Senate Engrossed House Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 348

# HOUSE BILL 2475

AN ACT

AMENDING SECTION 32-1365, ARIZONA REVISED STATUTES; RELATING TO FUNERAL ESTABLISHMENT PRACTICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 32-1365, Arizona Revised Statutes, is amended to read:

32-1365. Violations; classification

A. It is unlawful:

1. For an embalmer or embalmer's assistant who knows or should know of a fact that is sufficient to raise suspicion of a crime related to the cause of death or a crime against a dead human body to embalm a dead human body without the permission of the county medical examiner or any other proper official in whose jurisdiction the embalming is to be performed.

2. To disinter a dead human body for removal to any location other than the original cemetery of burial except under the direction of a licensed funeral director.

3. To use, for burial purposes, a casket previously used as a receptacle for the burial or other disposition of a dead human body.

4. To sell a casket that has been used for rental purposes unless fully disclosed in writing to the purchaser and at least the pillow and the mattress have been replaced.

5. For a funeral director or embalmer, or an agent of a funeral director or embalmer, after a death or while a death is impending, to knowingly pay, offer to pay or cause to be paid, directly or indirectly, a sum of money or any other valuable consideration for securing business relating to the death. This paragraph does not prohibit the payment of commissions to salespersons and funeral directors who are employed by a funeral establishment.

6. To knowingly pay, offer to pay or cause to be paid any commission, bonus, rebate or other consideration to a funeral director or embalmer, or to an agent or employee of a funeral director or embalmer, as an inducement to cause a dead human body to be unlawfully disposed of in a crematory or cemetery or to recommend the unlawful disposition of a dead human body in a crematory or cemetery.

7. For any funeral establishment or funeral director to advertise under any name that tends to mislead the public or that sufficiently resembles the professional or business name of another licensed funeral director or establishment as to cause confusion or misunderstanding.

8. FOR A FUNERAL DIRECTOR OR EMBALMER OR AN AGENT OF A FUNERAL DIRECTOR OR EMBALMER RESPONSIBLE FOR DIRECTING THE LAWFUL DISPOSITION OF A DEAD HUMAN BODY TO HOLD A DIRECT PECUNIARY OR PROPRIETARY INTEREST IN A PROCUREMENT ORGANIZATION AS DEFINED IN SECTION 36-841. THIS PARAGRAPH DOES NOT PRECLUDE REASONABLE PAYMENTS TO A FUNERAL ESTABLISHMENT OR A LICENSEE FOR THE PREPARATION, TRANSPORTATION, PRESERVATION, STORAGE AND DELIVERY OF A DEAD HUMAN BODY TO A PROCUREMENT ORGANIZATION AS DEFINED IN SECTION 36-841.

9. FOR A FUNERAL ESTABLISHMENT OWNER OR OPERATOR TO INFLUENCE EMPLOYEES OF THE FUNERAL ESTABLISHMENT TO DIRECT HUMAN REMAINS TO A

1 PROCUREMENT ORGANIZATION IN WHICH THE OWNER OR OPERATOR OF THE FUNERAL
2 ESTABLISHMENT HAS A DIRECT PECUNIARY OR PROPRIETARY INTEREST.
3 10. FOR A PROCUREMENT ORGANIZATION AND A FUNERAL ESTABLISHMENT TO
4 OPERATE ON THE SAME PREMISES.
5 B. Unless another penalty is specifically provided, a person who
6 intentionally and knowingly violates any provision of this chapter is guilty
7 of a class 2 misdemeanor.

APPROVED BY THE GOVERNOR MAY 18, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 18, 2016.

Passed the House February 18, 2016

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

Speaker of the House

☐ Pro Tempore

Jim Drake

Chief Clerk of the House

Passed the Senate April 5, 2016

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

President of the Senate

Susan Allen

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary to the Governor

Approved this _____day of

_____

at _____o'clock _____M.

_____
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary of State

H.B. 2475

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 6, 20 16,

by the following vote: 53 Ayes,

0 Nays, 7 Not Voting

Speaker of the House

Jim Drake
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6th day of May, 20 16

at 1:10 o'clock P. M.

Tristan Lynnar
Secretary to the Governor

Approved this 18th day of

May, 20 16,

at 8:57 o'clock A M.

Doug A. Ducey
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18th day of May, 20 16,

at 12:05 o'clock P M.

Michele Reagan
Secretary of State

H.B. 2475