

PLEASE NOTE: In most BUT NOT ALL instances, the page and line numbering of bills on this web site correspond to the page and line numbering of the official printed version of the bills.

REFERENCE TITLE: **embalmers; funeral establishments; storing remains**

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

HB 2637

Introduced by

Representatives Stump, Gullett, Huffman, Meza, O'Halleran: Aguirre A, Allen J, Alvarez, Arnold, Barnes, Boone, Bradley, Burns J, Bustamante, Cajero Bedford, Carruthers, Downing, Flake, Gallardo, Gray C, Gray L, Hart, Hershberger, Hubbs, Jackson Jr, Jayne, Konopnicki, Lopes, Lopez L, Mason, McClure, Miranda B, Nelson, Nichols, Pierce, Prezelski, Quelland, Robson, Rosati, Straughn, Thompson, Tully, Wagner, Yarbrough, Senators Anderson, Bee, Blendu, Cannell R, Giffords, Martin

AN ACT

AMENDING TITLE 32, CHAPTER 12, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1340; AMENDING SECTIONS 32-1361 AND 32-1390.01, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 7, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-851; RELATING TO FUNERAL DIRECTORS AND EMBALMERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 32, chapter 12, article 2, Arizona Revised Statutes,
3 is amended by adding section 32-1340, to read:

4 32-1340. Storage of body or remains; licensure; registration;
5 definition

6 A. A PERSON OR ENTITY SHALL BE LICENSED OR REGISTERED PURSUANT TO THIS
7 CHAPTER IF THE PERSON OR ENTITY STORES A DEAD HUMAN BODY OR REMAINS OF A DEAD
8 HUMAN BODY FOR MORE THAN FIVE YEARS EVEN IF THE STORAGE BEGINS BEFORE JANUARY
9 1, 2005.

10 B. FOR THE PURPOSES OF THIS SECTION, "REMAINS" MEANS ANY ORGAN,
11 TISSUE, EYE, BONE, ARTERY OR OTHER PORTION OF A HUMAN BODY AND DOES NOT
12 INCLUDE BLOOD OR ANY OTHER BODILY FLUID.

13 Sec. 2. Section 32-1361, Arizona Revised Statutes, is amended to read:

14 32-1361. Prohibition of embalming or storage by certain
15 persons; certification of embalming; definition

16 A. Only a licensed embalmer, a licensed intern, a registered
17 embalmer's assistant, a registered apprentice embalmer or a student who
18 assists a licensed embalmer in the embalming of dead human bodies pursuant to
19 section 32-1337 shall embalm a dead human body OR STORE A DEAD HUMAN BODY OR
20 REMAINS OF A DEAD HUMAN BODY FOR MORE THAN FIVE YEARS. A licensed intern,
21 registered apprentice embalmer or student may ~~only~~ embalm a dead human body
22 OR STORE A DEAD HUMAN BODY OR REMAINS OF A DEAD HUMAN BODY FOR MORE THAN FIVE
23 YEARS ONLY under the direct supervision of a licensed embalmer.

24 B. A licensed embalmer who embalms or supervises the embalming of a
25 dead human body shall certify the embalming with the embalmer's signature and
26 license number.

27 C. FOR THE PURPOSES OF THIS SECTION, "REMAINS" MEANS ANY ORGAN,
28 TISSUE, EYE, BONE, ARTERY OR OTHER PORTION OF A HUMAN BODY AND DOES NOT
29 INCLUDE BLOOD OR ANY OTHER BODILY FLUID.

30 Sec. 3. Section 32-1390.01, Arizona Revised Statutes, is amended to
31 read:

32 32-1390.01. Funeral establishments; disciplinary action; civil
33 penalty

34 A. The board may deny or refuse to renew the license of a funeral
35 establishment or may take disciplinary action against a funeral establishment
36 for any of the following reasons:

- 37 1. Fraud or misrepresentation in obtaining a license.
- 38 2. Failure to employ and designate a responsible funeral director.
- 39 3. The display or use of a funeral establishment license at any place
40 other than the establishment to which it is issued.
- 41 4. A violation of any provision of title 44, chapter 10, article 7.
- 42 5. A violation of any provision of this chapter or a rule adopted
43 pursuant to this chapter.

1 6. An act by an agent or an employee of a funeral establishment that
2 violates any provision of this chapter or rules adopted pursuant to this
3 chapter.

4 B. The acts or omissions of an agent or employee of a funeral
5 establishment that violate any provision of this chapter or rules adopted
6 pursuant to this chapter are considered to be the acts or omissions of the
7 funeral establishment.

8 C. If the board finds that a funeral establishment has committed an
9 offense listed in subsection A, it may take any of the following actions:

10 1. Issue a letter of censure or reprimand.

11 2. Impose probationary terms as the board considers necessary to
12 protect the public health, safety and welfare and to rehabilitate or educate
13 the licensee, including restitution to any customer or other person who was
14 injured by a violation of this chapter or A rule adopted pursuant to this
15 chapter.

16 3. Impose a civil penalty not to exceed three thousand dollars per
17 violation.

18 4. Revoke the license of the establishment pursuant to a disciplinary
19 proceeding.

20 5. Suspend the license for not more than ninety days for a first
21 offense or not more than one hundred eighty days for a second offense.

22 D. THE BOARD'S POWER UNDER THIS SECTION EXTENDS TO ANY PERSON OR
23 ENTITY THAT STORES A DEAD HUMAN BODY OR REMAINS OF A DEAD HUMAN BODY FOR MORE
24 THAN FIVE YEARS EVEN IF THE STORAGE BEGINS BEFORE JANUARY 1, 2005. FOR THE
25 PURPOSES OF THIS SUBSECTION, "REMAINS" MEANS ANY ORGAN, TISSUE, EYE, BONE,
26 ARTERY OR OTHER PORTION OF A HUMAN BODY AND DOES NOT INCLUDE BLOOD OR ANY
27 OTHER BODILY FLUID.

28 Sec. 4. Title 36, chapter 7, article 3, Arizona Revised Statutes, is
29 amended by adding section 36-851, to read:

30 36-851. Applicability; definition

31 A. THIS ARTICLE DOES NOT APPLY TO A PERSON OR ENTITY THAT CHARGES A
32 FEE FOR THE STORAGE OF A DEAD HUMAN BODY OR REMAINS OF A DEAD HUMAN BODY FOR
33 MORE THAN FIVE YEARS.

34 B. FOR THE PURPOSES OF THIS SECTION, "REMAINS" MEANS ANY ORGAN,
35 TISSUE, EYE, BONE, ARTERY OR OTHER PORTION OF A HUMAN BODY AND DOES NOT
36 INCLUDE BLOOD OR ANY OTHER BODILY FLUID.

37 Sec. 5. Effective date

38 This act is effective from and after December 31, 2004.