cremationist or another person who is a
31 licensed alkaline hydrolysis operator.

32 Sec. 5. Section 32-1383, Arizona Revised Statutes, is amended to
33 read:

34 32-1383. Application; qualifications for funeral
35 establishment licensure

36 A. An applicant for a funeral establishment license shall submit a
37 completed application on a form prescribed by the department. The
38 application shall be subscribed under oath and shall be accompanied by the
39 applicable fee pursuant to section 32-1309 and any additional information
40 that the department deems necessary. A business entity that applies for a
41 license pursuant to this article shall submit to the department with its
42 application for licensure a copy of its partnership agreement, its
43 articles of incorporation or any other organizational documents required
44 to be filed with the corporation commission.

45 B. A person who applies for a license pursuant to this article, or
46 if the applicant is a business entity, the proprietors, partners, officers

1 and directors of the entity, shall submit ~~a completed fingerprint card,~~
2 ~~criminal history background information and a~~ THE PRESCRIBED fingerprint
3 ~~background~~ RECORDS check fee AND A FULL SET OF FINGERPRINTS to the
4 department OF HEALTH SERVICES FOR THE PURPOSE OF CONDUCTING A STATE AND
5 FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW
6 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT
7 DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

8 C. The department shall inspect the premises of a funeral
9 establishment and investigate the qualifications of all applicants for
10 licensure.

11 D. If the department finds that the applicant meets the criteria
12 for licensure under this article and rules adopted by the department, the
13 department shall issue a funeral establishment license.

14 Sec. 6. Section 32-1394.01, Arizona Revised Statutes, is amended to
15 read:

16 32-1394.01. Application; qualifications for cremationist
17 licensure; licensure requirement for
18 responsible cremationists

19 A. An applicant for a cremationist license shall submit a completed
20 application on a form prescribed by the department. The application shall
21 be subscribed under oath and shall be accompanied by the applicable fee
22 pursuant to section 32-1309 and any additional information that the
23 department deems necessary.

24 B. An applicant for a cremationist license shall submit ~~a completed~~
25 ~~fingerprint card and~~ the prescribed fingerprint records check fee AND A
26 FULL SET OF FINGERPRINTS to the department of health services ~~to enable~~
27 ~~the department of health services or the department of public safety to~~
28 ~~conduct a~~ FOR THE PURPOSE OF CONDUCTING A STATE AND FEDERAL criminal
29 records check PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE
30 DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE
31 FEDERAL BUREAU OF INVESTIGATION.

32 C. An applicant for a cremationist license shall meet the
33 educational requirements as prescribed by the department in rule.

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

37 E. A responsible cremationist shall be licensed pursuant to this
38 article. Any other cremationist may be licensed pursuant to this article
39 but, if not licensed, may engage only in cremation activity that is
40 allowed without a license.

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

43 32-1395. Application; qualifications for licensure

44 A. An applicant for a crematory license shall submit a completed
45 application on a form prescribed by the department. If the applicant is a
46 business entity, the entity shall direct a natural person who is an owner

1 of the entity to submit its application. IF THE APPLICANT IS A COUNTY,
2 THE COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER SHALL SUBMIT AN
3 APPLICATION ON THE COUNTY'S BEHALF. The application shall be subscribed
4 under oath, shall contain the name of the responsible cremationist and
5 shall be accompanied by the applicable fee pursuant to section 32-1309 and
6 any additional information that the department deems necessary. A
7 business entity that applies for a license pursuant to this article shall
8 submit to the department with its application for licensure a copy of its
9 partnership agreement, its articles of incorporation or organization or
10 any other organizational documents required to be filed with the
11 corporation commission.

12 B. A person who applies for a license pursuant to this article, or
13 if the applicant is a business entity, all owners, partners, officers,
14 directors and trust beneficiaries of the entity, shall submit ~~a completed~~
15 ~~fingerprint card, criminal history background information and a~~
16 ~~fingerprint background check fee to the department~~ THE PRESCRIBED
17 FINGERPRINT RECORDS CHECK FEE AND A FULL SET OF FINGERPRINTS TO THE
18 DEPARTMENT OF HEALTH SERVICES FOR THE PURPOSE OF CONDUCTING A STATE AND
19 FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW
20 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT
21 DATA WITH THE FEDERAL BUREAU OF INVESTIGATION. THE DEPARTMENT OF PUBLIC
22 SAFETY IS AUTHORIZED TO EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL
23 BUREAU OF INVESTIGATION.

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

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