

**DNA COLLECTION AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott H. Chew**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill requires DNA to be collected from human remains that will be destroyed.

**Highlighted Provisions:**

This bill:

- ▶ requires the Department of Health and Human Services (department) to determine an effective method for obtaining and transferring DNA from human remains that will be destroyed;

- ▶ allows the department to provide the DNA to a law enforcement agency under certain circumstances; and

- ▶ requires a funeral service director to obtain the DNA from human remains if the remains will be destroyed.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**58-9-502**, as last amended by Laws of Utah 2007, Chapter 144

ENACTS:

**26B-8-232**, Utah Code Annotated 1953



28 [58-9-607.1](#), Utah Code Annotated 1953



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **26B-8-232** is enacted to read:

32 **26B-8-232. DNA collection for storage for cremated human remains.**

33 (1) As used in this section, "funeral service director" means the same as that term is  
34 defined in Section [58-9-102](#).

35 (2) The department shall:

36 (a) determine an effective and economical manner to maintain a sample of DNA from  
37 human remains that will be destroyed in the state;

38 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
39 in consultation with the Division of Professional Licensing and the Department of Public  
40 Safety, make rules providing the method and manner a funeral service director shall follow:

41 (i) to obtain the DNA from the human remains; and

42 (ii) transfer the collected DNA to the department in a manner that maintains chain of  
43 custody.

44 (3) The department shall provide the DNA collected under this section to a law  
45 enforcement agency if a court:

46 (a) determines the law enforcement agency is using the DNA as part of a criminal  
47 investigation;

48 (b) determines the DNA is from a deceased individual who is a suspect of the criminal  
49 investigation described in Subsection (3)(a); and

50 (c) orders the release of the DNA to the law enforcement agency.

51 Section 2. Section **58-9-502** is amended to read:

52 **58-9-502. Unprofessional conduct.**

53 (1) "Unprofessional conduct" includes:

54 (a) the failure of a funeral service director to accurately document, report, and  
55 supervise the activities of a funeral service intern;

56 (b) knowingly soliciting the sale of any funeral service or funeral merchandise for a  
57 person whose death occurred or was imminent prior to the solicitation;

58 (c) paying or offering to pay a commission or anything of value to secure deceased

59 human remains for a funeral service or disposition to:

- 60 (i) medical personnel;
- 61 (ii) a nursing home;
- 62 (iii) a nursing home employee;
- 63 (iv) a hospice;
- 64 (v) a hospice employee;
- 65 (vi) clergy;
- 66 (vii) a government official; or
- 67 (viii) any other third party; [~~and~~]
- 68 (d) failure to provide the following current information to the division:
  - 69 (i) a licensee's business address;
  - 70 (ii) a licensee's primary residence;
  - 71 (iii) a funeral service establishment's funeral service director; or
  - 72 (iv) a supervising funeral service director's funeral service intern's name[-]; and
  - 73 (e) failure to obtain and transfer the DNA of human remains in accordance with

74 Section 26B-8-232.

- 75 (2) "Unprofessional conduct" does not include:
  - 76 (a) general advertising directed to the public at large; or
  - 77 (b) responding to a notification of death from:
    - 78 (i) medical personnel;
    - 79 (ii) a nursing home;
    - 80 (iii) a nursing home employee;
    - 81 (iv) a hospice;
    - 82 (v) a hospice employee;
    - 83 (vi) clergy;
    - 84 (vii) a government official; or
    - 85 (viii) any authorized representative of the family of the deceased person.

86 Section 3. Section **58-9-607.1** is enacted to read:

87 **58-9-607.1. DNA collection for human remains to be destroyed.**

88 Notwithstanding any other provision of a law, before any human remains are destroyed,

89 a funeral service director shall obtain DNA from the human remains in accordance with the

90 rules created under Section [26B-8-232](#).

91 Section 4. **Effective date.**

92 This bill takes effect on July 1, 2024.