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HB 2140: funeral services; alkaline hydrolysis

Sponsor: Representative Hendrix, LD 14

Senate Engrossed

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 that 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 complaints, investigative reports and documents relating to an investigation. (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 compliant to the public. (Sec. 5)
7. Removes references relating to DHS initiating an informal interview or formal hearing regarding investigating complaints. (Sec. 5, 18)
8. Deletes the length of time in which a temporary license suspension or endorsement may be in place. (Sec. 18)
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. 18)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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10. Includes, as a disciplinary action, that DHS may suspend or revoke a license or endorsement. (Sec. 18)
11. Outlines factors DHS must consider in determining the amount of the civil penalty. (Sec. 18)
12. Requires the actions to enforce the collection of civil penalties to be brought by the Attorney General or the county attorney. (Sec. 18)
13. Removes the requirement for DHS to serve notice and conduct a hearing prior to revoking or suspending a license or endorsement. (Sec. 18)
14. Clarifies DHS may revoke, rather than refuse to renew, a funeral establishment license or a prearranged funeral sales endorsement for specified reasons. (Sec. 24, 27)

Department of Health Services; Licensing & Fees

15. Requires DHS to establish and collect certain fees for:
 - a) prearranged funeral sales establishment 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 renewal fees. (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, 26)
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. Requires a person who desires to reactivate a license to submit an attestation that the person has completed the required continuing education units. (Sec. 9)
21. Removes the requirement for a person to pass the applicable state laws and rules examination to reactivate a license. (Sec. 9)

Advisory Committee

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

Alkaline Hydrolysis

25. Removes the authorization for an alkaline hydrolysis facility to be operated by a responsible cremationist. (Sec. 11)
26. Requires an alkaline hydrolysis facility's refrigerated holding facility to be approved by DHS. (Sec. 11)

27. Removes the ability for an unlicensed person to practice as an alkaline hydrolysis operator if the alkaline hydrolysis facility is operated by a responsible cremationist or a licensed alkaline hydrolysis operator. (Sec. 12)

Miscellaneous

28. 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. 14)

29. Provides the duration period for the pathway to license. (Sec. 14)

30. Provides requirements to verify that a person is on a pathway to licensure. (Sec. 14)

31. Exempts a person who was a licensed embalmer's assistant on March 31, 2023, from statutory requirements relating to pathway to licensure. (Sec. 14)

32. Includes alkaline hydrolysis facilities to the statutory requirements relating to lawfully disposing of dead human bodies by written consent. (Sec. 15, 16)

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. 20)

34. Stipulates a licensed funeral establishment that embalms at a central location and not on-site must provide DHS the central location's name, address and license number. (Sec. 21)

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. 28)

36. Repeals statutes relating to license renewals. (Sec. 8, 22, 29)

37. Repeals statute relating to assessing a licensee administrative costs and expenses incurred in conducting an informal interview or formal hearing. (Sec. 19)

38. Modifies the definition of *authorizing agent*, *license*, and *unprofessional conduct*. (Sec. 1)

39. Makes technical and conforming changes. (Sec. 1, 5, 7, 10, 11, 12, 13, 17, 23, 25, 30)

Senate Amendments

1. Reverts DHS inspections of funeral establishments, crematories, and alkaline hydrolysis facilities to once every five years, rather than every two years.

2. Removes the requirement for an alkaline hydrolysis facility's refrigerated holding facility to be approved by the Department of Health Services.

3. Reinstates the authorization for an unlicensed person to practice as an alkaline hydrolysis operator if the alkaline hydrolysis facility is operated by a responsible cremationist or a licensed alkaline hydrolysis operator.

4. Reinstates the authorization for an alkaline hydrolysis facility to be operated by a responsible cremationist.

5. Specifies that a funeral establishment that embalms at a central location and not on-site is not required to have an on-site preparation room.