

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 139

HOUSE BILL 2442

AN ACT

AMENDING SECTION 36-326, ARIZONA REVISED STATUTES; RELATING TO THE
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 36-326, Arizona Revised Statutes, is amended to
3 read:

4 36-326. Disposition-transit permits

5 A. A funeral establishment or responsible person who takes possession
6 of human remains shall obtain a disposition-transit permit from a local
7 registrar, a deputy local registrar or the state registrar before EITHER OF
8 THE FOLLOWING:

9 1. Providing final disposition of the human remains.

10 ~~B. A funeral establishment or responsible person who takes possession~~
11 ~~of human remains shall obtain a disposition-transit permit from a local~~
12 ~~registrar, a deputy local registrar or the state registrar before~~

13 2. Moving the human remains out of this state.

14 ~~C.~~ B. Human remains moved from a hospital, nursing care institution
15 or hospice inpatient facility must be accompanied by a form provided by the
16 hospital, nursing care institution or hospice inpatient facility authorizing
17 the release of the human remains. The form shall contain the information
18 required in rules adopted pursuant to this chapter.

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

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

33 E. EMBALMED HUMAN REMAINS, DISINTERRED HUMAN REMAINS AND HUMAN REMAINS
34 THAT ARE NOT EMBALMED THAT ARE SHIPPED BY COMMON CARRIER INSIDE OR OUTSIDE OF
35 THIS STATE FOR THE PURPOSES OF BURIAL, CREMATION OR FUNERAL SERVICES SHALL BE
36 PLACED IN A SUITABLE SHIPPING CONTAINER THAT IS DESIGNED FOR THE
37 TRANSPORTATION OF HUMAN REMAINS. HUMAN REMAINS THAT ARE NOT EMBALMED AND
38 THAT ARE SHIPPED INSIDE OR OUTSIDE OF THIS STATE ARE NOT REQUIRED TO BE
39 TRANSPORTED WITHIN TWENTY-FOUR HOURS AFTER DEATH.

40 F. A hospital or abortion clinic is not required to obtain a
41 disposition-transit permit if a product of human conception is expelled or
42 extracted at the hospital or abortion clinic and all the following apply:

43 1. The gestation period of the product of human conception is less
44 than twenty weeks or, if the gestation period is unknown, the weight of the
45 product of human conception is less than three hundred fifty grams.

- 1 2. A county medical examiner's investigation is not required.
2 3. The woman on whom the abortion was performed has authorized the
3 hospital or abortion clinic to dispose of the product of human conception.
4 G. To obtain a disposition-transit permit, a funeral establishment or
5 responsible person must submit the information required pursuant to this
6 chapter and rules adopted pursuant to this chapter to the state registrar or
7 to the local registrar or deputy local registrar of the registration district
8 where the death occurred.
9 H. A local registrar, a deputy local registrar or the state registrar
10 shall provide a disposition-transit permit to a funeral establishment or
11 other responsible person if the information provided pursuant to subsection B
12 complies with this chapter and rules adopted pursuant to this chapter.
13 I. A local registrar, a deputy local registrar or the state registrar
14 shall provide a disposition-transit permit for interment of human remains in
15 a cemetery only if the location of the cemetery has been recorded in the
16 office of the county recorder in the county where the cemetery is located or
17 the cemetery is located on federal or tribal land.
18 J. A local registrar, a deputy local registrar or the state registrar
19 shall provide a disposition-transit permit issued by this state for the final
20 disposition of human remains in this state on receipt of a
21 disposition-transit permit from another state that accompanies the human
22 remains from the other state.

APPROVED BY THE GOVERNOR APRIL 17, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2006.