

REFERENCE TITLE: disposition; remains; authorization; legal decision-making

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

SB 1668

Introduced by
Senator Bolick

AN ACT

AMENDING SECTIONS 36-325, 36-326 AND 36-831, ARIZONA REVISED STATUTES;
RELATING TO DISPOSITION OF HUMAN REMAINS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

6 A. Within ~~seven calendar~~ FOURTEEN days, EXCLUDING WEEKENDS AND
7 HOLIDAYS, after receiving possession of human remains, a funeral
8 establishment or responsible person who takes possession of the human
9 remains shall:

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

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

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

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

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

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

38 E. Final disposition of human remains with a pending cause of death
39 shall not occur until the medical examiner or alternate medical examiner
40 releases the human remains for final disposition.

41 F. When the medical examiner or alternate medical examiner
42 determines the cause of death, the medical examiner or alternate medical
43 examiner shall submit the information to the local registrar, deputy local
44 registrar or state registrar.

1 G. If a person under the current care of a health care provider for
2 an acute or chronic medical condition dies of that condition, or
3 complications associated with that condition, the health care provider or
4 a health care provider designated by that HEALTH CARE provider shall
5 complete and sign the medical certification of death on a death
6 certificate within seventy-two hours. If current care has not been
7 provided, the medical examiner or alternate medical examiner shall
8 complete and sign the medical certification of death on a death
9 certificate within seventy-two hours after the examination, excluding
10 weekends and holidays.

11 H. If a person dies in a hospital, nursing care institution or
12 hospice inpatient facility of natural causes, the hospital, nursing care
13 institution or facility shall designate a health care provider to complete
14 and sign the medical certification of death within seventy-two hours.

15 I. If a person dies on an Indian reservation in this state and a
16 county medical examiner or alternate medical examiner is not available,
17 the tribal law enforcement authority, acting in an official investigative
18 capacity, may complete and sign the medical certification of death.

19 J. If the place of death is unknown, the death is considered to
20 have occurred in the place where the human remains were found.

21 K. If a person dies in a moving conveyance, the death is considered
22 to have occurred in the place where the human remains were initially
23 removed from the conveyance. In all other cases, the place where death is
24 pronounced is considered the place where the death occurred.

25 L. The state registrar shall create and register a death
26 certificate when the state registrar receives a court order of a
27 presumptive death. The court order shall contain the following
28 information, if known:

29 1. The decedent's name, social security number, date of birth, date
30 of death, cause of death and location of death.

31 2. Any other information necessary to complete a death certificate
32 for a presumptive death.

33 M. If a murder victim's body is not recovered, a conviction for the
34 murder is proof of death. The court shall forward a record of the
35 conviction to the state registrar. The state registrar shall obtain the
36 personal data regarding the murder victim from information provided by the
37 court, a family member of the murder victim or another reliable source and
38 create and register the death certificate.

39 N. A health care provider who completes and signs a medical
40 certification of death in good faith pursuant to this section is not
41 subject to civil liability or professional disciplinary action.

1 Sec. 2. Section 36-326, Arizona Revised Statutes, is amended to
2 read:

3 36-326. Disposition-transit permits

4 A. A funeral establishment or responsible person who takes
5 possession of human remains shall obtain a disposition-transit permit from
6 a local registrar, a deputy local registrar or the state registrar before
7 doing either of the following:

- 8 1. Providing final disposition of the human remains.
- 9 2. Moving the human remains out of this state.

10 B. Human remains that are moved from a hospital, ABORTION CLINIC,
11 nursing care institution or hospice inpatient facility must be accompanied
12 by a form provided by the hospital, ABORTION CLINIC, nursing care
13 institution or hospice inpatient facility authorizing the release of the
14 human remains. The form shall contain the information required in rules
15 adopted pursuant to this chapter.

16 C. A funeral establishment or responsible person may move human
17 remains from a hospital, ABORTION CLINIC, nursing care institution or
18 hospice inpatient facility where death occurred without obtaining a
19 disposition-transit permit if the funeral establishment or responsible
20 person does not remove the human remains from this state and provides
21 notice to the local registrar or deputy local registrar in the
22 registration district where the death occurred within twenty-four hours
23 after moving the human remains.

24 D. A funeral establishment or responsible person may move human
25 remains from a place other than a hospital, ABORTION CLINIC, nursing care
26 institution or hospice inpatient facility where death occurred without
27 obtaining a disposition-transit permit if the funeral establishment or
28 responsible person does not remove the human remains from this state and
29 provides notice to the local registrar or deputy local registrar in the
30 registration district where death occurred within seventy-two hours after
31 moving the human remains.

32 E. Embalmed human remains, disinterred human remains and human
33 remains that are not embalmed that are shipped by common carrier inside or
34 outside of this state for the purposes of burial, cremation or funeral
35 services shall be placed in a suitable shipping container that is designed
36 for transporting human remains. Human remains that are not embalmed and
37 that are shipped inside or outside of this state are not required to be
38 transported within twenty-four hours after death.

39 F. A FUNERAL ESTABLISHMENT SHALL OBTAIN A DISPOSITION-TRANSIT
40 PERMIT IF AN UNBORN CHILD IS EXPELLED OR EXTRACTED AT A HOSPITAL OR
41 ABORTION CLINIC AND ALL THE FOLLOWING APPLY:

- 42 1. THE GESTATION PERIOD OF THE UNBORN CHILD IS LESS THAN TWENTY
43 WEEKS OR, IF THE GESTATION PERIOD IS UNKNOWN, THE WEIGHT OF THE UNBORN
44 CHILD IS LESS THAN THREE HUNDRED FIFTY GRAMS.
- 45 2. A COUNTY MEDICAL EXAMINER'S INVESTIGATION IS NOT REQUIRED.

1 3. THE WOMAN ON WHOM THE ABORTION WAS PERFORMED HAS AUTHORIZED THE
2 TRANSFER OF THE UNBORN CHILD'S HUMAN REMAINS TO A FUNERAL ESTABLISHMENT
3 FOR FINAL DISPOSITION.

4 ~~F.~~ G. A hospital or abortion clinic is not required to obtain a
5 disposition-transit permit if an unborn child is expelled or extracted at
6 the hospital or abortion clinic and all the following apply:

7 1. The gestation period of the unborn child is less than twenty
8 weeks or, if the gestation period is unknown, the weight of the unborn
9 child is less than three hundred fifty grams.

10 2. A county medical examiner's investigation is not required.

11 3. The woman on whom the abortion was performed has authorized the
12 hospital or abortion clinic to dispose of the unborn child.

13 ~~G.~~ H. To obtain a disposition-transit permit, a funeral
14 establishment or responsible person must submit the information required
15 pursuant to this chapter and rules adopted pursuant to this chapter to the
16 state registrar or to the local registrar or deputy local registrar of the
17 registration district where the death occurred.

18 ~~H.~~ I. A local registrar, a deputy local registrar or the state
19 registrar shall provide a disposition-transit permit to a funeral
20 establishment or other responsible person if the information provided
21 pursuant to subsection B of this section complies with this chapter and
22 rules adopted pursuant to this chapter.

23 ~~I.~~ J. A local registrar, a deputy local registrar or the state
24 registrar shall provide a disposition-transit permit for interment of
25 human remains in a cemetery only if the location of the cemetery has been
26 recorded in the office of the county recorder in the county where the
27 cemetery is located or the cemetery is located on federal or tribal land.

28 ~~J.~~ K. A local registrar, a deputy local registrar or the state
29 registrar shall provide a disposition-transit permit issued by this state
30 for the final disposition of human remains in this state on receipt of a
31 disposition-transit permit from another state that accompanies the human
32 remains from the other state.

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

35 36-831. Duty for funeral and disposition arrangements;
36 waiver of decision-making; counties; civil
37 liability; costs; veterans; immunity; definitions

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

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

44 (a) The ~~dead person~~ DECEDENT was legally separated from the
45 ~~person's~~ DECEDENT'S spouse.

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

4 2. On the person who is designated as having power of attorney for
5 the decedent in the decedent's most recent health care power of attorney
6 pursuant to chapter 32, article 2 of this title if that power of attorney
7 specifically gives that person the authority to make decisions regarding
8 the disposition of the decedent's remains or a durable power of attorney
9 if that power of attorney specifically gives that person the authority to
10 make decisions regarding the disposition of the decedent's remains.

11 3. If the ~~dead person~~ DECEDENT was a minor, on the parents, UNLESS
12 THERE HAS BEEN AN AWARD OF LEGAL DECISION-MAKING OR THERE IS A PARENTING
13 PLAN THAT PRESCRIBES WHICH PARENT HAS FINAL AUTHORITY TO MAKE LEGAL
14 DECISIONS ON BEHALF OF THE CHILD.

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

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

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

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

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

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

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

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

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

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

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

41 C. If none of the persons named in subsection A of this section is
42 willing or financially able to bury or provide other funeral and
43 disposition arrangements for a dead person, or if the person cannot be
44 located after reasonable efforts have been made to do so, the county in
45 which death occurs shall bury or place in a permanent care crypt the dead

1 body or cremated remains of a dead body. The county officer who is
2 responsible for determining financial eligibility or abandonment may
3 conduct an investigation for that purpose. If the decedent is known to be
4 an honorably discharged veteran or the surviving spouse of an honorably
5 discharged veteran, the county shall notify the United States department
6 of veterans affairs or a local veteran's organization, or both, of the
7 death and give the department or that organization the opportunity to
8 provide for the person's burial or for other funeral and disposition
9 arrangements. If the department or organization is unable to provide for
10 the burial of the veteran or the surviving spouse, the county shall ensure
11 that the decedent is properly interred and that burial is made in a
12 veterans' cemetery or a portion of a cemetery that is designated for the
13 burial of veterans and spouses of veterans.

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

21 E. If the county medical examiner or person performing the duties
22 of the county medical examiner knows that the dead person is a member of a
23 federally recognized Native American tribe located in this state, the
24 county medical examiner or person performing the duties of the county
25 medical examiner must notify the tribe and give the tribe the opportunity
26 to provide for the person's burial or other funeral and disposition
27 arrangements. If an autopsy is required by section 11-597, the county
28 medical examiner or person performing the duties of the county medical
29 examiner, if possible, shall complete the autopsy and return the remains
30 to the federally recognized Native American tribe located in this state
31 within four calendar days after the determined date of death.

32 F. A person on whom the duty prescribed in subsection A of this
33 section is imposed who omits or is unwilling to perform that duty within a
34 reasonable time or is prohibited from performing that duty under
35 subsection I of this section is liable to the person performing the duty
36 in an amount of two times the expenses the person incurred in providing
37 for the burial or other funeral and disposition arrangements. The person
38 who performs this duty may recover this amount in a civil action.

39 G. Notwithstanding the probate requirements of title 14, if a
40 county is required to bury a person pursuant to subsection C of this
41 section, the county may recover the burial costs from the decedent's
42 estate. The county may record a lien on the decedent's estate, and the
43 lien takes priority over a beneficiary deed. A financial institution ~~in~~
44 ~~possession of~~ THAT POSSESSES monies in an account in the decedent's name

1 must reimburse the county for the burial costs on presentation by the
2 county of an affidavit that certifies:

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

4 2. That, pursuant to this section, the county performed the
5 decedent's burial.

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

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

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

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

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

19 I. The duty to bury or to provide other funeral and disposition
20 arrangements devolves to the next person in the order prescribed **pursuant**
21 **to** **IN** subsection A of this section if the person who is otherwise
22 responsible for performing this duty is charged with the criminal death of
23 the person to whom the duty is owed and the funeral director is aware of
24 the charge. The person who performs this duty may recover costs as
25 prescribed in subsection F of this section. If the charges against the
26 person on whom this duty originally fell are subsequently dismissed or are
27 resolved in that person's favor on the merits, the person is responsible
28 for only the actual costs.

29 J. If the decedent died while serving in any branch of the United
30 States armed forces, the United States reserve forces or the national
31 guard, and completed a United States department of defense record of
32 emergency data, DD form 93, or its successor form, the duty to bury the
33 decedent or to provide other funeral and disposition arrangements for the
34 decedent devolves on the person authorized by the decedent pursuant to
35 that form.

36 K. A person that possesses unclaimed cremated remains may release
37 to the United States department of veterans affairs or a veterans' service
38 organization verification information associated with the remains to
39 verify whether the remains are of a veteran or a veteran's dependent **WHO**
40 **IS** eligible to be interred in a veterans' cemetery if the person has
41 possessed the cremated remains for at least one year, a person described
42 in subsection A of this section has not claimed the cremated remains and
43 the person made a reasonable effort to locate a relative of the decedent
44 to claim the remains. If the person receives notice from the United
45 States department of veterans affairs or a veterans' service organization

1 that the unclaimed cremated remains are the remains of a veteran or a
2 veteran's dependent WHO IS eligible to be interred in a veterans'
3 cemetery, the person may transfer the cremated remains to a veterans'
4 service organization, which must ensure that the cremated remains are
5 interred in a veterans' cemetery or transport the cremated remains to a
6 veterans' cemetery for burial.

7 L. A person that releases verification information pursuant to
8 subsection K of this section or that transfers cremated remains to a
9 veterans' service organization or a veterans' cemetery pursuant to
10 subsection K of this section is immune from civil liability for damages
11 resulting from the release or transfer. A veterans' service organization
12 that inters cremated remains in or transports cremated remains to a
13 veterans' cemetery pursuant to subsection K of this section is immune from
14 civil liability for damages arising from the interment.

15 M. For the purposes of this section:

16 1. "Person" includes a natural person, a corporation, a company, a
17 partnership, a firm, an association, a society, the United States, this
18 state, any territory, state or country, an Arizona federally recognized
19 Native American tribe, any political subdivision of this state or a public
20 or private corporation, a partnership or association or a veterans'
21 service organization.

22 2. "Verification information":

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

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

29 3. "Veterans' service organization" means a veterans' organization
30 that is chartered by the United States Congress, that is recognized by the
31 United States department of veterans affairs or that qualifies as a
32 charitable organization that is recognized under either section 501(c)(3)
33 or 501(c)(19) of the internal revenue code and that is organized for the
34 verification and burial of veterans and their dependents.

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