



ARIZONA HOUSE OF REPRESENTATIVES

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Second Regular Session

House: COM DPA 10-0-0-0

HB 2140: funeral services; alkaline hydrolysis

Sponsor: Representative Hendrix, LD 14

Caucus & COW

Overview

Makes various revisions and updates to the Funeral Industry statutes.

History

[Laws 2023, Chapter 194](#), eliminated the Arizona State Board of Funeral Directors and Embalmers (Funeral Board) and transferred the authority, powers, duties and responsibilities of the Funeral Board to the Arizona Department of Health Services (DHS).

Provisions

Department of Health Services; Regulations

1. Adds DHS must adopt rules relating to the standards of practice and professional conduct of operating an alkaline hydrolysis facility or alkaline hydrolysis. (Sec. 3)
2. Requires DHS to adopt rules to inspect funeral establishments, crematories and alkaline hydrolysis facilities from at least once every five years to at least once every two years. (Sec. 3)
3. Removes certain confidentiality requirements relating to examinations, complaints and investigative reports. (Sec. 5)
4. Declares information received and records kept by DHS for administration purposes are available to the public, except for sources of information that cause DHS to believe that an inspection of a licensee or facility is needed to determine the extent of compliance. (Sec. 5)
5. Removes the requirement for DHS to inform the licensee of the name of the complainant after receiving a complaint. (Sec. 5)
6. Specifies DHS may release only the general nature of a complaint to the public. (Sec. 5)
7. Removes references relating to DHS initiating an informal interview or formal hearing regarding investigating complaints. (Sec. 21)
8. Deletes the length of time in which a temporary license suspension or endorsement may be in place. (Sec. 21)
9. Clarifies the civil penalty that DHS may assess, as a disciplinary action, is against a person who violates funeral industry statutes or rules and each day that the violation occurs constitutes a separate violation. (Sec. 21)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note

10. Outlines factors DHS must consider in determining the amount of the civil penalty. (Sec. 21)
11. Includes, as a disciplinary action, DHS may suspend or revoke a license or endorsement. (Sec. 21)
12. Requires the actions to enforce the collection of civil penalties to be brought by the Attorney General or the county attorney. (Sec. 21)
13. Removes the requirement for DHS to serve notice and conduct a hearing prior to revoking or suspending a license or endorsement. (Sec. 21)
14. Clarifies DHS may revoke, rather than refuse to renew, a funeral establishment license or a prearranged funeral sales endorsement for specified reasons. (Sec. 27, 30)

Department of Health Services; Licensing & Fees

15. Requires DHS to establish and collect certain fees relating to:
 - a) prearranged funeral sales establishments endorsements;
 - b) multiple funeral director licenses; and
 - c) interim permits for crematories and alkaline hydrolysis facilities. (Sec. 4)
16. Removes the requirement for DHS to establish and collect certain renewal fees and fees for reexamination for a state laws and rules examination. (Sec. 4)
17. Specifies licenses, registrations or endorsements do not expire unless:
 - a) DHS revokes or suspends the license, registration or endorsement; or
 - b) the licensee fails to pay certain fees or outstanding civil penalties. (Sec. 4)
18. Allows a person who was a licensed embalmer's assistant on March 31, 2023, to continue to be licensed provided the licensee pays any lapsed licensing fees and continues to pay the licensing or endorsement fee. (Sec. 4)
19. Prohibits a person from advertising or engaging in cremation or alkaline hydrolysis without a valid license. (Sec. 6)
20. Removes the requirement for an applicant for an embalmer or funeral director license to pass the appropriate state laws and rules examination. (Sec. 7)
21. Requires a person who desires to reactivate a license submit an attestation that the person has completed the required continuing education units. (Sec. 12)

Advisory Committee

22. Clarifies the advisory committee advises the Director *about matters relating to the regulation of the funeral services industry*. (Sec. 2)
23. Specifies the members are appointed by the Director of DHS rather than the Governor. (Sec. 2)
24. Removes the requirement for the advisory committee present an annual performance evaluation. (Sec. 2)

Alkaline Hydrolysis

25. Removes the authorization for an alkaline hydrolysis facility to be operated by a responsible cremationist. (Sec. 14)
26. Removes the ability for an unlicensed person to practice as an alkaline hydrolysis operator if the facility is operated a licensed alkaline hydrolysis operator. (Sec. 15)

Miscellaneous

27. Removes, as a condition in determining that a person is on a pathway to embalmer licensure, that the person has been employed by a funeral establishment for not more than three years. (Sec. 17)
28. Adds, as a condition in determining that a person is on a pathway to embalmer licensure, that the person has graduated from an accredited or provisionally accredited school of mortuary science and passed the national board examination. (Sec. 17)
29. Specifies the pathway to embalmer licensure cannot exceed three years after the person passes the national board examination. (Sec. 17)
30. Exempts a person who was a licensed embalmer's assistant on March 31, 2023, from statutory requirements relating to pathway to licensure. (Sec. 17)
31. Includes alkaline hydrolysis facilities to the statutory requirements relating to lawfully disposing of dead human bodies by written consent. (Sec. 18, 19)
32. Repeals statute relating to assessing a licensee administrative costs and expenses incurred in conducting an investigation relating to violations of statute or rules. (Sec. 22)
33. Directs a licensee who makes arrangements by interstate telecommunications to perform services with a person residing out-of-state to provide the written price lists relating to funeral goods and services offered electronically unless the person does not have internet access. (Sec. 23)
34. Adds the requirement for a licensed funeral establishment that embalms at a central location and not on-site to provide DHS the central location's name, address and license number. (Sec. 24)
35. Adds that the funeral establishment's annual report concerning prearranged funeral sales must include the name of the registered salesperson who sold each prearranged funeral. (Sec. 31)
36. Removes the requirement for certain funeral establishments to file an annual report concerning all prearranged funeral trust accounts. (Sec. 31)
37. Repeals statute relating to state laws and rules examination. (Sec. 9)
38. Repeals statute relating to license renewals. (Sec. 11)
39. Repeals statute relating to funeral establishment license renewal. (Sec. 25)
40. Repeals statute relating to crematory and cremationist license renewals. (Sec. 32)
41. Modifies the definition of *authorizing agent*, *license* and *universal precautions*. (Sec. 1)
42. Makes clarifying and conforming changes. (Sec. 1, 8, 10, 12, 13, 15, 16, 20, 21, 24, 26, 28, 29, 33)

Amendments

Committee on Commerce

1. Restores the requirement for an applicant for an embalmer license and a funeral director license to pass the appropriate state laws and rules examination.
2. Modifies the criteria for determining that a person is on a pathway to licensure.

3. Adds that the pathway to licensure begins when the person is assisting in embalmment or arranging and directing funerals and either:
 - a) while the person is enrolled in an accredited school of mortuary science; or
 - b) after the person has graduated from an accredited school of mortuary science and passed the required examinations.
4. Includes requirements to verify that the person is on a pathway to licensure.