

www.azsos.gov

Arizona Administrative REGISTER

Published by the Department of State ~ Office of the Secretary of State

Volume 32, Issue 6 ~ Administrative Register Contents ~ February 6, 2026

Information 304
 Rulemaking Guide/Information..... 305

RULES AND RULEMAKING

Proposed Rulemaking, Notices of
 9 A.A.C. 9 Department of Health Services - Human Remains 307

OTHER AGENCY NOTICES

Agency Guidance Document, Notices of
 Department of Health Services 374

Substantive Policy Statement, Notices of
 Board of Psychologist Examiners 376

INDEXES

 Register Index Ledger 378
 Register Page Guide for 2026 - Volume 32..... 379
 Rulemaking Activity, Cumulative Index for 2026 380
 Other Notices and Public Records, Cumulative Index for 2026 381

CALENDAR/DEADLINES

 Rules Effective Dates Calendar..... 382
 Register Publishing Deadlines..... 384

GOVERNOR'S REGULATORY REVIEW COUNCIL

 Governor's Regulatory Review Council Deadlines 385

DIRECTOR
Administrative Rules Division
Scott Cancelosi

PUBLISHER
SECRETARY OF STATE
ADRIAN FONTES

RULES MANAGING EDITOR
Arizona Administrative Register
Rhonda Paschal

From the Publisher

ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Office of the Secretary of State’s website is the official published version for rulemaking activity in the state of Arizona. The *Register* is published weekly by issue number, every Friday by the Administrative Rules Division.

The *Register* is cited by volume and page number. Volumes are published by calendar year. Page numbering continues in each weekly issue.

The *Register* contains notices of docket openings, proposed, final, emergency, expedited, exempt, and terminated rules as defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10. Other “notice only” filings are published in the *Register* which includes Informal Public Meetings on an Open Rulemaking Docket, Formal Rulemaking Advisory Committees, Public Information, Oral Proceedings, Public Hearings, Public Meetings, Agency Guidance Documents, Substantive Policy Statements, Proposed Delegation Agreements, Final Delegation Agreements, and Agency Ombudsman.

ABOUT AMENDMENTS TO RULES

Rulemaking is defined in the APA. Rules can be made (all new text); amended (changed) or repealed (removed) as codified in the *Arizona Administrative Code*; or renumbered (moving rules to a different Section number). New rules published in the *Register*, whether proposed or made as a final rule, are underlined; repealed rules (text being removed), is stricken.

ABOUT THE TABLE OF CONTENTS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this Chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking.

ABOUT FILE NUMBERS

Notices filed in the Division are assigned a file number. This number is enclosed in brackets and located at the top right of the published documents in the *Register*. Original filed notices are available in pdf for free. For a copy, contact our Division with the file number.

ABOUT THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* (A.A.C) contains codified text of rules. When published, the underling and striking of text in notices as published in the *Register* are removed. The codified rules have either been approved by the Governor’s Regulatory Review Council or Attorney General as prescribed under the APA. The *Code* also contains rules exempt from the rulemaking process, and emergency rules. The authenticated pdf of *Code* Chapters posted on the Office of the Secretary of State’s website are the official published version of rules in the A.A.C. The *Code* is posted online for free.

Arizona Administrative **REGISTER**

February 6, 2026

Volume 32

Issue 6

PUBLISHER
SECRETARY OF STATE
Adrian Fontes

ADMINISTRATIVE RULES STAFF

DIRECTOR
Scott Cancelosi

RULES MANAGING EDITOR
Rhonda Paschal

ADMINISTRATIVE REGISTER
This publication is available online for
free at www.azsos.gov.

ADMINISTRATIVE CODE
The *Arizona Administrative Code* is
available online at www.azsos.gov.

PUBLICATION DEADLINES
Publication dates are published in the
back of the *Register*. These dates
include file submittal dates with a
three-week turnaround from filing to
published document.

CONTACT US
Mailing Address:
ADMINISTRATIVE RULES DIVISION
Office of the Secretary of State
1700 W. Washington Street, Fl. 7
Phoenix, AZ 85007
(602) 364-3223

The Office of the Secretary of State is
an equal opportunity employer.

How to Participate in Rulemaking

Review Published Notices

Review notices published in the *Arizona Administrative Register*.

The Preamble at the beginning of a notice contains information about the rulemaking and provides agency justification and regulatory intent. Agency contact information is published in the Preamble for those interested in participating in the rulemaking process.

The Preamble includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

Agency Contact Lists

Many agencies maintain stakeholder lists to contact those interested in proposed changes to rules. Check an agency's website and its newsletters for information about notices, oral proceedings, and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. Refer to A.R.S. § 41-1033 for more information.

Attend a Public Meeting

Attend a public meeting, known as an oral proceeding, being conducted by the agency on a Notice of Proposed Rulemaking.

A proceeding may be listed in the Preamble of a Notice of Proposed Rulemaking or an agency may inform the public of the meeting in a Notice of Oral Proceeding. Attend the meeting and be prepared to speak and comment.

An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Refer to information in the Preamble.

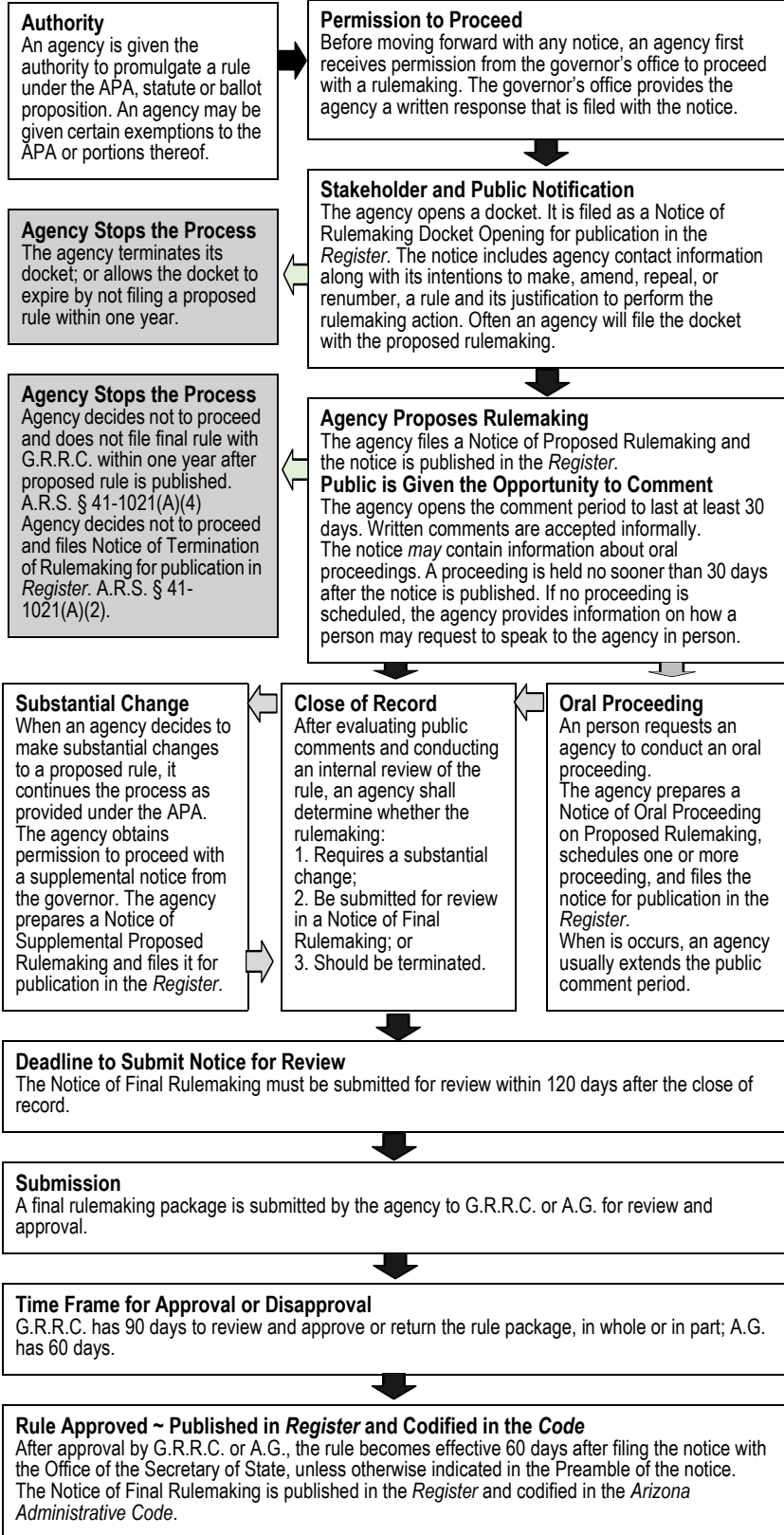
Write the Agency

Put your comments in writing and send them to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process, before the rules are filed with the Secretary of State.

THE REGULAR RULEMAKING PROCESS

START THE PROCESS HERE



Definitions and Acronyms

Arizona Administrative Code, Code (A.A.C.): Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

Arizona Administrative Register, Register (A.A.R.): The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The "§" symbol simply means "section." Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor's Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or "Laws": When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word "Laws" is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation "Ch.," and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Arizona Administrative Register
NOTICES OF PROPOSED RULEMAKING

Volume 32

Issue 6

February 6, 2026

NOTICES OF PROPOSED RULEMAKING

The APA requires an agency file a Notice of Rulemaking Docket Opening which outlines its rulemaking intentions under A.R.S. § 41-1021. A docket opening and Notice of Proposed Rulemaking are often filed at the same time and published in the same *Register* issue. If they are not filed at the same time, information on where the docket opening was published is listed in the preamble of the proposed rulemaking.

An agency must allow at least 30 days to elapse after the publication of the Notice of Pro-

posed Rulemaking in the *Register* before scheduling any oral proceedings. Written public comments shall be accepted for at least 30 days after the published notice. Refer to A.R.S. §§ 41-1013, 41-1022 and 41-1023.

Questions about the notice can be answered by the person listed in item #5 of the preamble.

Refer to item #11 for information on how to comment on this notice, the close of record to comment, and information related to oral proceedings.

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

**CHAPTER 9. DEPARTMENT OF HEALTH SERVICES
HUMAN REMAINS**

SUBCHAPTER 9B. FUNERAL INDUSTRY

[R26-04]

PREAMBLE

- 1. Permission to initiate this proposed rulemaking was granted under A.R.S. § 41-1039(A) by the governor on:**
October 19, 2023

<u>2. Article, Part or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R9-9B-101	Amend
R9-9B-102	Amend
Table 1.1	Amend
R9-9B-103	Amend
R9-9B-104	Amend
R9-9B-201	New Section
R9-9B-202	New Section
R9-9B-203	Amend
R9-9B-204	Amend
R9-9B-205	Amend
R9-9B-206	Repeal
R9-9B-206	New Section
R9-9B-207	Repeal
R9-9B-207	New Section
R9-9B-208	Repeal
R9-9B-209	Repeal
R9-9B-301	Amend
R9-9B-302	Amend
R9-9B-303	New Section
R9-9B-304	Repeal
R9-9B-304	New Section
R9-9B-305	Repeal
R9-9B-305	New Section
R9-9B-306	Repeal
R9-9B-306	New Section

Arizona Administrative Register
NOTICES OF PROPOSED RULEMAKING

R9-9B-307	Repeal
R9-9B-307	New Section
R9-9B-308	Amend
R9-9B-309	Repeal
R9-9B-309	New Section
R9-9B-310	New Section
R9-9B-311	New Section
R9-9B-312	Repeal
R9-9B-313	Repeal
R9-9B-314	Repeal
R9-9B-315	Repeal
R9-9B-316	Repeal
R9-9B-317	Repeal
R9-9B-318	Repeal
R9-9B-319	Repeal
R9-9B-320	Repeal
R9-9B-321	Repeal
R9-9B-322	Repeal
R9-9B-323	Repeal
R9-9B-324	Repeal
R9-9B-325	Repeal
R9-9B-326	Repeal
R9-9B-401	Amend
R9-9B-402	New Section
R9-9B-403	New Section
R9-9B-404	New Section
R9-9B-405	New Section
R9-9B-406	Repeal
R9-9B-406	New Section
R9-9B-407	New Section
R9-9B-408	New Section
R9-9B-409	New Section
R9-9B-410	New Section
R9-9B-411	New Section
R9-9B-412	Repeal
R9-9B-413	Repeal
R9-9B-414	Repeal

3. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. §§ 32-1307 and 36-136(G)

Implementing statute: A.R.S. § 32-1309 and A.R.S. Title 32, Chapter 12, Articles 2, 2.1, 3, 3.1, 4, 5, and 6

4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the current record of the proposed rule:

Notice of Rulemaking Docket Opening: 29 A.A.R. 3639; Issue Date: November 24, 2023; Issue Number: 47; File Number: R23-233

Notice of Proposed Expedited Rulemaking: 30 A.A.R. 2210; Issue Date: July 5, 2024; Issue Number: 27; File Number: R24-120

Notice of Rulemaking Docket Opening: 30 A.A.R. 3251; Issue Date: November 1, 2024; Issue Number: 44; File Number: R24-213

Notice of Final Expedited Rulemaking: 30 A.A.R. 3657; Issue Date: November 29, 2024; Issue Number: 48; File Number: R24-258

Notice of Rulemaking Docket Opening: 31 A.A.R. 4342; Issue Date: November 14, 2025; Issue Number: 46; File Number: R25-257

Notice of Recodification: 32 A.A.R. 177; Issue Date: January 9, 2026; Issue Number: 2; File Number: R25-300

5. The agency's contact person who can answer questions about the rulemaking:

Name: Megan McMinn
Title: Bureau Chief
Division: Bureau of Licensing for Professions and Occupations
Address: Arizona Department of Health Services
150 N. 18th Ave., Suite 410

NOTICES OF PROPOSED RULEMAKING

Phoenix, AZ 85007
Telephone: (602) 364-3056
Email: megan.mcminn@azdhs.gov
or
Name: Stacie Gravito
Title: Office Chief
Division: Office of Administrative Counsel and Rules
Address: Arizona Department of Health Services
150 N. 18th Ave., Suite 540
Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
Email: ACR@azdhs.gov

6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

Laws 2023, Ch. 194, amended Arizona Revised Statutes (A.R.S.) § 32-1307(A)(4), which transferred the authority, powers, duties, and responsibilities of the State Board of Funeral Directors and Embalmers for regulating funeral establishments, crematories, funeral directors, embalmers, embalmer's assistants, and cremationists to the Arizona Department of Health Services ("Department"). The Board of Funeral Directors and Embalmers had established rules to comply with statutory requirements in *Arizona Administrative Code* (A.A.C.) Title 4, Chapter 12. The Department had adopted rules for procurement organizations, pursuant to A.R.S. § 36-851.01, in A.A.C. Title 9, Chapter 9. After receiving rulemaking approval pursuant to A.R.S. § 41-1039(A) to restructure 9 A.A.C. 9 and adopt rules in A.A.C. Title 9 for the funeral industry, the Department completed the first part of the rulemaking, splitting 9 A.A.C. 9 into two Subchapters and moving requirements for procurement organizations into 9 A.A.C. 9A. The Department has recodified rules from 4 A.A.C. 12 into the "Reserved" Subchapter 9B and, in the second part of the rulemaking, is adopting new and revised rules for the funeral industry. New statutory requirements are being incorporated as part of this portion of the rulemaking, including requirements related to new methods through which cremation may be performed.

7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Department did not review or rely on any study for this rulemaking.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The preliminary summary of the economic, small business, and consumer impact:

Under these rules, the Department regulates 455 funeral directors, including 20 multiple funeral directors; 420 embalmers; 364 cremationists, 182 funeral establishments, with 39 having a prearranged funeral sales endorsement; and 63 crematories. In addition, six embalmer's assistants may be affected by the rules, since the statutes have grandfathered licenses for those already licensed as embalmer's assistants before the statutory changes. Others who may be affected by this rulemaking include the Arizona Department of Insurance and Financial Institutions, individuals with prearranged funeral agreements, individuals whose loved ones are deceased, and the general public. Annual costs/revenues are designated as minimal when more than \$0 and \$1,000 or less, moderate when between \$1,000 and \$10,000, and substantial when \$10,000 or greater in additional costs or revenues. A cost is listed as significant when meaningful or important, but not readily subject to quantification. No fee increase is associated with this rulemaking.

In this rulemaking, the Department has taken requirements in the current rules, many of which have been in effect for more than 40 years, and put them into a more modern rules format, making the rules clearer and more understandable. The new rules include relevant requirements from statutes and reflect both current industry practices and how the rules are being implemented by the Department. The Department anticipates that these changes may provide a significant benefit to all persons affected by the rules.

The new rules contain additional requirements for applicants for funeral establishment or crematory licenses, such as the submission of a floor plan. The Department believes that the new requirements in an application for a funeral establishment or crematory license may impose a minimal additional cost increase on applicants, but may also provide a significant benefit in having rules that align with Department practice. The increased time for processing applications for prearranged sales endorsements, from 60 days to 90 days to match the processing time for other facility applications, may cause a minimal-to-moderate cost increase to a funeral establishment. Requirements related to individuals on the pathway to licensure as a funeral director or embalmer are included in the new rules, and the Department anticipates that complying with these requirements, although required in statute, may impose a minimal cost increase on a funeral establishment utilizing an individual on the pathway to licensure to provide services as a funeral director or an embalmer.

Applications may now be submitted online. The overall time to process applications has been shortened for professional licensing, from 110 days to 60 days, and for processing applications for funeral establishment and crematory licenses, from 110 days to 90 days. In compliance with Laws 2024, Ch. 133, the requirements for license renewal have been replaced with provisions for annual payment of licensing fees, and allow for requests for an annual licensing fee due date to be different from the anniversary date of a license or prearranged funeral sales endorsement. The Department anticipates that these changes may impose a minimal cost

NOTICES OF PROPOSED RULEMAKING

increase on the Department, while providing a minimal-to-moderate benefit to an applicant for a funeral industry professional license, funeral establishment license, or a crematory license. Changes affecting a license are also addressed in the new rules and include for all licensees name changes and changes in contact information, and, for funeral establishments and crematories, changes of locations. Having these requirements in rule provides transparency in expectations, as well as clarifying requirements, and may provide a significant benefit to all licensees. Having requirements related to a modification of a funeral establishment's or crematory's premises are new to the rules, but align with the Department's current practice. The Department anticipates that this addition may impose a minimal cost increase on a funeral establishment or crematory, but may also provide a significant benefit by reducing confusion about the inconsistency between rule and practice.

There are requirements in R9-9B-304 and R9-9B-403 for a funeral establishment or crematory, respectively, to develop policies and procedures delineating how the funeral establishment or crematory will accomplish certain activities, many of which are already specified in the current rules. These include policies and procedures to track human remains and cremated remains in the custody of the funeral establishment or crematory and to monitor the condition of human remains and document concerns. While this requirement for policies and procedures is standard in the Department's rules for licensed facilities and a good business practice, it is new to the rules for the funeral industry. The Department estimates that developing policies and procedures may impose as much as a moderate one-time cost on a funeral establishment or crematory that does not already have them as a standard business practice. Having and following these policies and procedures may improve compliance by funeral establishments and crematories and may provide a significant benefit to individuals whose loved ones are deceased. Requirements for a funeral establishment with a prearranged funeral sales endorsement to notify holders of existing prearranged funeral agreements funded by trust regarding key changes may also impose a minimal cost increase on a funeral establishment with a prearranged funeral sales endorsement that is required to make such a notification, but may provide a significant benefit to individuals considering or purchasing a prearranged funeral agreement. Requirements related to personnel, their qualification, and records are also new to rules for funeral establishments and crematories and may impose a minimal-to-moderate cost increase on a funeral establishment or crematory that did not already follow these requirements.

Requirements dealing with the operation of a funeral establishment are in R9-9B-306, and include those required by the Federal Trade Commission Funeral Industry Practices regulations, with which funeral establishments must already comply. The rule also incorporates requirements currently listed as prohibitive practices for a funeral establishment, but in a manner that makes the requirements clearer and more understandable. The Department believes that these changes may provide a significant benefit to a funeral establishment. New requirements related to situations that were not anticipated when the rules were adopted decades ago, such as when human remains accepted by a funeral establishment contain implanted or infused radioactive material, have been added to the rules. The Department anticipates that these new requirements may impose a moderate-to-substantial cost increase on a funeral establishment, but also provide a funeral establishment with a significant benefit from knowing what to do with the human remains to protect staff and the public, avert exposing staff and equipment of a crematory to which the human remains might be sent to radioactive emissions, and avoid possible negative publicity or litigation. These requirements may also help protect the health and safety of loved ones of deceased individuals and, thus, provide a significant benefit to these individuals and the general public.

The requirements in R9-9B-307 and R9-9B-308 only affect those funeral establishments with a prearranged funeral endorsement. The wording of these requirements was developed in coordination with the Arizona Department of Insurance and Financial Institutions, which is responsible for auditing the trust accounts and annual reports submitted according to R9-9B-308. In addition to restating what is in the current rule, a requirement for a copy of documentation showing the year-end balance of the trust account has been added at the recommendation of the Arizona Department of Insurance and Financial Institutions. The Department believes these changes will impose at most a minimal cost increase on a funeral establishment with a prearranged funeral endorsement and may provide a significant benefit to the Arizona Department of Insurance and Financial Institutions in complying with A.R.S. § 32-1391.03.

In the new rules, environmental and physical plant requirements for funeral establishments are in R9-9B-309. Although they reflect current Department requirements for licensed facilities, such requirements are new to funeral industry rules, which are generally silent on environmental and physical plant requirements. The rule includes requirements for the building to help ensure the health and safety of staff and members of the public entering the funeral establishment; requirements for separate and designated areas or rooms for certain functions, consistent with A.R.S. § 32-1382; a documented pest control program; requirements for bio-hazardous medical waste, combustible or flammable liquids, and embalming fluid to ensure health and safety; and requirements related to the transport of human remains to ensure the security and dignity of human remains and the health and safety of those who may come in contact with the human remains. Although they are standard practice, if a funeral establishment were not already complying with these requirements, the new rules could impose as much as a substantial cost increase on the funeral establishment to come into compliance.

The new rules include two new methods by which cremation may be provided (alkaline hydrolysis and natural organic reduction), as required by statutory changes. Operational requirements that are applicable to all crematories, regardless of the method of cremation provided, are contained in R9-9B-405, with general environmental requirements in R9-9B-406. Most of these requirements are in the current rules or specified in statutes and are standard industry practice. Because a crematory may be licensed to provide and cremation may now be performed by any of three methods, the general operational requirements in R9-9B-405 specify that a licensee must ensure that the crematory does not accept human remains that are unsafe or unsuitable for the cremation method selected. For those crematories that are performing cremations consistent with standard industry practice, the Department expects that these requirements may impose at most a minimal cost increase on a crematory, mostly to become familiar with the rules, and may provide a significant benefit from the clarity of the requirements. However, a crematory that was not already compliant with these requirements might incur moderate-to-substantial costs due to the requirements in the rule.

NOTICES OF PROPOSED RULEMAKING

As mentioned for funeral establishments, new requirements have been added to the rules to address human remains that contain implanted or infused radioactive material. These requirements in R9-9B-306, as well as requirements in R9-9B-405 that include training of employees, may reduce the chance that such human remains are sent to a crematory and, if accepted by a crematory, enable the crematory to better handle the human remains. The Department believes that these changes may cause crematories to incur a minimal increase in costs, but also provide a significant and potentially substantial benefit.

A crematory may be separately licensed to perform cremations by any or all of the three cremation methods, but must ensure that each is performed in accordance with requirements in the rules. A separate log of cremation is required for each method of cremation provided by a crematory, which may cause a crematory providing cremation by more than one method of cremation to incur a minimal additional cost. Requirements specific to each of the methods of cremation are found in R9-9B-407 for cremation through combustion, R9-9B-408 for cremation through alkaline hydrolysis, and R9-9B-409 for cremation through natural organic reduction. All licensed crematories in Arizona currently perform cremation through combustion, and the requirements in the R9-9B-407 are consistent with what a currently licensed crematory should be doing according to statute and rule. The Department believes that, if a crematory were not already complying with these requirements, the requirements in R9-9B-407 could impose no more than a minimal-to-moderate increase in costs. The requirements in R9-9B-408 are consistent with national standards for facilities providing cremation through alkaline hydrolysis and are in line with recommendations from the Arizona Department of Environmental Quality. The ability of a crematory to provide cremation through natural organic reduction was added to statutes by Laws 2024, Ch. 22, and requirements related to the regulation of these facilities have been included in the new rules. The requirements in R9-9B-409 are also consistent with national standards for facilities providing cremation through natural organic reduction. The Department anticipates that a crematory wanting to provide cremation through alkaline hydrolysis or natural organic reduction may incur up to substantial costs to comply with these requirements, but may also benefit from being able to provide a method of cremation other than through combustion.

10. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Megan McMinn
Title: Bureau Chief
Division: Bureau of Licensing for Professions and Occupations
Address: Arizona Department of Health Services
150 N. 18th Ave., Suite 410
Phoenix, AZ 85007
Telephone: (602) 364-3056
Email: megan.mcminn@azdhs.gov

or

Name: Stacie Gravito
Title: Office Chief
Division: Office of Administrative Counsel and Rules
Address: Arizona Department of Health Services
150 N. 18th Ave., Suite 540
Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
Email: ACR@azdhs.gov

11. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Department has scheduled the following oral proceeding:

Date and time: Monday, March 9, 2026, at 1:00 p.m.
Location: 150 N. 18th Ave., Room 415B
Phoenix, AZ 85007
Close of record: Monday, March 9, 2026, at 4:00 p.m.

A person may submit written comments on the proposed rules no later than the close of record to either of the individuals listed in items 5 and 10.

A person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Stacie Gravito at ACR@azdhs.gov or (602) 542-1020. Requests should be made as early as possible to allow time to arrange the accommodation.

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

A funeral industry professional license, issued according to A.R.S. Title 32, Chapter 12, and 9 A.A.C. 9B, Article 2, is a general permit. A funeral establishment license, issued according to A.R.S. § 32-1381 through 32-1383 and 9 A.A.C. 9B,

NOTICES OF PROPOSED RULEMAKING

Article 3, or crematory license, issued according to A.R.S. § 32-1393 through 32-1395 and 9 A.A.C. 9B, Article 4, is specific to the license holder, location, and scope of services provided. As such, a general permit is not applicable and is not used.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The rule is not more stringent than federal law. Applicable federal law includes 16 CFR 453, Federal Trade Commission Funeral Industry Practices.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No business competitiveness analysis was received by the Department.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

The following is incorporated by reference in R9-9B-306(A):
16 CFR 453, Federal Trade Commission Funeral Industry Practices (1994).

14. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 9. DEPARTMENT OF HEALTH SERVICES
HUMAN REMAINS

SUBCHAPTER B. FUNERAL INDUSTRY

ARTICLE 1. GENERAL PROVISIONS

Section

- R9-9B-101. Definitions
- R9-9B-102. Time-frames for Approval
Table 1.1. Time-frames (in calendar days)
- R9-9B-103. Fees
- R9-9B-104. ~~Renewal~~ Submission of Fees

ARTICLE 2. FUNERAL INDUSTRY PROFESSIONAL LICENSING

Section

- R9-9B-201. ~~Reserved~~ Application for a Funeral Director License
- R9-9B-202. ~~Reserved~~ Application for a Multiple Funeral Director License
- R9-9B-203. Application for ~~an Intern~~, an Embalmer, ~~or a Funeral Director~~ License
- R9-9B-204. Application for a Cremationist License for Cremation through Combustion, Alkaline Hydrolysis, or Natural Organic Reduction
- R9-9B-205. Continuing Education ~~Hours Required~~
- R9-9B-206. ~~Waiver of Continuing Education~~ Changes Affecting a License
- R9-9B-207. ~~Continuing Education Determinations~~ Enforcement Action
- R9-9B-208. ~~Documentation of Continuing Education~~ Repealed
- R9-9B-209. ~~Reinstatement~~ Repealed

ARTICLE 3. FUNERAL ESTABLISHMENT LICENSING

Section

- R9-9B-301. Application for a Funeral Establishment License or Interim Funeral Establishment Permit
- R9-9B-302. Application for a Prearranged Funeral Sales Endorsement
- R9-9B-303. ~~Reserved~~ Changes Affecting a License
- R9-9B-304. ~~General Funeral Services Requirements~~ Administration
- R9-9B-305. ~~Deceptive Practices Prohibited~~ Personnel
- R9-9B-306. ~~Misrepresentation of Legal or Cemetery Requirements~~ Operations
- R9-9B-307. ~~Consumer Disclosures~~ Prearranged Funeral Agreements Funded by Trust
- R9-9B-308. ~~Annual Report Format~~ Annual Reports on Trust Accounts for Prearranged Funeral Agreements
- R9-9B-309. ~~Equipment and Sanitation Requirements~~ Environmental and Physical Premises Requirements
- R9-9B-310. ~~Reserved~~ Inspections
- R9-9B-311. ~~Reserved~~ Enforcement Action
- R9-9B-312. ~~Telephone Price Disclosures Requirement~~ Repealed
- R9-9B-313. ~~Price Lists Requirement~~ Repealed
- R9-9B-314. ~~Merchandise Price Card Requirement~~ Repealed
- R9-9B-315. ~~Funeral Goods and Services Memorandum~~ Repealed

NOTICES OF PROPOSED RULEMAKING

- R9-9B-316. ~~Minimum Embalming Requirements~~ Repealed
- R9-9B-317. ~~Surety Bond Requirements~~ Repealed
- R9-9B-318. ~~Deceptive, Misleading, or Professionally Negligent Practices~~ Repealed
- R9-9B-319. ~~Description of Casket~~ Repealed
- R9-9B-320. ~~Possession of Trust Account Passbook~~ Repealed
- R9-9B-321. ~~Certificate of Entitlement~~ Repealed
- R9-9B-322. ~~Certificate of Performance~~ Repealed
- R9-9B-323. ~~Statement of Accrued Taxes~~ Repealed
- R9-9B-324. ~~Notice of Trust Account Transfer~~ Repealed
- R9-9B-325. ~~Purchaser Cancellation Requests~~ Repealed
- R9-9B-326. ~~Records Retention Requirement~~ Repealed

ARTICLE 4. CREMATORY LICENSING

Section

- R9-9B-401. ~~Application for a Crematory License~~ or Interim Crematory Permit
- R9-9B-402. ~~Reserved~~ Changes Affecting a License
- R9-9B-403. ~~Reserved~~ Administration
- R9-9B-404. ~~Reserved~~ Personnel
- R9-9B-405. ~~Reserved~~ General Operational Requirements for Cremation
- R9-9B-406. ~~Crematory Requirements~~ Environmental and Physical Premises Requirements
- R9-9B-407. ~~Reserved~~ Additional Requirements for Cremation through Combustion
- R9-9B-408. ~~Reserved~~ Additional Requirements for Cremation through Alkaline Hydrolysis
- R9-9B-409. ~~Reserved~~ Additional Requirements for Cremation through Natural Organic Reduction
- R9-9B-410. ~~Reserved~~ Inspections
- R9-9B-411. ~~Reserved~~ Enforcement Action
- R9-9B-412. ~~Requirements for a Funeral Establishment that Provides for Cremation~~ Repealed
- R9-9B-413. ~~Records Requirements for Crematories and Funeral Establishments that Provide for Cremation~~ Repealed
- R9-9B-414. ~~Disposition of Records~~ Repealed

ARTICLE 1. GENERAL PROVISIONS

R9-9B-101. Definitions

In addition to the definitions in A.R.S. § 32-1301, the following definitions apply in this Subchapter:

1. “Applicant” means:
 - a. An individual requesting ~~to take a state equivalent examination~~ a license issued by the Department under this Subchapter;
 - b. An individual requesting ~~a reinstatement or an initial or renewal~~ inactivation of a license or registration issued by the Department or reactivation of an inactive license; or
 - c. One of the following if requesting ~~an interim permit or an initial or renewal~~ a funeral establishment license, a crematory license, or a prearranged funeral sales establishment endorsement, an interim permit, or an extension of an interim permit:
 - i. The individual, if a sole proprietorship;
 - ii. Any two of the corporation’s officers, if a corporation;
 - iii. The managing partner, if a partnership or limited liability partnership; or
 - iv. The designated manger, or if no manger is designated, any two members of the limited liability company, if a limited liability company.
2. “~~Application packet~~” means the documents, forms, and additional information required by the Department ~~for an initial or renewal application for when requesting a license, registration, a prearranged funeral sales endorsement, an interim permit, an extension of an interim permit, inactivation of a license under Article 2 of this Subchapter, reactivation of an inactive license under Article 2 of this Subchapter, or reinstatement~~ a change affecting a license.
3. “Burial” means a disposition of human remains, other than direct cremation.
4. “Cash advance item” means ~~any service or merchandise such as pallbearers, transportation, clergy, flowers, motorcycle escorts, hair dressers, barbers, nurses, obituary notices, or death certificates, which is paid for by a funeral establishment on behalf of a purchaser and charged to the purchaser at the same amount as originally purchased.~~
4. “Calendar day” means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
5. “Continuing education” means a workshop, seminar, lecture, conference, class, or instruction related to funeral practices.
6. “Credit hour” means 60 minutes of participation in continuing education.
7. “Day” means calendar day.
7. “Date” means the month, day, and year of an event.

NOTICES OF PROPOSED RULEMAKING

8. "Direct cremation" means cremation of human remains without a formal viewing, ceremony, or visitation of the human remains except for identification purposes.
9. "Disposition-transit permit" means the document that meets the requirements in A.R.S. § 36-326 and A.A.C. R9-19-302.
10. "Endorsement" means a written authorization issued by the Department to a funeral establishment to offer or sell prearranged funeral agreements under Article 4 of this Subchapter.
11. "Fraud," "misleading," or "false" means the actions described in A.R.S. § 44-1522.
12. "Funeral establishment that provides for cremation" means a funeral establishment that owns a crematory on or off the funeral establishment's premises or contracts with a crematory for cremation.
13. "Immediate burial" means a disposition of human remains, other than direct cremation, without a formal viewing, ceremony, or visitation except for identification purposes.
14. "Harmful" means to cause damage or impairment to an individual's body.
15. "Manager" means an individual who manages according to A.R.S. § 32-1301.
16. "Party" has the meaning in A.R.S. § 41-1001.
17. "Permanent" means everlasting and existing perpetually.
12. "Person" means the same as in A.R.S. § 1-215 and includes governmental agencies.
13. "Prearranged funeral sales endorsement" means a written authorization issued by the Department according to A.R.S. § 32-1391.12 to a funeral establishment to offer or sell prearranged funeral agreements.
18. "Previous owner" means a person who owned 10 percent or more of a funeral establishment before the current owner.
19. "Refrigerated" means the act of maintaining human remains at or below a temperature of 38 degrees Fahrenheit.
20. "Registrant" means an individual authorized by the Department to act as an embalmer's assistant or a prearranged funeral sales person.
21. "Unfinished wood box" means an unornamented receptacle or casket for human remains.
22. "Week" means seven consecutive days.

R9-9B-102. Time-frames for Approval

- A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Department is listed in Table 1.1. The applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame. The substantive review time-frame may not be extended by more than 25 percent of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Department is listed in Table 1.1 and begins on the date that the Department receives an application.
 1. The administrative completeness review time frame begins:
 - a. For approval to take a state equivalent examination, when the Department receives an application packet required in A.A.C. R4-12-201;
 - b. For approval or denial of a license, when the Department receives an application packet; or
 - e. For approval or denial of an endorsement, a registration, or a permit, when the Department receives an application packet.
 2. If the application packet is incomplete, the Department shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time frame and the overall time frame are suspended from the postmark date of the notice until the date the Department receives a complete application packet from the applicant.
 3. If the application packet is complete, the Department shall send a written notice of administrative completeness to the applicant.
 1. The Department shall send a notice of administrative completeness or deficiencies to the applicant or licensee within the administrative completeness review time-frame:
 - a. A notice of deficiencies shall list each deficiency and the information or items needed to complete the application;
 - b. The administrative completeness review time-frame and the overall time-frame are suspended from the date that the notice of deficiencies is sent until the date that the Department receives all of the missing information or items from the applicant or licensee; and
 - c. If an applicant or licensee fails to submit to the Department all of the information or items listed in the notice of deficiencies within the time-frame in Table 1.1 after the date agreed upon in writing, the Department shall consider the application withdrawn.
 - 4.2. If the Department grants a license, registration, endorsement, or approval of an application during the time provided to assess administrative completeness, the Department shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072(3) is listed in Table 1.1 and begins on the postmark date of the notice of administrative completeness.
 1. As part of the substantive review for a funeral establishment license of an application, the Department shall conduct an inspection of the funeral establishment, if required by the applicable statutes in A.R.S. Title 32, Chapter 12, that may require more than one visit.

NOTICES OF PROPOSED RULEMAKING

2. ~~During the substantive review time-frame, the Department may make one comprehensive written request for additional information or documentation. The time frame for the Department to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Department receives the additional information or documentation.~~
3. ~~The Department shall send a written notice of approval to an applicant who meets the qualifications in A.R.S. Title 32, Chapter 12 and this Subchapter.~~
4. ~~The Department shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. Title 32, Chapter 12 and this Subchapter.~~
2. The Department shall issue a license, a prearranged funeral sales endorsement, an interim permit, an extension of an interim permit, or an approval of a change affecting a license or a written notice of denial within the substantive review time-frame.
3. During the substantive review time-frame, the Department may make one comprehensive written request for additional information or documentation, unless the applicant or licensee has agreed in writing to allow the Department to submit supplemental requests for information:
 - a. The Department shall send a comprehensive written request for additional information that includes a written statement of deficiencies, stating each statute and rule upon which noncompliance is based, if the Department determines that an applicant or licensee, including the premises of a facility, are not in substantial compliance with A.R.S. Title 32, Chapter 12, or this Subchapter;
 - b. An applicant or licensee shall submit to the Department all of the information requested in a comprehensive written request for additional information or a supplemental request for information, including, if applicable, documentation of the corrections required in a statement of deficiencies, within the time-frame in Table 1.1 after the date of the comprehensive written request for additional information or the supplemental request for information or within a time period agreed upon in writing;
 - c. The substantive review time-frame and the overall time-frame are suspended from the date that the Department sends a comprehensive written request for additional information or a supplemental request for information until the date that the Department receives all of the information requested, including, if applicable, documentation of corrections required in a statement of deficiencies; and
 - d. If an applicant or licensee fails to submit to the Department all of the information requested in a comprehensive written request for additional information or a supplemental request for information, including, if applicable, documentation of corrections required in a statement of deficiencies, within the time prescribed in Table 1.1, the Department shall deny the application.
4. The Department shall issue a license, a prearranged funeral sales endorsement, an interim permit, an extension of an interim permit if applicable, or an approval of a change affecting a license if the Department determines that the applicant or licensee, including the premises or a facility, are in substantial compliance with A.R.S. Title 32, Chapter 12, and this Subchapter.
5. If the Department denies a license, a prearranged funeral sales endorsement, an interim permit, an extension of an interim permit if applicable, or an approval of a change affecting a license, the Department shall send to the applicant or licensee a written notice of denial setting forth the reasons for denial and all other information required by A.R.S. §§ 41-1076 and 41-1092.03.
- ~~D.~~ The Department shall consider an application withdrawn if within 360 days from the application submission date the applicant fails to:
 1. Supply the missing information under subsection (B)(2) or (C)(2); or
 2. Pass a national board, state equivalent, or state laws and rules examination, as applicable.
- ~~E.~~ An applicant who does not wish an application withdrawn may request a denial in writing within 360 days from the application submission date.
- ~~F.~~ If a time frame's last day falls on a Saturday, Sunday, or official state holiday, the Department shall consider the next business day as the time frame's last day.

NOTICES OF PROPOSED RULEMAKING

Table 1.1. Time-frames (in calendar days)

Type of Approval	Statutory Authority	Overall Time frame	Administrative Completeness Time-frame	Substantive Review Time frame
Approval to take a state equivalent examination A.A.C. R4-12-201	A.R.S. §§ 32-1309, 32-1327, 32-1329	50	20	30
Approval to take an Embalmer-Assistant Practical Examination A.A.C. R4-12-201	A.R.S. § 32-1309	50	20	30
Intern, embalmer, or funeral director license R9-9B-202	A.R.S. §§ 32-1309, 32-1322, 32-1323	110	20	90
Embalmer or funeral director license by an applicant who holds an out-of-state license R9-9B-202	A.R.S. §§ 32-1309, 32-1335	110	20	90
Multiple funeral director license R9-9B-202	A.R.S. §§ 32-1309, 32-1324	110	20	90
Embalmer's assistant registration R9-9B-104	A.R.S. § 32-1309	110	20	90
Funeral establishment license R9-9B-301	A.R.S. §§ 32-1309, 32-1383	110	20	90
Prearranged funeral sales establishment endorsement R9-9B-302	A.R.S. §§ 32-1309, 32-1391.12	60	20	40
Prearranged funeral salesperson registration A.A.C. R4-12-206	A.R.S. § 32-1309	110	20	90
Crematory license R9-9B-501	A.R.S. §§ 32-1309, 32-1395	110	20	90
Cremationist license R9-9B-204	A.R.S. § 32-1394.01	110	20	90
License, registration, or endorsement renewal R9-9B-104	A.R.S. §§ 32-1338, 32-1391.12, 32-1391.14	60	30	30

Arizona Administrative Register
NOTICES OF PROPOSED RULEMAKING

<u>Type of Approval</u>	<u>Authority (A.R.S. § or A.A.C.)</u>	<u>Overall Time-frame</u>	<u>Time-frame for applicant to complete application</u>	<u>Administrative Completeness Time-frame</u>	<u>Substantive Review Time-frame</u>	<u>Response Time for Request in R9-9B-102(C)</u>
A. Funeral Industry Professional Licensing						
<u>Application for a funeral director license</u>	<u>A.R.S. §§ 32-1309, 32-1322, 32-1323</u> <u>R9-9B-201</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Application for a multiple funeral director license</u>	<u>A.R.S. §§ 32-1309, 32-1324</u> <u>R9-9B-202</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Application for an embalmer license</u>	<u>A.R.S. §§ 32-1309, 32-1322, 32-1323</u> <u>R9-9B-203</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Application for a cremationist license</u>	<u>A.R.S. §§ 32-1309, 32-1343, 32-1394.01</u> <u>R9-9B-204</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Application for a revised/duplicate license due to a name change</u>	<u>A.R.S. §§ 32-1309, 32-1321(D)</u> <u>R9-9B-206(B)</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Application for inactivation of a license</u>	<u>A.R.S. §§ 32-1309, 32-1334</u> <u>R9-9B-206(C)</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Application for reactivation of an inactive license</u>	<u>A.R.S. §§ 32-1309, 32-1334</u> <u>R9-9B-206(D)</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
B. Funeral Establishments and Crematories						
<u>Application for a funeral establishment license</u>	<u>A.R.S. §§ 32-1309, 32-1383</u> <u>R9-9B-301</u>	<u>90</u>	<u>90</u>	<u>30</u>	<u>60</u>	<u>30</u>

Arizona Administrative Register

NOTICES OF PROPOSED RULEMAKING

<u>Application for an interim permit for a funeral establishment</u>	<u>A.R.S. §§ 32-1309, 32-1388</u> <u>R9-9B-301</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Application for an extension of an interim permit</u>	<u>A.R.S. § 32-1388</u> <u>R9-9B-301</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Application for a pre-arranged funeral sales endorsement</u>	<u>A.R.S. §§ 32-1309, 32-1391.12</u> <u>R9-9B-302</u>	<u>90</u>	<u>90</u>	<u>30</u>	<u>60</u>	<u>30</u>
<u>Application for a name change for a funeral establishment</u>	<u>A.R.S. §§ 32-1309, 32-1389</u> <u>R9-9B-303</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Application for a change of location for a funeral establishment</u>	<u>A.R.S. §§ 32-1309, 32-1390</u> <u>R9-9B-303</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Application for another change affecting a funeral establishment license</u>	<u>A.R.S. § 32-1307</u> <u>R9-9B-303</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Application for a crematory license</u>	<u>A.R.S. §§ 32-1309, 32-1344, 32-1395</u> <u>R9-9B-401</u>	<u>90</u>	<u>90</u>	<u>30</u>	<u>60</u>	<u>30</u>
<u>Application for an interim permit for a crematory</u>	<u>A.R.S. §§ 32-1309, 32-1346, 32-1397</u> <u>R9-9B-401</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Application for an extension of an interim permit for a crematory</u>	<u>A.R.S. §§ 32-1309, 32-1346, 32-1397</u> <u>R9-9B-401</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Application for a name change for a crematory</u>	<u>A.R.S. §§ 32-1309, 32-1347, 32-1397.01</u> <u>R9-9B-402</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>

Arizona Administrative Register
NOTICES OF PROPOSED RULEMAKING

<u>Application for a change of location for a crematory</u>	<u>A.R.S. §§ 32-1309, 32-1347, 32-1397.02, R9-9B-402</u>	60	30	30	30	30
<u>Application for another change affecting a crematory license</u>	<u>A.R.S. § 32-1307, R9-9B-402</u>	90	90	30	60	30

R9-9B-103. Fees

- A.** The Department shall charge the following nonrefundable fees for filing an annual trust report under A.R.S. § 32-1391.16:
1. For each funeral establishment that has a prearranged funeral trust account and files an annual trust report in the time and manner required in A.R.S. § 32-1391.16, \$150.00.
 2. For each funeral establishment that has a prearranged funeral trust account and files an annual trust report late or incomplete, \$200.00.
- B.** The Department shall charge the following fees for the duplication or copying of public records under A.R.S. § 39-121.03:
1. Noncommercial and commercial copy, 25¢ per page;
 2. Copying requiring more than 15 minutes, \$5.00 for each 15 minutes in excess of 15 minutes;
 3. Directories for noncommercial use, 5¢ per name and address;
 4. Directories for noncommercial use printed on labels, 10¢ per name and address;
 5. Directories for commercial use, 25¢ per name and address;
 6. Directories for commercial use printed on labels, 30¢ per name and address;
 7. A directory in subsection (B)(3), (4), (5), or (6) issued on a diskette, \$5.00 and the applicable name and address fee;
- C.** For the consumer information pamphlet, entitled Arizona Funerals Information, the Department shall charge a funeral establishment the Department's actual cost of publishing, distributing, and mailing the pamphlet.
- D.** The Department may waive any of the fees in subsection (B) for charitable organizations or governmental entities.
- A.** The following are nonrefundable application fees:
1. Except as specified in subsection (A)(2), for an application for a funeral director license or an embalmer license, \$165;
 2. For an individual residing outside Arizona who is applying for a funeral director license or an embalmer license, \$165;
 3. For an application for a multiple funeral director license, \$85;
 4. A cremationist license for cremation through:
 - a. Combustion, \$85;
 - b. Alkaline hydrolysis, \$85; or
 - c. Natural organic reduction, \$85;
 5. For an application for a license for a new facility or new owner:
 - a. Funeral establishment license, \$500; or
 - b. Crematory license for cremation through:
 - i. Combustion, \$100 per retort;
 - ii. Alkaline hydrolysis, \$100 per retort; or
 - iii. Natural organic reduction, \$100 per retort;
 6. For a prearranged funeral sales endorsement, \$185;
 7. For an application for a change of location of a licensed facility:
 - a. Funeral establishment license, \$500; or
 - b. Crematory license, \$100 per retort;
 8. For an application for a change in the name of a funeral establishment or crematory, \$175;
 9. For an application for an interim facility permit, \$25; and
 10. For an application for an extension of an interim facility permit for a crematory providing cremation through alkaline hydrolysis, \$25.
- B.** Except as provided in subsection (E), for an applicant for a funeral director license, a multiple funeral director license, an embalmer license, or a cremationist license, whose application has been approved by the Department, the license issuance fee is \$85.
- C.** The following are nonrefundable annual licensing fees:
1. For a funeral director license, an embalmer license, or a cremationist license, \$85;
 2. For a multiple funeral director license, \$85;
 3. For an embalmer assistant that was licensed before March 31, 2023, \$85;
 4. For a funeral establishment license, \$4 for each disposition, as described in A.R.S. § 32-1309, performed by the funeral establishment during the preceding calendar year;
 5. For a prearranged funeral sales endorsement, \$185; and
 6. For a crematory license, \$200 for each retort.
- D.** A person shall submit the following fees to the Department, as applicable:
1. For a fingerprint background check, \$22;

Arizona Administrative Register
NOTICES OF PROPOSED RULEMAKING

2. For a license issued under Article 2 of this Chapter:
 - a. For issuance of a revised/duplicate license due to a name change, \$25;
 - b. To inactivate a license, \$25; or
 - c. To reactivate an inactive license, \$50;
 3. For reexamination for a state laws and rules examination, \$50;
 4. For filing an annual trust report, \$150; and
 5. For filing a late or incomplete annual trust report, \$200.
- E.** An applicant for a funeral director license, an embalmer license, or a cremationist license is not required to submit the fees in subsection (A)(1), (2), or (4), as applicable, and subsection (B) if the applicant, as part of the applicable application in R9-9B-201, R9-9B-203, or R9-9B-204, submits an attestation that the applicant meets the criteria for waiver of licensing fees in A.R.S. § 41-1080.01.

R9-9B-104. Renewal Submission of Fees

- A.** An applicant for a renewal of a license, registration, or endorsement shall file a renewal application so the Department receives it on or before the following dates:
1. July 1 for an intern, embalmer, funeral director, funeral establishment, cremationist, or crematory license;
 2. July 1 for an embalmer's assistant registration; or
 3. July 31 for a prearranged funeral sales establishment endorsement or prearranged funeral salesperson registration.
- B.** An applicant for a renewal license, registration, or endorsement shall submit to the Department:
1. A renewal form, provided by the Department, that is signed and dated by the applicant and contains the applicant's:
 - a. Name;
 - b. Social security number;
 - c. Residence and practice addresses; and
 - d. Telephone number; and
 2. The fee required by the Department under A.R.S. § 32-1309.
- C.** In addition to the requirements in subsection (B), an applicant renewing an intern, embalmer, or funeral director license or an embalmer's assistant registration shall submit to the Department a list of continuing education completed by the licensee or registrant or a continuing education waiver statement that meets the requirements in R9-9B-205 through R9-9B-208.
- A.** The fees in R9-9B-103(A), (B), and, if applicable, (D)(1) are due as part of an application in R9-9B-201, R9-9B-202, R9-9B-203, or R9-9B-204, as applicable.
- B.** The fees in R9-9B-103(D)(2) and, if applicable, R9-9B-103(D)(1) are due as part of an application in R9-9B-206(B), (C), or (D).
- C.** The fee in R9-9B-103(D)(3), if applicable, is due as part of an application in R9-9B-201(B) or (C) for a funeral director license or R9-9B-203(B) or (C) for an embalmer license.
- D.** The fee in R9-9B-103(D)(4) or, if applicable, R9-9B-103(D)(5) is due as part of the submission of the annual report in R9-9B-308.
- E.** The Department shall notify a licensee of the due date of the applicable annual licensing fee in R9-9B-103(C) no later than 90 calendar days before the date the annual licensing fee is due to the Department.
- F.** Before submitting the annual licensing fee or by January 31 of each calendar year, whichever occurs first, a licensee shall:
1. Verify the following information, in a Department-provided format:
 - a. The licensee's name and license number;
 - b. For a funeral director licensee, a multiple funeral director licensee, an embalmer licensee, an embalmer's assistant licensee, or a cremationist licensee, the licensee's residence address and address of each place of employment;
 - c. Ownership information, as specified in R9-9B-301 or R9-9B-401;
 - d. For a funeral establishment licensee, the name of the responsible funeral director;
 - e. For a funeral establishment licensee with a prearranged funeral sales endorsement, the name and address of the associated funeral establishment; and
 - f. For a crematory licensee, the number of retorts and the name of the responsible cremationist; and
 2. For a funeral establishment, specify the number of dispositions, as described in A.R.S. § 32-1309, performed by the funeral establishment during the preceding calendar year.
- G.** Except as provided in subsections (I) and (J), a licensee shall submit to the Department the applicable annual licensing fee in R9-9B-103(C):
1. No earlier than 90 days before the anniversary date of:
 - a. The license; or
 - b. If applicable, the prearranged funeral sales endorsement;
 2. After complying with the applicable requirements in subsections (F) and, if required, (H); and
 3. Before the anniversary date of the license or, if applicable, the prearranged funeral sales endorsement.
- H.** Before and separate from submitting the annual licensing fee in subsection (G) to the Department, a licensee shall:
1. Submit an application to the Department for any change specified in R9-9B-206, R9-9B-303, or R9-9B-402, as applicable; and
 2. Correct any other information in subsection (F)(1) that is incorrect.
- I.** Except as specified in subsection (J), a licensee may request an annual licensing fee due date that is different from the anniversary date of a license or, if applicable, prearranged funeral sales endorsement, by submitting an application for an alternate annual licensing fee due date to the Department, at least 30 calendar days before the anniversary date of a license or, if applicable, prearranged funeral sales endorsement, that includes the following information in a Department-provided format:
1. The licensee's name and email address,
 2. The license number,
 3. The current annual licensing fee due date,
 4. The proposed alternate annual licensing fee due date.

NOTICES OF PROPOSED RULEMAKING

5. The reason the licensee is requesting an alternate annual licensing fee due date, and
6. The name and date of signature of the applicant.
- J. A licensee may not request an alternate annual licensing fee due date according to subsection (I):
 1. More frequently than once in each three-year period, or
 2. For a license for which the payment of annual licensing fees is not up-to-date.
- K. The Department shall send written notice of approval or denial of the request for an alternate annual licensing fee due date within seven calendar days after receipt of the request in subsection (I).

ARTICLE 2. FUNERAL INDUSTRY PROFESSIONAL LICENSING

R9-9B-201. **Reserved Application for a Funeral Director License**

- A. An individual is eligible for licensure as a funeral director if the individual meets:
 1. The requirements in A.R.S. § 32-1322(B) and (C), or
 2. The criteria in A.R.S. § 32-4302(A).
- B. Except as provided in subsection (C), an applicant for a funeral director license shall submit to the Department an application that contains:
 1. The following, in a Department-provided format:
 - a. The applicant's name, residential address, email address, and telephone number;
 - b. The applicant's mailing address, if different from the residential address;
 - c. The applicant's Social Security Number, as required under A.R.S. §§ 25-320 and 25-502;
 - d. The applicant's date of birth;
 - e. The applicant's educational history related to the funeral industry, including:
 - i. The name and address of each educational institution,
 - ii. The degree or type of diploma received and the field of study, and
 - iii. The applicant's date of graduation;
 - f. If not included in subsection (B)(1)(e), the name and address of the school of mortuary science from which the applicant graduated and the graduation date;
 - g. The applicant's current employment in the funeral industry, if applicable, including:
 - i. The employer's name,
 - ii. The applicant's position,
 - iii. Dates of employment,
 - iv. The address of the employer,
 - v. The supervisor's name,
 - vi. The supervisor's email address, and
 - vii. The supervisor's telephone number;
 - h. Whether the applicant is a U.S. military veteran or the spouse of an individual on active duty in the U.S. military;
 - i. Whether the applicant has a current license or certificate as a funeral director in another state and, if so, for each state:
 - i. The state of licensure or certification,
 - ii. Date of initial licensure or certification, and
 - iii. The applicant's professional license or certification number;
 - j. Whether the applicant has:
 - i. Had a professional license or certificate suspended, revoked, or had disciplinary action taken against the professional license or certificate; or
 - ii. Voluntarily surrendered a professional license or certificate in lieu of disciplinary action;
 - k. Whether the applicant has ever been convicted of or entered into a plea of no contest to a felony or a misdemeanor in this or another state and, if so:
 - i. The date of the conviction,
 - ii. The state or jurisdiction of the conviction,
 - iii. An explanation of the crime of which the applicant was convicted or entered into a plea of no contest to, and
 - iv. The disposition of the case;
 - l. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-9B-102(C)(3);
 - m. An attestation that the information and documentation submitted as part of the application are true and accurate; and
 - n. The applicant's signature and date of signing;
 2. If the applicant has had a professional license or certificate suspended, revoked, or surrendered, or had disciplinary action taken against the professional license or certificate within the previous five years, documentation that includes:
 - a. The date of the disciplinary action, suspension, revocation, or surrender;
 - b. The state or nationally accredited certifying body that issued the disciplinary action, suspension, or revocation, or to which the applicant surrendered the license or certificate; and
 - c. An explanation of the disciplinary action, suspension, revocation, or surrender;
 3. If the applicant is currently ineligible for licensing or certification in any state because of a license revocation or suspension, documentation that includes:
 - a. The date of the ineligibility for licensing or certification,
 - b. The state or jurisdiction of the ineligibility for licensing or certification, and
 - c. An explanation of the ineligibility for licensing or certification;

NOTICES OF PROPOSED RULEMAKING

4. Documentation for the applicant that complies with A.R.S. § 41-1080;
 5. For the Department's criminal history check authorized in A.R.S. §§ 32-1322(C), 32-1323(A)(2), and 32-1339, the applicant's fingerprints on a fingerprint card that includes:
 - a. The applicant's first name; middle initial, if applicable; and last name;
 - b. The applicant's signature;
 - c. If different from the applicant, the signature of the individual physically rolling the applicant's fingerprints;
 - d. The applicant's address;
 - e. If applicable, the applicant's surname before marriage and any names previously used by the applicant;
 - f. The applicant's date of birth;
 - g. The applicant's Social Security number;
 - h. The applicant's citizenship status;
 - i. The applicant's gender;
 - j. The applicant's race;
 - k. The applicant's height;
 - l. The applicant's weight;
 - m. The applicant's hair color;
 - n. The applicant's eye color; and
 - o. The applicant's place of birth;
 6. An official or unofficial transcript from an accredited or provisionally accredited school of mortuary science, indicating the applicant's graduation;
 7. Documentation that the applicant passed the funeral service arts section of the national board examination;
 8. Documentation, in a Department-provided format, that the applicant has successfully assisted in arranging and directing at least 25 funerals, including:
 - a. The applicant's name;
 - b. The name of each funeral establishment in which the applicant arranged and directed a funeral, including the start date and, if applicable, the end date of employment;
 - c. The name of the responsible funeral director for each funeral establishment; and
 - d. For each burial, immediate burial, or direct cremation conducted by the applicant:
 - i. The name of the deceased;
 - ii. The date of the burial, immediate burial, or direct cremation;
 - iii. A statement of whether the applicant conducted a burial, immediate burial, or direct cremation; and
 - iv. The signature and license number of the supervising funeral director;
 9. If instructed by the Department, according to A.R.S. § 32-1328(A), to complete the funeral director state laws and rules examination, required by A.R.S. § 32-1322(B)(2), documentation that the applicant passed the funeral director state laws and rules examination; and
 10. The applicable fees in R9-9B-103.
- C.** If an applicant for a funeral director license may be eligible for licensing under A.R.S. § 32-4302(A), the applicant shall submit to the Department an application that contains:
1. The information and documentation required in subsections (B)(1) through (5);
 2. Documentation of the current license or certificate as a funeral director issued to the applicant by each state in which the applicant holds the license or certification;
 3. Documentation, in a Department-provided format, verifying the applicant's license or certification and the basis for license or certification approval, completed by a representative of each state in which the applicant holds a license or certification;
 4. A statement, signed and dated by the applicant, attesting that the applicant:
 - a. Has been licensed or certified as a funeral director in another state for at least one year;
 - b. Has met minimum education requirements and, if applicable, work experience and supervision requirements, according to A.R.S. § 32-4302(A)(3);
 - c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
 - d. Does not have any complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct;
 5. If instructed by the Department, according to A.R.S. § 32-1328(A), to complete the funeral director state laws and rules examination, required by A.R.S. § 32-1322(B)(2), documentation that the applicant passed the funeral director state laws and rules examination; and
 6. The applicable fees in R9-9B-103.
- D.** If the applicant's name on any documents submitted to the Department according to subsection (B) or (C) does not match the applicant's current name, the applicant shall submit to the Department, as part of an application, documentation, such as a marriage certificate, divorce decree, or court order, linking the names.
- E.** The Department shall approve or deny an individual's application according to R9-9B-102.

R9-9B-202. Reserved Application for a Multiple Funeral Director License

- A.** An applicant for a multiple funeral director license shall submit to the Department an application that contains:
1. The following, in a Department-provided format:
 - a. The applicant's name, residence address, email address, and telephone number;
 - b. The applicant's mailing address, if different from the residence address;

NOTICES OF PROPOSED RULEMAKING

- c. The applicant's funeral director license number;
 - d. Whether the applicant is a U.S. military veteran or the spouse of an individual on active duty in the U.S. military;
 - e. The date the applicant's funeral director license was originally issued by the Department;
 - f. Whether the applicant has a current license or certificate as a funeral director in another state and, if so, for each state:
 - i. The state of licensure or certification;
 - ii. Date of initial licensure or certification, and
 - iii. The applicant's professional license or certification number;
 - g. The number of years that the applicant has been licensed or certified as a funeral director in Arizona or another state;
 - h. Whether the applicant has, within the previous five years:
 - i. Had a professional license or certificate suspended, revoked, or had disciplinary action taken against the professional license or certificate; or
 - ii. Voluntarily surrendered a professional license or certificate in lieu of disciplinary action;
 - i. Whether the applicant has, since the applicant submitted the application specified in R9-9B-201(B) or (C), been convicted of or entered into a plea of no contest to a felony or a misdemeanor in this or another state and, if so:
 - i. The date of the conviction;
 - ii. The state or jurisdiction of the conviction;
 - iii. An explanation of the crime of which the applicant was convicted or entered into a plea of no contest to, and
 - iv. The disposition of the case;
 - j. The name, address, and license number, issued under Article 3 of this Subchapter, of the funeral establishment for which the applicant:
 - i. Currently acts as the responsible funeral director, and
 - ii. Is applying to act as the responsible funeral director;
 - k. The distance, stated in miles, between:
 - i. The applicant's residence address and the current funeral establishment;
 - ii. The applicant's residence address and the funeral establishment for which application is being made, and
 - iii. The current funeral establishment and the funeral establishment for which application is being made;
 - l. The number of licensed funeral directors at each of the funeral establishments;
 - m. The number of licensed embalmers at each of the funeral establishments;
 - n. Whether either or both of the funeral establishments has a prearranged funeral sales endorsement and, if so:
 - i. The endorsement license number of each of the funeral establishments, and
 - ii. The number of individuals at each of the funeral establishments selling prearranged funerals;
 - o. The number of funerals conducted at each of the funeral establishments during the 12 months immediately preceding the application, including whether the services provided for the deceased individual involve:
 - i. Burial with a formal viewing, ceremony, or visitation;
 - ii. Immediate burial;
 - iii. Entombment;
 - iv. Cremation, including method of cremation;
 - v. An anatomical gift; or
 - vi. Another type of final disposition of the deceased individual;
 - p. The number of transportations of human remains arranged through each of the funeral establishments during the 12 months immediately preceding the application:
 - i. Into the funeral establishment; or
 - ii. Except for transportation of human remains for a disposition listed in subsections (A)(1)(o)(i) through (vi), arranged by the funeral establishment, from the funeral establishment to another location;
 - q. The history of complaints made against the license of each of the funeral establishments during the 10 years immediately preceding the application, including:
 - i. The number of complaints; and
 - ii. For each resolved or pending complaint, the date of the complaint, the type of complaint, and the status of the complaint;
 - r. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-9B-102(C)(3);
 - s. An attestation that the information and documentation submitted as part of the application are true and accurate; and
 - t. The applicant's signature and date of signing;
2. If the applicant has had a professional license or certificate suspended, revoked, or surrendered, or had disciplinary action taken against the professional license or certificate within the previous five years, documentation that includes:
- a. The date of the disciplinary action, suspension, revocation, or surrender;
 - b. The state or nationally accredited certifying body that issued the disciplinary action, suspension, or revocation, or to which the applicant surrendered the license or certificate; and
 - c. An explanation of the disciplinary action, suspension, revocation, or surrender;
3. If the applicant is currently ineligible for licensing or certification in any state because of a license revocation or suspension, documentation that includes:
- a. The date of the ineligibility for licensing or certification;
 - b. The state or jurisdiction of the ineligibility for licensing or certification, and
 - c. An explanation of the ineligibility for licensing or certification;

NOTICES OF PROPOSED RULEMAKING

4. A plan for how the applicant will address the following at both locations to ensure that the services provided by each funeral establishment is consistent and compliant with the requirements in Article 3 of this Subchapter, including detailed descriptions:
 - a. Supervision of day-to-day operations at each of the funeral establishments, consistent with the funeral establishment's policies and procedures, R9-9B-306, and R9-9B-309;
 - b. Supervision of the services provided by each of the funeral establishments, consistent with the funeral establishment's policies and procedures, R9-9B-306, and R9-9B-309;
 - c. If either of the funeral establishments arranges for cremation, supervision of interactions with a crematory, consistent with the funeral establishment's policies and procedures and R9-9B-306;
 - d. If either of the funeral establishments has a prearranged funeral sales endorsement, supervision of employees and other personnel consistent with R9-9B-307;
 - e. Management of day-to-day staffing and training to ensure compliance with the funeral establishment's policies and procedures, consistent with the funeral establishment's policies and procedures and R9-9B-305;
 - f. If applicable, supervision and training for an individual who is on the pathway to licensure as a funeral director or embalmer consistent with R9-9B-304 and R9-9B-305; and
 - g. Ensuring compliance at both funeral establishments with the requirements in A.R.S. Title 32, Chapter 12, and the rules in this Subchapter; and
 5. The applicable fee in R9-9B-103.
- B.** The Department shall:
1. Review the application in subsection (A) to determine whether it is reasonable for the applicant to successfully manage operations at both funeral establishment locations, considering:
 - a. Whether both funeral establishments can be supervised on a daily basis, if necessary, based on the distances specified according to subsection (A)(1)(k);
 - b. The staffing at each funeral establishment, according to subsections (A)(1)(l), (m), and (n)(ii);
 - c. The number of funerals conducted at each of the funeral establishments, according to subsection (A)(1)(o);
 - d. The volume of other activities being conducted at each of the funeral establishments;
 - e. The history of complaints made against the license of each of the funeral establishments, according to subsection (A)(1)(q); and
 - f. The plan required in subsection (A)(4); and
 2. Approve or deny an individual's application according to R9-9B-102.
- C.** A funeral director who holds a multiple funeral director license shall display the multiple funeral director license at the funeral establishment associated with the application for which the multiple funeral director license was issued.

R9-9B-203. Application for an ~~Intern, an Embalmer, or a Funeral Director~~ License

- A.** ~~An applicant for an intern, an embalmer, or a funeral director license shall submit an application packet to the Department that contains the information required in A.R.S. § 32-1323, and the following:~~
1. ~~An application form provided by the Department, signed and dated by the applicant, and notarized that contains:~~
 - a. ~~The applicant's name, mailing address, telephone number, and social security number;~~
 - b. ~~The applicant's date and place of birth;~~
 - c. ~~Any prior name or alias of the applicant;~~
 - d. ~~The name and address of the high school from which the applicant graduated and the graduation date or date applicant received a general equivalency diploma;~~
 - e. ~~The name and address of the mortuary school from which the applicant graduated and graduation date;~~
 - f. ~~The name, address, and telephone number of the funeral establishment employing the applicant;~~
 - g. ~~Whether the applicant has ever been convicted of or entered into a plea of no contest to a class 1 or 2 felony, including the information in subsection (A)(1)(h)(i) through (A)(1)(h)(vi);~~
 - h. ~~Whether the applicant, within five years from the date of the application, has been convicted of or entered into a plea of no contest to a felony or to a misdemeanor that is reasonably related to the applicant's proposed area of licensure including the:~~
 - i. ~~Charged felony or misdemeanor;~~
 - ii. ~~Date of conviction;~~
 - iii. ~~Court having jurisdiction over the felony or misdemeanor;~~
 - iv. ~~Probation officer's name, address, and telephone number, if applicable;~~
 - v. ~~A copy of the notice of expungement, if applicable; and~~
 - vi. ~~A copy of the notice of restoration of civil rights, if applicable;~~
 - i. ~~Whether the applicant, within five years from the date of the application, has committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence, or incompetence reasonably related to the applicant's proposed area of licensure;~~
 - j. ~~Whether the applicant is currently incarcerated or on community supervision after a period of imprisonment in a local, state, or federal penal institution or on criminal probation;~~
 - k. ~~Whether the applicant, within five years from the date of the application, has had an application for a license, registration, certificate, or endorsement denied or rejected by any state funeral licensing authority including the:~~
 - i. ~~Reason for the denial or rejection;~~
 - ii. ~~Date of the denial or rejection, and~~
 - iii. ~~Name and address of the agency that denied or rejected the application;~~
 - l. ~~Whether the applicant has, within five years from the date of the application, had a license, registration, certificate, or endorsement suspended or revoked by any state funeral licensing authority including the:~~

NOTICES OF PROPOSED RULEMAKING

- i. Reason for the suspension or revocation;
 - ii. Date of the suspension or revocation, and
 - iii. Name and address of the state licensing authority that suspended or revoked the license;
 - m. Whether the applicant has ever surrendered a license, registration, certificate, or endorsement to the Department or any state funeral licensing authority;
 - n. The dates the applicant served as an apprentice embalmer or intern, location of apprenticeship or internship, and the number of human bodies embalmed, if applicable;
 - o. A statement of whether the applicant has passed a national board examination or state equivalent examination, if applicable; and
 - p. A notarized statement by the applicant verifying the information on the application is true and correct;
 - 2. A copy of the applicant's high school or general equivalency diploma;
 - 3. A copy of the transcript from each mortuary college attended by the applicant and, if applicable, each diploma issued to the applicant; and
 - 4. The fee required by the Department.
- B.** In addition to the requirements in subsection (A), an applicant for an intern license shall submit on the application form the name and license number of the embalmer who will supervise the applicant.
- C.** In addition to the requirements in subsection (A), an applicant for an embalmer license shall submit to the Department:
 - 1. On the application form:
 - a. Whether the applicant has embalmed 25 or more human bodies;
 - b. Apprenticeship or internship information including:
 - i. Beginning and ending dates;
 - ii. The state in which the apprenticeship or internship was served;
 - iii. The applicant's state registration number and date of issuance, and
 - iv. The number of human bodies embalmed by the applicant during the apprenticeship or internship;
 - e. The following information:
 - i. The name of each state in which the applicant has been licensed or registered as an embalmer or funeral director;
 - ii. The date of issuance of each funeral director or embalmer license or registration, and
 - iii. The license or registration number in each state in which the applicant is or has been licensed or registered as an embalmer or funeral director;
 - d. The name of each mortuary at which the applicant practiced as an embalmer or funeral director for five years immediately before the application date, beginning and ending dates of the practice, and a description of the practice, if applicable; and
 - e. A notarized statement from a funeral director licensed or registered in any state that contains the funeral director's:
 - i. State in which licensed;
 - ii. License number and issuance date;
 - iii. Statement of length of time that the funeral director has known the applicant;
 - iv. Statement attesting to the applicant's good character, reputation, and professional ability; and
 - v. Recommendation for the Department's approval of the applicant; and
 - 2. A report of apprenticeship or internship containing:
 - a. The applicant's name;
 - b. The name of the funeral establishment in which the apprenticeship or internship was served;
 - e. The name of the embalmer supervising the applicant;
 - d. The beginning and ending dates covered in the report;
 - e. The number of hours worked each month during the apprenticeship or internship;
 - f. The number of human bodies embalmed each month during the apprenticeship or internship, and
 - g. For each human body embalmed:
 - i. The name of the deceased;
 - ii. The date of death;
 - iii. A statement of whether an autopsy was performed, and
 - iv. The supervising embalmer's signature and license number.
- D.** In addition to the requirements in subsection (A), an applicant for a funeral director license shall submit to the Department a report containing:
 - 1. The applicant's name;
 - 2. The name of the funeral establishment in which one year of funeral directing experience was obtained;
 - 3. The name of the responsible funeral director;
 - 4. The beginning and ending dates covered in the report; and
 - 5. For each burial, immediate burial, or direct cremation conducted by the applicant:
 - a. The name of the deceased;
 - b. The date of the burial, immediate burial, or direct cremation;
 - e. A statement of whether the applicant conducted a burial, immediate burial, or direct cremation; and
 - d. The supervising funeral director's signature and license number.
- E.** In addition to the requirements in subsection (A), an applicant for an embalmer or funeral director license who holds an out-of-state embalmer or funeral director license shall:
 - 1. Submit on the application form, the name of each state in which the applicant is licensed or registered as an embalmer or funeral director; and

NOTICES OF PROPOSED RULEMAKING

2. ~~Arrange for the out-of-state licensing authority to complete the following on the application form to be submitted with the application packet:
 - a. Certification of current licensure of the applicant;
 - b. Type of license, license number, and date license was issued;
 - c. A statement of whether the applicant qualified by examination or by being licensed by another state;
 - d. A statement of whether the licensing authority has ever suspended, revoked, or taken any other action against the applicant's license; and
 - e. Notarized signature and title of agency official.~~
- F. ~~An applicant for a multiple funeral director license shall submit an application form that is signed and dated by the applicant, and notarized that includes the information in subsections (A)(1)(a) through (A)(1)(e) and:
 1. The name and address of the funeral establishment for which the applicant:
 - a. Currently acts as the responsible funeral director, and
 - b. Is applying to act as the responsible funeral director;
 2. The distance, stated in miles, between the current funeral establishment and the funeral establishment for which application is being made;
 3. For the funeral establishment for which application is being made and for 12 months immediately preceding the application, the number of:
 - a. Funerals and cremations conducted at the funeral establishment, and
 - b. Transportations of human remains arranged through the funeral establishment;
 4. The fee required by the Department; and
 5. Other information required by the Department.~~
- A. An individual is eligible for licensure as an embalmer if the individual meets:
 1. The requirements in A.R.S. § 32-1322(A) and (C), or
 2. The criteria in A.R.S. § 32-4302(A).
- B. Except as provided in subsection (C), an applicant for an embalmer license shall submit to the Department an application that contains:
 1. The following in a Department-provided format:
 - a. The applicant's name, residential address, email address, and telephone number;
 - b. The applicant's mailing address, if different from the residential address;
 - c. The applicant's Social Security Number, as required under A.R.S. §§ 25-320 and 25-502;
 - d. The applicant's date of birth;
 - e. The applicant's educational history related to the funeral industry, including:
 - i. The name and address of each educational institution,
 - ii. The degree or type of diploma received and the field of study, and
 - iii. The applicant's date of graduation;
 - f. If not included in subsection (B)(1)(e), the name and address of the school of mortuary science from which the applicant graduated and the graduation date;
 - g. The applicant's current employment in the funeral industry, if applicable, including:
 - i. The employer's name,
 - ii. The applicant's position,
 - iii. Dates of employment,
 - iv. The address of the employer,
 - v. The supervisor's name,
 - vi. The supervisor's email address, and
 - vii. The supervisor's telephone number;
 - h. Whether the applicant is a U.S. military veteran or the spouse of an individual on active duty in the U.S. military;
 - i. Whether the applicant has a current license or certificate as an embalmer or that allows for embalming in another state and, if so, for each state:
 - i. The state of licensure or certification,
 - ii. Date of initial licensure or certification, and
 - iii. The applicant's professional license or certification number;
 - j. Whether the applicant has:
 - i. Had a professional license or certificate suspended, revoked, or had disciplinary action taken against the professional license or certificate; or
 - ii. Voluntarily surrendered a professional license or certificate in lieu of disciplinary action;
 - k. Whether the applicant has ever been convicted of or entered into a plea of no contest to a felony or a misdemeanor in this or another state and, if so:
 - i. The date of the conviction,
 - ii. The state or jurisdiction of the conviction,
 - iii. An explanation of the crime of which the applicant was convicted or entered into a plea of no contest to, and
 - iv. The disposition of the case;
 - l. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-9B-102(C)(3);
 - m. An attestation that the information and documentation submitted as part of the application are true and accurate; and
 - n. The applicant's signature and date of signing;

NOTICES OF PROPOSED RULEMAKING

2. If the applicant has had a professional license or certificate suspended, revoked, or surrendered, or had disciplinary action taken against the professional license or certificate within the previous five years, documentation that includes:
 - a. The date of the disciplinary action, suspension, revocation, or surrender;
 - b. The state or nationally accredited certifying body that issued the disciplinary action, suspension, or revocation, or to which the applicant surrendered the license or certificate; and
 - c. An explanation of the disciplinary action, suspension, revocation, or surrender;
 3. If the applicant is currently ineligible for licensing or certification in any state because of a license revocation or suspension, documentation that includes:
 - a. The date of the ineligibility for licensing or certification.
 - b. The state or jurisdiction of the ineligibility for licensing or certification, and
 - c. An explanation of the ineligibility for licensing or certification;
 4. Documentation for the applicant that complies with A.R.S. § 41-1080;
 5. For the Department's criminal history check authorized in A.R.S. §§ 32-1322(C), 32-1323(A)(2), and 32-1339, the applicant's fingerprints on a fingerprint card that includes:
 - a. The applicant's first name; middle initial, if applicable; and last name;
 - b. The applicant's signature;
 - c. If different from the applicant, the signature of the individual physically rolling the applicant's fingerprints;
 - d. The applicant's address;
 - e. If applicable, the applicant's surname before marriage and any names previously used by the applicant;
 - f. The applicant's date of birth;
 - g. The applicant's Social Security number;
 - h. The applicant's citizenship status;
 - i. The applicant's gender;
 - j. The applicant's race;
 - k. The applicant's height;
 - l. The applicant's weight;
 - m. The applicant's hair color;
 - n. The applicant's eye color; and
 - o. The applicant's place of birth;
 6. An official or unofficial transcript from an accredited or provisionally accredited school of mortuary science, indicating the applicant's graduation;
 7. Documentation that the applicant passed the funeral service science section of the national board examination;
 8. Documentation that the applicant has successfully assisted in embalming at least 25 deceased individuals, including:
 - a. The applicant's name;
 - b. The name of each funeral establishment in which the applicant assisted in embalming a deceased individual, including the start date and, if applicable, the end date of employment;
 - c. The name of the licensed embalmer for each funeral establishment; and
 - d. For embalming with which the applicant assisted:
 - i. The name of the deceased.
 - ii. The date of the embalming, and
 - iii. The signature and license number of the supervising licensed embalmer;
 9. If instructed by the Department, according to A.R.S. § 32-1328(A), to complete the embalmer state laws and rules examination, required by A.R.S. § 32-1322(A)(2), documentation that the applicant passed the embalmer state laws and rules examination; and
 10. The applicable fees in R9-9B-103.
- C. If an applicant for an embalmer license may be eligible for licensing under A.R.S. § 32-4302(A), the applicant shall submit to the Department an application that contains:
1. The information and documentation required in subsections (B)(1) through (5);
 2. Documentation of the current license or certificate as an embalmer or that allows for embalming issued to the applicant by each state in which the applicant holds the license or certification;
 3. Documentation, in a Department-provided format, verifying the applicant's license or certification and the basis for license or certification approval, completed by a representative of each state in which the applicant holds a license or certification;
 4. A statement, signed and dated by the applicant, attesting that the applicant:
 - a. Has been licensed or certified as an embalmer or that allows for embalming in another state for at least one year;
 - b. Has met minimum education requirements and, if applicable, work experience and clinical supervision requirements, according to A.R.S. § 32-4302(A)(3);
 - c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
 - d. Does not have any complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct;
 5. If instructed by the Department, according to A.R.S. § 32-1328(A), to complete the embalmer state laws and rules examination, required by A.R.S. § 32-1322(A)(2), documentation that the applicant passed the embalmer state laws and rules examination; and
 6. The applicable fees in R9-9B-103.

NOTICES OF PROPOSED RULEMAKING

- D. If the applicant's name on any documents submitted to the Department according to subsection (B) or (C) does not match the applicant's current name, the applicant shall submit to the Department, as part of an application, documentation, such as a marriage certificate, divorce decree, or court order, linking the names.
- E. The Department shall approve or deny an individual's application according to R9-9B-102.

R9-9B-204. Application for a Cremationist License for Cremation through Combustion, Alkaline Hydrolysis, or Natural Organic Reduction

An applicant for a cremationist license shall submit an application packet to the Department that contains all of the following:

- 1. An application form provided by the Department, signed and dated by the applicant that contains:
 - a. The applicant's name, mailing address, telephone number, and social security number;
 - b. The applicant's date and place of birth;
 - c. Any prior name or alias of the applicant;
 - d. The name, address, and telephone number of the crematory or funeral establishment employing the applicant, if applicable;
 - e. Whether the applicant has ever been convicted of or entered into a plea of no contest to a class 1 or 2 felony, including the information in subsections (1)(f)(i) through (1)(f)(vi) for each felony;
 - f. Whether the applicant, within the five years before the date of the application, has been convicted of or entered into a plea of no contest to a felony or to a misdemeanor that is reasonably related to the applicant's proposed area of licensure and the:
 - i. Charged felony or misdemeanor;
 - ii. Date of conviction;
 - iii. Court that has jurisdiction over the felony or misdemeanor;
 - iv. Probation officer's name, address, and telephone number, if applicable;
 - v. A copy of the notice of expungement, if applicable; and
 - vi. A copy of the notice of restoration of civil rights, if applicable;
 - g. Whether the applicant, within five years from the date of the application, has committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence, or incompetence reasonably related to the applicant's proposed area of licensure;
 - h. Whether the applicant is currently incarcerated, on community supervision after a period of incarceration in a local, state, or federal penal institution, or on criminal probation;
 - i. Whether the applicant, within five years from the date of the application, has had an application for a license, registration, certificate, or endorsement denied or rejected by any state funeral licensing authority and the:
 - i. Reason for the denial or rejection;
 - ii. Date of the denial or rejection; and
 - iii. Name and address of the agency that denied or rejected the application;
 - j. Whether the applicant has, within five years from the date of the application, had a license, registration, certificate, or endorsement suspended or revoked by any state funeral licensing authority and the:
 - i. Reason for the suspension or revocation;
 - ii. Date of the suspension or revocation; and
 - iii. Name and address of the state licensing authority that suspended or revoked the license;
 - k. Whether the applicant has ever surrendered a license, registration, certificate, or endorsement to the Department or any other state funeral licensing authority; and
 - l. A notarized statement by the applicant verifying that the information on the application is true and correct.
- 2. A copy of a certificate of completion of a crematory certification program issued by:
 - a. The manufacturer of a retort; or
 - b. An accredited organization that provides instruction for crematory operation;
- 3. A completed and legible fingerprint card; and
- 4. The fee required by the Department under A.R.S. § 32-1309.

A. An individual is eligible for licensure as a cremationist if the individual meets:

- 1. The requirements in A.R.S. § 32-1343 or 32-1394.01, as applicable; or
- 2. The criteria in A.R.S. § 32-4302(A).

B. Except as provided in subsection (C), an applicant for a license to provide cremation through combustion, alkaline hydrolysis, or natural organic reduction shall submit to the Department an application that contains:

- 1. The following in a Department-provided format:
 - a. The applicant's name, residential address, email address, and telephone number;
 - b. The applicant's mailing address, if different from the residential address;
 - c. The applicant's Social Security Number, as required under A.R.S. §§ 25-320 and 25-502;
 - d. The applicant's date of birth;
 - e. The applicant's current employment in the funeral industry, if applicable, including:
 - i. The employer's name,
 - ii. The applicant's position,
 - iii. Dates of employment,
 - iv. The address of the employer,
 - v. The supervisor's name,
 - vi. The supervisor's email address, and
 - vii. The supervisor's telephone number;
 - f. Whether the applicant is a U.S. military veteran or the spouse of an individual on active duty in the U.S. military;

NOTICES OF PROPOSED RULEMAKING

- g. By which of the following methods of cremation the applicant is planning to provide cremation of human remains:
 - i. Combustion,
 - ii. Alkaline hydrolysis, or
 - iii. Natural organic reduction;
- h. Whether the applicant has a current license or certificate as a cremationist in another state and, if so, for each state:
 - i. The state of licensure or certification,
 - ii. Date of initial licensure or certification, and
 - iii. The applicant's professional license or certification number;
- i. Whether the applicant has:
 - i. Had a professional license or certificate suspended, revoked, or had disciplinary action taken against the professional license or certificate; or
 - ii. Voluntarily surrendered a professional license or certificate in lieu of disciplinary action;
- j. Whether the applicant has ever been convicted of or entered into a plea of no contest to a felony or a misdemeanor in this or another state and, if so:
 - i. The date of the conviction,
 - ii. The state or jurisdiction of the conviction,
 - iii. An explanation of the crime of which the applicant was convicted or entered into a plea of no contest to, and
 - iv. The disposition of the case;
- k. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-9B-102(C)(3):
 - l. An attestation that the information and documentation submitted as part of the application are true and accurate; and
 - m. The applicant's signature and date of signing;
- 2. If the applicant has had a professional license or certificate suspended, revoked, or surrendered, or had disciplinary action taken against the professional license or certificate within the previous five years, documentation that includes:
 - a. The date of the disciplinary action, suspension, revocation, or surrender;
 - b. The state or nationally accredited certifying body that issued the disciplinary action, suspension, or revocation, or to which the applicant surrendered the license or certificate; and
 - c. An explanation of the disciplinary action, suspension, revocation, or surrender;
- 3. If the applicant is currently ineligible for licensing or certification in any state because of a license revocation or suspension, documentation that includes:
 - a. The date of the ineligibility for licensing or certification,
 - b. The state or jurisdiction of the ineligibility for licensing or certification, and
 - c. An explanation of the ineligibility for licensing or certification;
- 4. Documentation for the applicant that complies with A.R.S. § 41-1080;
- 5. For the Department's criminal history check authorized in A.R.S. §§ 32-1343(B) and 1394.01(B), the applicant's fingerprints on a fingerprint card that includes:
 - a. The applicant's first name; middle initial, if applicable; and last name;
 - b. The applicant's signature;
 - c. If different from the applicant, the signature of the individual physically rolling the applicant's fingerprints;
 - d. The applicant's address;
 - e. If applicable, the applicant's surname before marriage and any names previously used by the applicant;
 - f. The applicant's date of birth;
 - g. The applicant's Social Security number;
 - h. The applicant's citizenship status;
 - i. The applicant's gender;
 - j. The applicant's race;
 - k. The applicant's height;
 - l. The applicant's weight;
 - m. The applicant's hair color;
 - n. The applicant's eye color; and
 - o. The applicant's place of birth;
- 6. Documentation that the applicant completed a crematory certification program, specific to the method of cremation specified according to subsection (B)(1)(g), issued by:
 - a. The manufacturer of a type of retort used for the method of cremation, or
 - b. An accredited organization that provides instruction for crematory operation; and
- 7. The applicable fees in R9-9B-103.
- C. If an applicant for a license to provide cremation through combustion, alkaline hydrolysis, or natural organic reduction may be eligible for licensing under A.R.S. § 32-4302(A), the applicant shall submit to the Department an application that contains:
 - 1. The information and documentation required in subsections (B)(1) through (5);
 - 2. Documentation of the current license or certificate as a cremationist providing cremation by the method specified according to subsection (B)(1)(g) issued to the applicant by each state in which the applicant holds the license or certification;
 - 3. Documentation, in a Department-provided format, verifying the applicant's license or certification and the basis for license or certification approval, completed by a representative of each state in which the applicant holds a license or certification;
 - 4. A statement, signed and dated by the applicant, attesting that the applicant:

NOTICES OF PROPOSED RULEMAKING

- a. Has been licensed or certified as a cremationist to provide cremation by the method specified according to subsection (B)(1)(g) in another state for at least one year;
 - b. Has met minimum education requirements and, if applicable, work experience and clinical supervision requirements, according to A.R.S. § 32-4302(A)(3);
 - c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
 - d. Does not have any complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct; and
5. The applicable fees in R9-9B-103.
- D. If the applicant's name on any documents submitted to the Department according to subsection (B) or (C) does not match the applicant's current name, the applicant shall submit to the Department, as part of an application, documentation, such as a marriage certificate, divorce decree, or court order, linking the names.
- E. The Department shall approve or deny an individual's application for a license, specific to a method of cremation, according to R9-9B-102.

R9-9B-205. Continuing Education Hours Required

- A. ~~Unless a funeral director or embalmer obtains a waiver under R9-9B-206, the~~ Except as provided in subsection (D) or (E), a funeral director, or an embalmer, or an embalmer's assistant who was licensed on or before March 31, 2023 shall complete ~~at least six credit hours or more~~ of continuing education every calendar year as follows:
- 1. ~~At least three~~ two credit hours in mortuary sciences;
 - 2. ~~At least three~~ two credit hours in ethical considerations in business practices and state and federal laws; and
 - 3. ~~At least three other~~ two credit hours intended to enhance professional development or competence.
- B. ~~Unless an embalmer's assistant obtains a waiver under R9-9B-206, the embalmer's assistant shall complete six credit hours or more of continuing education every calendar year as follows:~~
- 1. ~~At least three credit hours in mortuary sciences, and~~
 - 2. ~~At least three credit hours covering compliance with state and federal laws.~~
- C. ~~A licensee who has been licensed for less than 12 months during a calendar year shall complete one credit hour of continuing education for each month of licensure.~~
- D. ~~A registrant who has been registered for less than 12 months during a calendar year shall complete one credit hour of continuing education for every two months of registration.~~
- B. A funeral director, an embalmer, or an embalmer's assistant shall:
- 1. Obtain from the provider of the continuing education a certificate of completion containing:
 - a. The name of the provider and, if different, the name of the instructor;
 - b. The title describing the content of the continuing education;
 - c. The date of the continuing education;
 - d. The number of credit hours; and
 - e. The web address of the provider; and
 - 2. Maintain documentation of completed continuing education for at least three years after the date of the continuing education.
- C. A funeral director, an embalmer, or an embalmer's assistant may request a waiver of the continuing education requirements in subsection (A):
- 1. If the funeral director, embalmer, or embalmer's assistant was prevented from completing continuing education:
 - a. Because the funeral director, embalmer, or embalmer's assistant is serving in the U.S. Armed Forces in time of war;
 - b. Because of the funeral director's, embalmer's, or embalmer's assistant's absence from the United States; or
 - c. Due to extreme hardship, a disability, or a mental or physical illness; and
 - 2. By submitting a written waiver request, at least 30 calendar days before the due date specified according to R9-9B-104(E), of the annual licensing fee, including:
 - a. The name, address, telephone number, and license number of the funeral director, embalmer, or embalmer's assistant;
 - b. An explanation of why the funeral director, embalmer, or embalmer's assistant was unable to meet the Department's continuing education requirements, including one of the reasons in subsection (C)(1); and
 - c. Any documents that support the explanation.
- D. The Department shall:
- 1. Waive the continuing education requirements in subsection (A) for a funeral director, an embalmer, or an embalmer's assistant if:
 - a. The funeral director or embalmer is on inactive status, according to R9-9B-206(C);
 - b. The embalmer's assistant has not practiced during the previous 12 months; or
 - c. The funeral director, embalmer, or embalmer's assistant is serving in the U.S. Armed Forces in time of war; and
 - 2. Send written notice of approval of the request for waiver to the funeral director, embalmer, or embalmer's assistant within seven calendar days after receipt of the request in subsection (C).
- E. The Department:
- 1. May waive the continuing education requirements in subsection (A) for a funeral director, an embalmer, or an embalmer's assistant requesting a waiver according to subsection (C)(1)(b) or (c) if the documentation submitted according to subsection (C)(2)(c) supports the waiver request; and
 - 2. Shall send written notice of approval or denial of the request for waiver to the funeral director, embalmer, or embalmer's assistant within seven calendar days after receipt of the request in subsection (C).

NOTICES OF PROPOSED RULEMAKING

E. To enable the Department to verify the completion of continuing education, a funeral director, an embalmer, or an embalmer's assistant shall submit to the Department the documentation required to be maintained in subsection (B)(2) within 30 calendar days after the date of the Department's request for the documentation.

R9-9B-206. Waiver of Continuing Education Changes Affecting a License

A. ~~The Department shall waive the continuing education requirements in R9-9B-205 for a funeral director or an embalmer whose license or registration has been placed on inactive status or who was serving in the United States Armed Forces in time of war.~~

B. ~~The Department may waive the continuing education requirements in R9-9B-205 upon request and for good cause, which includes:~~

- ~~1. For an embalmer's assistant, that the embalmer's assistant:~~
 - ~~a. Was serving in the United States Armed Forces in time of war, or~~
 - ~~b. Has not practiced as an embalmer's assistant during the year in which continuing education is required;~~
- ~~2. That the funeral director, embalmer, or embalmer's assistant was prevented from completing continuing education due to extreme hardship, a disability, or a mental or physical illness; or~~
- ~~3. That the funeral director, embalmer, or embalmer's assistant was prevented from completing continuing education because of absence from the United States.~~

C. ~~A funeral director, embalmer, or embalmer's assistant who is unable to complete the continuing education required in R9-9B-205 may submit, before a renewal application is due or with a renewal application, a written request to the Department for a waiver from the continuing education required in R9-9B-205 that contains:~~

- ~~1. The name, address, and telephone number of the licensee or registrant;~~
- ~~2. An explanation of why the licensee was unable to meet the Department's continuing education requirements that includes one of the reasons in subsection (A) or (B);~~
- ~~3. Any documents that support the explanation; and~~
- ~~4. The signature of the licensee or registrant.~~

D. ~~The Department shall send written notice of approval or denial of the request for waiver within seven days of receipt of the request.~~

A. A licensee shall notify the Department in writing, as applicable:

1. Within 30 calendar days after the effective date of a change in the licensee's residential address, mailing address, or email address, including the new residential address, mailing address, or email address;
2. Within 30 calendar days after the effective date of a change in an embalmer's assistant's employer or cremationist's employer, including the name and address of the new employer and the employer listed in the Department's records;
3. Within 14 calendar days after the effective date of a change in a funeral director's or an embalmer's employer, including the name and address of the new employer and the employer listed in the Department's records; or
4. Within seven calendar days after the effective date of a change in a responsible funeral director's employer, including the name and address of the new employer and the employer listed in the Department's records.

B. Within 30 calendar days after the effective date of a change in a licensee's name, the licensee shall notify the Department and submit an application for a revised/duplicate license, including:

1. The following information, in a Department-provided format:
 - a. The licensee's name, as recorded by the Department, and the licensee's license number;
 - b. The licensee's new name; and
 - c. The licensee's signature and date of signature;
2. A copy of the legal document establishing the licensee's new name; and
3. The fee required in R9-9B-103(D)(2)(a) for a revised/duplicate license that reflects the licensee's name change.

C. A funeral director, an embalmer, or a cremationist may submit an application to the Department for inactivation of a license under A.R.S. § 32-1334(A), including:

1. The name and license number of the funeral director, embalmer, or cremationist; and
2. The fee required in R9-9B-103(D)(2)(b) to inactivate a license.

D. A funeral director, an embalmer, or a cremationist may submit an application to the Department for reactivation of an inactive license under A.R.S. § 32-1334(C), including:

1. The name and license number of the funeral director, embalmer, or cremationist;
2. For a funeral director or an embalmer, an attestation that the funeral director or embalmer has completed the continuing education requirements in R9-9B-205(A);
3. For the Department's criminal history check authorized in A.R.S. § 32-1334(C), the funeral director's, embalmer's, or cremationist's fingerprints on a fingerprint card that includes:
 - a. The funeral director's, embalmer's, or cremationist's first name; middle initial, if applicable; and last name;
 - b. The funeral director's, embalmer's, or cremationist's signature;
 - c. If different from the funeral director, embalmer, or cremationist, the signature of the individual physically rolling the funeral director's, embalmer's, or cremationist's fingerprints;
 - d. The funeral director's, embalmer's, or cremationist's address;
 - e. If applicable, the funeral director's, embalmer's, or cremationist's surname before marriage and any names previously used by the funeral director, embalmer, or cremationist;
 - f. The funeral director's, embalmer's, or cremationist's date of birth;
 - g. The funeral director's, embalmer's, or cremationist's Social Security number;
 - h. The funeral director's, embalmer's, or cremationist's citizenship status;
 - i. The funeral director's, embalmer's, or cremationist's gender;
 - j. The funeral director's, embalmer's, or cremationist's race;
 - k. The funeral director's, embalmer's, or cremationist's height;

Arizona Administrative Register
NOTICES OF PROPOSED RULEMAKING

- l. The funeral director's, embalmer's, or cremationist's weight;
- m. The funeral director's, embalmer's, or cremationist's hair color;
- n. The funeral director's, embalmer's, or cremationist's eye color; and
- o. The funeral director's, embalmer's, or cremationist's place of birth; and
- 4. The fees required in R9-9B-103(D)(1) and (2)(c) to reactivate an inactive license.
- E. The Department shall approve or deny a licensee's application according to R9-9B-102.

R9-9B-207. Continuing Education Determinations Enforcement Action

- A. To obtain a determination that continuing education satisfies the requirements of A.R.S. § 32-1338 and R9-9B-205, a licensee or registrant shall submit a written request to the Department before submission of a renewal application.
- B. A request under subsection (A) shall contain:
 - 1. A brief summary of the continuing education;
 - 2. The date and place where the continuing education was provided;
 - 3. The number of credit hours of the continuing education;
 - 4. The name of the individual providing the continuing education, if available; and
 - 5. The name of the organization providing the continuing education, if applicable.
- C. In making the continuing education determination, the Department shall consider whether the continuing education:
 - 1. Is designed to provide current developments, skills, and procedures related to funeral practices;
 - 2. Is developed and provided by an individual with knowledge and experience in the subject area; and
 - 3. Contributes directly to the professional competence of the licensee or registrant.
- A. Under A.R.S. § 32-1366, the Department may, as applicable:
 - 1. Deny, revoke, or suspend a license according to A.R.S. §§ 32-1366 and 32-1367;
 - 2. Request an injunction according to A.R.S. § 32-1369(A)(2);
 - 3. Issue a letter of censure or reprimand according to A.R.S. § 32-1367(C)(1);
 - 4. Impose probationary terms according to A.R.S. § 32-1367(C)(2); or
 - 5. Assess a civil money penalty according to A.R.S. § 32-1367(C)(3).
- B. As specified in A.R.S. § 32-1366(B), the Department may take disciplinary action in subsection (A) against a responsible funeral director, including a multiple funeral director, for a violation of A.R.S. Title 32, Chapter 12, or this Subchapter by an employee of a licensed funeral establishment that the responsible funeral director manages.
- C. The Department may take disciplinary action in subsection (A) against a responsible cremationist for a violation of A.R.S. Title 32, Chapter 12, or this Subchapter by an employee of a licensed crematory that the responsible cremationist manages.
- D. In determining which disciplinary action specified in subsection (A) is appropriate, the Department shall consider:
 - 1. The type of violation,
 - 2. The severity of the violation,
 - 3. The number of violations,
 - 4. Patterns of noncompliance,
 - 5. The potential for and occurrences of actual harm,
 - 6. The threat to health and safety,
 - 7. The number of persons affected by the violation,
 - 8. The length of time that the violation has been occurring, and
 - 9. Any mitigating or aggravating circumstances.
- E. A licensee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.

R9-9B-208. Documentation of Continuing Education Repealed

~~A licensee or registrant shall submit a written document of completed continuing education with a renewal application that includes:~~

- ~~1. The name of the licensee or registrant;~~
- ~~2. The title of each continuing education;~~
- ~~3. A brief summary of the content of each continuing education;~~
- ~~4. The date of completion of each continuing education;~~
- ~~5. The number of credit hours of each continuing education; and~~
- ~~6. A statement, signed and dated by the licensee or registrant, verifying that the information in the document is true and correct.~~

R9-9B-209. Reinstatement Repealed

- A. An applicant requesting reinstatement under A.R.S. § 32-1334 shall submit to the Department:
 - 1. An application form that contains the applicant's:
 - a. Name,
 - b. Social security number,
 - c. Residence and practice addresses,
 - d. Telephone number, and
 - e. Signature, and
 - 2. The renewal and reinstatement fees required by the Department under A.R.S. § 32-1309.
- B. In addition to the requirements in subsection (A), an applicant requesting reinstatement of a prearranged funeral sales endorsement shall submit to the Department the information required in A.R.S. § 32-1391.12(C).
- C. The Department shall send written notice of approval or denial of reinstatement within seven days of receiving the fees and application for reinstatement.

Arizona Administrative Register
NOTICES OF PROPOSED RULEMAKING
ARTICLE 3. FUNERAL ESTABLISHMENT LICENSING

R9-9B-301. Application for a Funeral Establishment License or Interim Funeral Establishment Permit

- A.** An applicant for a funeral establishment license shall submit an application packet to the Department that contains the fee required by the Department, information required in A.R.S. § 32-1383, and an application form that contains:
1. The funeral establishment's current and previous name, if any;
 2. The address of the physical location and telephone number of the funeral establishment;
 3. The responsible funeral director's name and license number;
 4. The name of the funeral establishment's current and previous owner;
 5. Whether the funeral establishment is a proprietorship, a corporation, a partnership, a limited liability company, or a subsidiary of a corporation, a partnership, or a limited liability company;
 6. If the previous owner was a corporation, the name of the corporation;
 7. The name and address of each person owning 10 percent or more of the establishment or corporation common stock;
 8. If a corporation, partnership, or limited liability company:
 - a. The state and date of incorporation or formation;
 - b. The name and address of the Arizona statutory agent or agent appointed to receive process; and
 - c. The name, address, and title of each officer, director, general partner, or member;
 9. Whether the applicant has ever been convicted of or entered into a plea of no contest to a class 1 or 2 felony, including the information in subsections (A)(10)(a) through (A)(10)(f);
 10. Whether the applicant, within five years from the date of the application, has been convicted of or entered into a plea of no contest to a felony or to a misdemeanor that is reasonably related to the applicant's proposed area of licensure including the:
 - a. Charged felony or misdemeanor;
 - b. Date of conviction;
 - c. Court having jurisdiction over the felony or misdemeanor;
 - d. Probation officer's name, address, and telephone number, if applicable;
 - e. A copy of the notice of expungement, if applicable; and
 - f. A copy of the notice of restoration of civil rights, if applicable;
 11. Whether the applicant, within five years from the date of the application, has committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence, or incompetence reasonably related to the applicant's proposed area of licensure;
 12. Whether the applicant is currently incarcerated or on community supervision after a period of imprisonment in a local, state, or federal penal institution or on criminal probation;
 13. Whether the applicant, within five years from the date of the application, has had an application for a license, registration, certificate, or endorsement denied or rejected by any state funeral licensing authority including the:
 - a. Reason for the denial or rejection;
 - b. Date of the denial or rejection; and
 - c. Name and address of the agency that denied or rejected the application;
 14. Whether the applicant has, within five years from the date of the application, had a license, registration, certificate, or endorsement suspended or revoked by any state funeral licensing authority including the:
 - a. Reason for the suspension or revocation;
 - b. Date of the suspension or revocation; and
 - c. Name and address of the state licensing authority that suspended or revoked the license;
 15. Whether the applicant has ever surrendered a license, registration, certificate, or endorsement to the Department or any state funeral licensing authority;
 16. A statement, signed by the responsible funeral director and notarized, affirming licensure in Arizona and confirming responsibility for the funeral establishment's compliance with Arizona state laws and rules; and
 17. The applicant's signature.
- B.** An applicant for an interim funeral establishment permit shall submit an application packet to the Department that contains the information required in A.R.S. § 32-1388 and an application form that contains:
1. The funeral establishment's current and previous name, if any;
 2. The address of the physical location and telephone number of the funeral establishment;
 3. The name of the funeral establishment's current and previous owner;
 4. The responsible funeral director's name and license number;
 5. Whether the funeral establishment is a proprietorship, a corporation, a partnership, a limited liability company, or a subsidiary of a corporation, a partnership, or a limited liability company;
 6. If the previous owner was a corporation, the name of the corporation;
 7. The name and address of each person owning 10 percent or more of the establishment or corporation common stock;
 8. If a corporation, partnership, or limited liability company:
 - a. The state and date of incorporation or formation;
 - b. The name and address of the Arizona statutory agent or agent appointed to receive process; and
 - c. The name, address, and title of each officer, director, general partner, or member;
 9. The name of the previous licensed owner;
 10. A statement, signed by the responsible funeral director and notarized, affirming licensure in Arizona and confirming responsibility for the funeral establishment's compliance with Arizona state laws and rules; and
 11. The applicant's signature.

NOTICES OF PROPOSED RULEMAKING

- A. A person may not advertise or operate for compensation a funeral establishment in this state unless the person is licensed by the Department or has an interim permit issued according to this Article.
- B. An applicant for a funeral establishment license shall submit to the Department an application that contains:
 - 1. The following, according to A.R.S. § 32-1383, in a Department-provided format:
 - a. The applicant's name, mailing address, email address, and telephone number;
 - b. The name or proposed name of the funeral establishment, including the:
 - i. Physical address;
 - ii. Mailing address, if different from the physical address;
 - iii. Telephone number;
 - iv. Email address;
 - v. Tax ID number; and
 - vi. If applicable, the applicant's Arizona Corporation Commission entity file number;
 - c. Whether the applicant is a business organization and, if so:
 - i. The type of business organization;
 - ii. The name and address of the Arizona statutory agent, or agent appointed to receive process;
 - iii. The name, title, telephone number, email address, and address of the individual the Department may contact about the application or operation of the funeral establishment; and
 - iv. The name and address of each person owning 10 percent or more of the business organization;
 - d. Whether the applicant is requesting the issuance of an interim permit and, if so:
 - i. The name of the previous licensee of the funeral establishment;
 - ii. The license number previously issued for the funeral establishment;
 - iii. The name of the funeral establishment listed on the license in subsection (B)(1)(d)(ii), if different from the name in subsection (B)(1)(b); and
 - iv. The date of the change of ownership of the funeral establishment;
 - e. Whether the applicant or any individual listed according to subsection (B)(1)(c)(iv) has, in any jurisdiction:
 - i. Had a funeral establishment license or certificate denied, suspended, or revoked, or had disciplinary action taken against the funeral establishment license or certificate; or
 - ii. Voluntarily surrendered a funeral establishment license or certificate in lieu of disciplinary action;
 - f. Whether the applicant or any individual listed according to subsection (B)(1)(c)(iv) has ever been convicted of or entered into a plea of no contest to a felony or a misdemeanor in this or another state and, if so:
 - i. The date of the conviction;
 - ii. The state or jurisdiction of the conviction;
 - iii. An explanation of the crime of which the applicant was convicted or entered into a plea of no contest to, and
 - iv. The disposition of the case;
 - g. The name and license number of the responsible funeral director;
 - h. Whether the funeral establishment embalms or will embalm on-site and, if not, the name, address, and license number of another funeral establishment embalming on behalf of the funeral establishment;
 - i. Whether the funeral establishment is ready for a licensing inspection by the Department;
 - j. If the funeral establishment is not ready for a licensing inspection, as specified in subsection (B)(1)(i), the date the facility will be ready for a licensing inspection;
 - k. Whether the funeral establishment complies with local zoning ordinances, building codes, and fire codes;
 - l. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-9B-102(C)(3);
 - m. An attestation that the information and documentation submitted as part of the application for a funeral establishment license are true and accurate; and
 - n. The applicant's signature and date of signing;
 - 2. A floor plan, which is drawn to approximate scale and may be neatly hand-drawn, of each building where the funeral establishment will be located, showing the function of each room;
 - 3. A copy of the business organization's articles of incorporation, articles of organization, or partnership documents, if applicable, and percentage ownership of each listed individual;
 - 4. Documentation for the applicant that complies with A.R.S. § 41-1080;
 - 5. For each individual signing according to subsection (B)(1)(n), the individual's fingerprints on a fingerprint card for the Department's criminal history check authorized in A.R.S. § 32-1383(B) that includes:
 - a. The individual's first name; middle initial, if applicable; and last name;
 - b. The individual's signature;
 - c. If different from the individual, the signature of the individual physically rolling the individual's fingerprints;
 - d. The individual's address;
 - e. If applicable, the individual's surname before marriage and any names previously used by the individual;
 - f. The individual's date of birth;
 - g. The individual's Social Security number;
 - h. The individual's citizenship status;
 - i. The individual's gender;
 - j. The individual's race;
 - k. The individual's height;
 - l. The individual's weight;

NOTICES OF PROPOSED RULEMAKING

- m. The individual's hair color;
- n. The individual's eye color;
- o. The individual's place of birth; and
- p. The date the individual's fingerprints were rolled;
- 6. An attestation, in a Department-provided format, by the responsible funeral director including:
 - a. The name and license number of the responsible funeral director;
 - b. The name and physical address of the funeral establishment;
 - c. The start date as responsible funeral director;
 - d. Whether the contact email address for the funeral establishment is changing and, if so, the new contact email address for the funeral establishment;
 - e. A statement that the responsible funeral director:
 - i. Is licensed under Article 2 of this Subchapter;
 - ii. Is familiar with the requirements in A.R.S. Title 32, Chapter 12, and the rules in this Subchapter;
 - iii. Accepts responsibility for the operation of and services provided by the funeral establishment; and
 - iv. Will ensure that the funeral establishment will be equipped and operated according to the requirements in A.R.S. Title 32, Chapter 12, and the rules in this Subchapter; and
 - f. The responsible funeral director's signature and date of signing;
- 7. If requesting an interim permit, documentation confirming the date of the change of ownership of the funeral establishment, including the signatures and dates of signing for both parties to the change of ownership;
- 8. If not planning to embalm on-site, a copy of the contract required in R9-9B-304(I)(1);
- 9. If applicable, documentation that shows that the applicant is in good standing with the Arizona Corporation Commission; and
- 10. The applicable fees in R9-9B-103(A) and (D)(1).
- C. Upon receipt of the application in subsection (B), the Department shall conduct an inspection of the funeral establishment.
- D. The Department shall issue or deny a license or interim permit, as applicable, to an applicant as specified in R9-9B-102.
- E. At least seven calendar days before the expiration of an interim permit, a funeral establishment with an interim permit may request an extension of the interim permit, according to A.R.S. § 32-1388, by submitting to the Department an application that contains:
 - 1. The funeral establishment's name, mailing address, email address, and telephone number;
 - 2. The number associated with the interim permit;
 - 3. A justification for why the extension of the interim permit is needed; and
 - 4. The applicant's signature and date of signing.
- F. Upon receipt of an application for an extension of an interim permit according to subsection (E), the Department shall issue or deny an extension of the interim permit to a funeral establishment as specified in R9-9B-102.

R9-9B-302. Application for a Prearranged Funeral Sales Endorsement

An owner and the owner's responsible funeral director applying for a prearranged funeral sales endorsement for a funeral establishment shall submit an application packet to the Department that contains the fee required by the Department, information required in A.R.S. § 32-1391.12, and an application form that contains:

- 1. The funeral establishment's name, mailing address, and telephone number;
 - 2. The funeral establishment's designated funeral director's, manager's, corporate officers', owner's, trustee's, or any controlling person's:
 - a. Current name and any prior name or alias;
 - b. Current address, telephone number, and social security number;
 - c. Date and place of birth; and
 - d. Former addresses, including dates of residence, for seven years immediately preceding the date of the application;
 - 3. The total amount of trust funds, including accrued interest, for 12 months immediately preceding the application date;
 - 4. The total number of currently existing prearranged funeral agreements entered into before January 1, 1985;
 - 5. The total number of prearranged funeral agreements sold by the funeral establishment for the calendar year immediately preceding the date of the application;
 - 6. Whether the designated funeral director, a manager, a corporate officer, a trustee, or an owner, within seven years preceding the date of application, in any state or federal jurisdiction, has:
 - a. Been convicted of or entered into a plea of no contest to a felony or to a misdemeanor involving dishonesty, fraud, deception, misrepresentation, embezzlement, or breach of fiduciary duty; or
 - b. Been issued a judgment or consent order for consumer fraud, securities violation, or civil racketeering;
 - 7. The name, address, alias, and telephone number of each individual named in subsection (6) and the following:
 - a. The charged felony or misdemeanor;
 - b. Date of conviction or judgment;
 - c. Court having jurisdiction over the felony or misdemeanor;
 - d. Probation officer's name, address, and telephone number, if applicable; and
 - e. A copy of the notice of expungement, if applicable; and
 - f. A copy of the notice of restoration of civil rights, if applicable; and
 - 8. A notarized statement signed by the owner and designated funeral director verifying the information on the application is true and correct.
- A. As specified in A.R.S. § 32-1391.11, a funeral establishment may only offer or sell prearranged funeral agreements funded by trust if the Department has issued a prearranged funeral sales endorsement to the funeral establishment's license.

NOTICES OF PROPOSED RULEMAKING

- B.** An applicant for a prearranged funeral sales endorsement for a funeral establishment shall submit to the Department an application that contains:
1. The following in a Department-provided format:
 - a. The funeral establishment's name, license number, physical address, mailing address if different, email address, and telephone number;
 - b. The name, mailing address, email address, and telephone number of the applicant;
 - c. Whether the applicant is a business organization and, if so:
 - i. The type of business organization,
 - ii. The name, title, telephone number, email address, and address of the individual the Department may contact about the application or operation of the funeral establishment; and
 - iii. The name and address of each person owning 10 percent or more of the business organization;
 - d. The name and license number of the responsible funeral director;
 - e. According to A.R.S. § 32-1391.12, the name and address of the funeral director designated by the funeral establishment to offer or sell prearranged funerals;
 - f. If applicable, the names and addresses of all other individuals employed by or contracted with the funeral establishment to offer prearranged funerals;
 - g. If the application for a prearranged funeral sales endorsement is the result of a change of ownership of the funeral establishment:
 - i. The total amount of trust funds, including accrued interest, for the 12 months immediately preceding the application date;
 - ii. The total number of currently existing prearranged funeral agreements funded by trust entered into before January 1, 1985;
 - iii. The total number of currently existing prearranged funeral agreements funded by trust entered into between January 1, 1985 and the previous calendar year; and
 - iv. The total number of prearranged funeral agreements funded by trust sold by the funeral establishment under the previous ownership for the calendar year immediately preceding the date of the application;
 - h. Whether any of the individuals specified according to subsection (B)(1)(c)(ii) or (iii), (d), or (e) has been convicted of any of the crimes or has been the subject of any of the court actions described in A.R.S. § 10-202(D)(1)(a), (b), or (c), and, if so, the following about the individual:
 - i. The name and address of the individual,
 - ii. Any prior names or aliases used by the individual,
 - iii. All prior addresses for the individual for the seven-year period immediately preceding the application,
 - iv. The date and location of the individual's birth,
 - v. The charged crime,
 - vi. The date of conviction,
 - vii. The court having jurisdiction, and
 - viii. The disposition of the case;
 - i. An attestation that the information and documentation submitted as part of the application for a prearranged funeral sales endorsement for the funeral establishment are true and accurate; and
 - j. The signature and date of signing of the applicant and responsible funeral director;
 2. If the application for a prearranged funeral sales endorsement is the result of a change of ownership of the funeral establishment:
 - a. A copy of the notification sent to the holders of existing prearranged funeral agreements funded by trust regarding the change of ownership, according to R9-9B-304(K)(1), and, if the trust account is being transferred to another financial institution, including the name and location of the financial institution and the new trust account number; and
 - b. A copy of the annual trust report required by A.R.S. § 32-1391.16;
 3. Documentation of the issuance of a corporate surety bond, required in A.R.S. § 32-1391.12(A)(4), in an amount specified according to R9-9B-307(B)(1);
 4. The information and documentation, required by A.R.S. § 32-1391.12(A)(5), about the individual listed according to subsection (B)(1)(e); and
 5. The fee in R9-9B-103(A)(6).
- C.** The Department shall issue or deny a prearranged funeral sales endorsement to an applicant as specified in R9-9B-102.

R9-9B-303. Reserved Changes Affecting a License

- A.** The Department considers a change of ownership of a funeral establishment to have occurred when there is a change in the:
1. Type or structure of a controlling entity's business organization, such as:
 - a. In the case of ownership by a sole proprietor, 10 percent or more interest or a beneficial interest is sold or transferred; or
 - b. In the case of ownership by a partnership or a private corporation, 10 percent or more of the stock, interest, or beneficial interest is sold or transferred; or
 2. The management and control of the funeral establishment significantly changes, such that there is a change in who pays the operating expenses or who receives the operating revenue.
- B.** As required by A.R.S. § 32-1388, a licensee shall:
1. Notify the Department in writing within 30 calendar days after the effective date of a change of ownership of a funeral establishment, including the following information, in a Department-provided format:
 - a. The name and license number of the funeral establishment;
 - b. The name, mailing address, email address, and telephone number of the licensee;

NOTICES OF PROPOSED RULEMAKING

- c. The name, email address, and telephone number of an individual who may be contacted by the Department about the change of ownership;
 - d. The date of the change of ownership;
 - e. The name of the new owner of the funeral establishment;
 - f. An attestation that the records required in R9-9B-304(J) have been provided to the responsible funeral director for the new owner; and
 - g. The licensee's signature and date of signing;
 - 2. If the funeral establishment has a prearranged funeral sales endorsement, submit to the Department a copy of the notification sent to the holders of existing prearranged funeral agreements funded by trust regarding the change of ownership of the funeral establishment, according to R9-9B-304(K)(1); and
 - 3. Surrender the funeral establishment license to the Department.
- C.** At least 30 calendar days before a change in the legal name of a funeral establishment that does not affect the structure or ownership of the business organization, a licensee shall submit to the Department an application, including:
- 1. The following information in a Department-provided format:
 - a. The current name and license number of the funeral establishment;
 - b. The proposed new name of the funeral establishment;
 - c. Whether the funeral establishment has a prearranged funeral sales endorsement;
 - d. The name, email address, and telephone number of an individual who may be contacted by the Department;
 - e. An attestation that the change in the legal name of the funeral establishment does not affect the structure or ownership of the business organization;
 - f. An attestation that the information and documentation submitted as part of the application are true and accurate; and
 - g. The licensee's signature and the date of signing;
 - 2. A copy of the documents required in R9-9B-306(C) and a sample copy of the Statement of Goods and Services in R9-9B-306(E)(1) without any identifying information about a potential purchaser, reflecting the new name of the funeral establishment;
 - 3. An updated attestation from the responsible funeral director, as specified in R9-301(B)(6), including the new name of the funeral establishment;
 - 4. If the funeral establishment has a prearranged funeral sales endorsement:
 - a. Documentation of the issuance of a corporate surety bond, required in A.R.S. § 32-1391.12(A)(4), in the new name of the funeral establishment, in an amount specified according to R9-9B-307(B)(1); and
 - b. A copy of the notification sent to the holders of existing prearranged funeral agreements funded by trust regarding the name change of the funeral establishment, according to R9-9B-304(K)(2); and
 - 5. The fee in R9-9B-103(A)(8).
- D.** At least 30 calendar days before a change in the legal name of a licensee, which does not affect the structure or ownership of the business organization if the licensee is a business organization, a licensee shall:
- 1. Notify the Department in writing, including the following information, in a Department-provided format:
 - a. The name and license number of the funeral establishment;
 - b. The current name of the licensee;
 - c. The proposed new name of the licensee;
 - d. The name, email address, and telephone number of an individual who may be contacted by the Department;
 - e. An attestation that the change in the legal name of the licensee does not affect the structure or ownership of the business organization;
 - f. An attestation that the information and documentation submitted as part of the notification are true and accurate; and
 - g. The licensee's signature and date of signing; and
 - 2. Either:
 - a. If the licensee is an individual, documentation of the individual's legal name change; or
 - b. If the licensee is a business organization, documentation of the name change, from the Arizona Corporation Commission or other governmental entity, as applicable, registering the new name, that indicates no change in structure or ownership of the business organization.
- E.** At least 30 calendar days before an anticipated change of location of a funeral establishment, without a change of ownership, a licensee shall submit to the Department an application, including:
- 1. The following information in a Department-provided format:
 - a. The name and license number of the funeral establishment;
 - b. The name, mailing address, email address, and telephone number of the licensee;
 - c. The current physical address of the funeral establishment;
 - d. The new physical address of the funeral establishment;
 - e. The estimated date that the funeral establishment plans to suspend operations at the current address in anticipation of the change of address;
 - f. The estimated date that the funeral establishment plans to be ready to begin operations at the new address;
 - g. The date the funeral establishment will be ready for a licensing inspection;
 - h. Whether the funeral establishment complies with local zoning ordinances, building codes, and fire codes for the new location;
 - i. Whether the licensee agrees to allow the Department to submit supplemental requests for information under R9-9B-102(C)(3);
 - j. An attestation that the change in the location of the funeral establishment does not affect the structure or ownership of the business organization;

NOTICES OF PROPOSED RULEMAKING

- k. An attestation that the information and documentation submitted as part of the application for a change of location for the funeral establishment are true and accurate; and
- l. The licensee's signature and date of signing;
- 2. A plan for ensuring the condition, dignity, and security of human remains and cremated remains in the possession of the funeral establishment during the change of location;
- 3. An updated attestation from the responsible funeral director, as specified in R9-301(B)(6), including the new location of the funeral establishment;
- 4. A floor plan, which is drawn to approximate scale and may be neatly hand-drawn, of each building at the new location of the funeral establishment, showing the function of each room;
- 5. If the funeral establishment has a prearranged funeral sales endorsement:
 - a. Documentation of the issuance of a corporate surety bond, required in A.R.S. § 32-1391.12(A)(4), at the new location of the funeral establishment, in an amount specified according to R9-9B-307(B)(1); and
 - b. A copy of the notification sent to the holders of existing prearranged funeral agreements funded by trust regarding the change of location of the funeral establishment, according to R9-9B-304(K)(3); and
- 6. The fee in R9-9B-103(A)(7).
- E. A licensee shall notify the Department in writing at least 30 calendar days before the anticipated start of a proposed modification, which includes a substantial improvement, enlargement, reduction, alteration, or other substantial change in the funeral establishment or another structure on the premises at the funeral establishment, including:
 - 1. The following information in a Department-provided format:
 - a. The name and license number of the funeral establishment;
 - b. A description of the proposed modification;
 - c. Whether the modification will comply with local zoning ordinances, building codes, and fire codes;
 - d. The estimated date of completion of the modification;
 - e. The date the funeral establishment will be ready for a licensing inspection;
 - f. The name, email address, and telephone number of an individual who may be contacted by the Department;
 - g. An attestation that the information and documentation submitted as part of the application for a modification of the funeral establishment are true and accurate; and
 - h. The licensee's signature and date of signing;
 - 2. A plan for ensuring the condition, dignity, and security of human remains and cremated remains in the possession of the funeral establishment during the modification; and
 - 3. A floor plan, which is drawn to approximate scale and may be neatly hand-drawn, of each building in which a modification of the funeral establishment will be made:
 - a. Showing the function of each room, and
 - b. Indicating the changes to be made.
- G. Within seven calendar days after a change in a responsible funeral director, the new responsible funeral director shall submit to the Department an attestation, in a Department-provided format, including:
 - 1. The name and license number of the funeral establishment;
 - 2. The name and license number of the former responsible funeral director;
 - 3. The name and license number of the new responsible funeral director;
 - 4. The date of the change in responsible funeral director;
 - 5. Whether the contact email address for the funeral establishment is changing and, if so, the new contact email address for the funeral establishment;
 - 6. A statement that the new responsible funeral director:
 - a. Is licensed under Article 2 of this Subchapter;
 - b. Is familiar with the requirements in A.R.S. Title 32, Chapter 12, and the rules in this Subchapter;
 - c. Accepts responsibility for the operation of and services provided by the funeral establishment; and
 - d. Will ensure that the funeral establishment will be equipped and operated according to the requirements in A.R.S. Title 32, Chapter 12, and the rules in this Subchapter; and
 - 7. The new responsible funeral director's signature and date of signing.
- H. A licensee shall notify the Department in writing, including in the notification the name and license number of the funeral establishment, no later than 30 calendar days after a change in any of the following:
 - 1. The email address or mailing address of the funeral establishment, including the new email address or mailing address;
 - 2. The email address or telephone number of the licensee, including the new email address or telephone number; or
 - 3. An individual employed by or contracted with the funeral establishment to offer prearranged funerals, including the name and address of the individual.
- I. If a licensee intends to close a funeral establishment, without a change of ownership or change of location, the licensee shall:
 - 1. Notify the Department in writing at least 30 calendar days before the anticipated date the funeral establishment will close, including the following information, in a Department-provided format:
 - a. The name and license number of the funeral establishment;
 - b. The name of the licensee;
 - c. The estimated date that the funeral establishment plans to close;
 - d. The name, email address, and telephone number of an individual who may be contacted by the Department;
 - e. The name, email address, and telephone number of the person that will have custody of records required to be maintained by the funeral establishment according to R9-9B-304(J);

NOTICES OF PROPOSED RULEMAKING

- f. A statement that, as of the date specified according to subsection (I)(1)(c), the funeral establishment will have no human remains or cremated remains on the premises;
- g. An attestation that the information and documentation submitted as part of the notification are true and accurate; and
- h. The licensee’s signature and date of signing; and
- 2. Within seven calendar days after the date specified according to subsection (I)(1)(c):
 - a. Submit to the Department an attestation that the records required to be maintained by the funeral establishment according to R9-9B-304(J) have been transferred into the custody of the person named according to subsection (I)(1)(e) and the date of the transfer;
 - b. If the funeral establishment has a prearranged funeral sales endorsement, submit to the Department:
 - i. A copy of the notification sent to the holders of existing prearranged funeral agreements funded by trust regarding the closing of the funeral establishment, according to R9-9B-304(K)(5); and
 - ii. An attestation that any trust funds have been disbursed to the holders of existing prearranged funeral agreements funded by trust; and
 - c. Surrender the funeral establishment license to the Department.
- J.** If the Department receives the notification of a change of ownership in subsection (B) or closure of the funeral establishment in subsection (I), the Department shall void the licensee’s license to operate a funeral establishment as of the date specified by the licensee in subsection (B)(1)(d) or (I)(1)(c), as applicable.
- K.** If the Department receives an application for a change in the name of a funeral establishment in subsection (C) or notification in subsection (D) of a change in the legal name of a licensee, the Department shall:
 - 1. Determine whether the change affects the structure or ownership of a business organization;
 - 2. If the change in the name of a funeral establishment or licensee does not affect the structure or ownership of a business organization:
 - a. For a change in the name of a funeral establishment, issue to the licensee an amended license showing the new legal name of the funeral establishment, keeping the current license expiration date; or
 - b. For a change in the legal name of a licensee, notify the licensee that records have been updated; and
 - 3. If the change in the name of the funeral establishment or licensee affects the structure or ownership of a business organization, notify the licensee that:
 - a. The funeral establishment is required to comply with subsection (B);
 - b. The new owner may apply for a new funeral establishment license according to R9-9B-301; and
 - c. According to R9-9B-301(A), funeral industry services cannot be provided until a new license or interim permit is issued.
- L.** If the Department receives an application for a change in the location of a funeral establishment in subsection (E), the Department shall:
 - 1. Conduct an inspection of the premises; and
 - 2. If the funeral establishment is compliant with A.R.S. Title 32, Chapter 12, and this Subchapter, issue to the licensee an amended license for the funeral establishment that incorporates the new address and retains the expiration date of the existing license.
- M.** If the Department receives an application in subsection (F) of a proposed modification, the Department:
 - 1. May conduct an inspection of the premises; and
 - 2. Shall notify the licensee that the funeral establishment is:
 - a. Compliant with A.R.S. Title 32, Chapter 12, and this Subchapter; or
 - b. Not compliant with A.R.S. Title 32, Chapter 12, and this Subchapter, and:
 - i. Request a plan of correction for instances of noncompliance, and
 - ii. State whether the funeral establishment may continue operations before corrections are completed.

R9-9B-304. General Funeral Services Requirements Administration

- A.** Any funeral director, embalmer, funeral establishment or other person licensed by the Department shall comply with the following general funeral service requirements:
 - 1. Licensees shall deal with funeral services consumers in an honest and truthful manner, and shall be responsive and sensitive to particular requirements or needs concerning funeral arrangements. Licensees shall not engage in any conduct that causes or results in disrespect for the deceased person, disruption of the funeral services or any injury to the decedent’s family, contrary to the prevailing standards and practices of the profession in this state.
 - 2. Licensees shall perform their respective responsibilities concerning the care, handling, transportation and disposition of human remains and concerning all transactions with funeral services consumers in a careful and competent manner in accordance with the prevailing standards and practices of the profession in this state.
 - 3. Licensees shall comply with all laws and regulations pertaining to their activities in the care, handling, transportation and disposition of human remains including, without limitation, the provisions of the Funeral Directors Act (A.R.S. § 32-1301 et seq.), the Prearranged Funeral Plan Act (A.R.S. § 44-1721 et seq.), and these rules. Licensees shall comply with all health laws and regulations that pertain to the embalming and preparation of human remains. The following health laws and rules should be reviewed and followed to the extent applicable:

Subject	Law or Rule
Vital statistics	A.R.S. § 36-301 et seq. and 9 A.A.C. 19, Article 3
Health menaces	A.R.S. § 36-601 et seq.

Arizona Administrative Register
NOTICES OF PROPOSED RULEMAKING

Disposition of bodies	A.R.S. § 36-803 et seq.
Communicable diseases	A.R.S. § 36-621 and A.A.C. R9-6-102

4. Licensees should also make reasonable efforts to cooperate with the customs of all religions and creeds according to the desires of the decedent or his family.
 5. Licensees shall not make statements nor engage in activities that foreseeably could result in needless infliction of emotional distress on members of the decedent's family or result in exposing the remains to unnecessary indignity, including without limitation:
 - a. Making statements to members of the family designed to offend their sensibilities during grief, including unsolicited comments concerning graphic details of the embalming, or of the condition, decomposition or decay of the remains, except those statements that are necessary under the circumstances to adequately inform the family concerning the advisability of viewing the remains or having an open casket funeral ceremony are not prohibited by this subsection;
 - b. Permitting the remains to be exposed or displayed to members of the family or the public in a manner not consistent with public health; or
 - c. Permitting the remains to be exposed or displayed to members of the family or the public in a manner designed to offend their sensibilities during grief, including exposing or displaying the remains:
 - i. During the embalming or preparation process;
 - ii. Without clothing or suitable covering of the trunk and limbs of the remains;
 - iii. For any promotional or commercial purpose; or
 - iv. For photographs, videotape, or other reproductive process without clothing or suitable covering or during the embalming or preparation process. This subsection does not apply where public officials in the discharge of their duties view or examine the remains.
 6. Licensees shall not disclose or divulge any privacy, secrecy, confidence or secret of the domestic or private life of any deceased or the family thereof or of any home or circle learned as a result of professional employment, unless such disclosure is required by law, or is necessary to conduct the legitimate business of the funeral establishment in accordance with law. Licensees shall not discuss facts concerning the cause of death, expenditures for the funeral, the source of funds, or other matters of a personal nature except with the members of the family or their authorized representatives. Such information may be released to the Department during an investigation or inspection if a release or other permission is obtained or received from a family member or if pursuant to a subpoena or other court or administrative directive.
 7. Licensees shall not pay or cause to be paid to any person, including without limitation a nurse, attendant, doctor, ambulance personnel, hospital personnel, health care facility personnel, clergy, or law enforcement officers, money or other valuable consideration to secure business from or through such person.
- B.** Failure to substantially comply with the provisions of this Section shall be deemed to be evidence of gross negligence, repeated or continuing negligence, or other professional incompetence.
- A.** A licensee of a funeral establishment shall designate, in writing, a responsible funeral director for the funeral establishment who:
1. Is licensed under Article 2 of this Subchapter;
 2. Is responsible for the day-to-day operations of the funeral establishment, including:
 - a. Supervision of the services provided, and
 - b. Ensuring compliance with the funeral establishment's policies and procedures;
 3. Manages staffing and oversees personnel decisions; and
 4. Ensures that the funeral establishment complies with the requirements in A.R.S. Title 32, Chapter 12, and the rules in this Subchapter.
- B.** A licensee shall ensure that policies and procedures are developed, documented, and implemented, consistent with the requirements in A.R.S. Title 32, Chapter 12, and the rules in this Subchapter, that cover:
1. Employees and other personnel, including:
 - a. Job descriptions, duties, and qualifications, including required skills and knowledge for funeral directors, embalmers, and, if applicable, individuals offering or selling prearranged funeral agreements;
 - b. Orientation, training, and in-service education for employees; and
 - c. Supervision;
 2. Persons providing contracted services to ensure that:
 - a. Persons providing contracted services have the required skills and knowledge, and
 - b. Contracted services are provided according to the requirements in this Subchapter;
 3. The posting of professional licenses, issued under Article 2 of this Subchapter, for all applicable individuals employed by or contracted with the funeral establishment to provide funeral services at the location, consistent with A.R.S. § 32-1387;
 4. If applicable, compliance with requirements in A.R.S. § 32-1361(E) and subsection (E) related to individuals on the pathway to funeral director or embalmer licensure;
 5. Compliance with requirements in A.R.S. § 32-1365(A)(8), (9), and (10);
 6. Compliance with applicable requirements in R9-9B-306(E)(5) and (I) to ensure workplace health and safety;
 7. Compliance with applicable requirements related to vital records for death records in A.R.S. Title 36, Chapter 3, Article 3, and 9 A.A.C. 19, Article 3;
 8. Compliance with applicable requirements related to the disposition of human remains in A.R.S. Title 36, Chapter 7;
 9. Compliance with applicable requirements related to communicable diseases in A.R.S. § 36-621 and A.A.C. R9-6-102;

NOTICES OF PROPOSED RULEMAKING

10. Who can access areas of the funeral establishment in which human remains are prepared or kept, according to R9-9B-306(H);
 11. Cleaning and sanitation of the funeral establishment, in compliance with R9-9B-309 and applicable requirements related to health menaces in A.R.S. § 36-601 et seq.;
 12. Storage and disposal of biohazardous medical waste, as defined in A.A.C. R18-13-1401, according to requirements of the Arizona Department of Environmental Quality and local environmental health agencies;
 13. Maintenance of equipment used in the preparation of human remains or repackaging of cremated remains;
 14. If the funeral establishment has a refrigerated holding area for human remains:
 - a. Monitoring of the functioning and temperature of the refrigerated holding area to ensure the condition, dignity, and security of human remains in the refrigerated holding area; and
 - b. The transfer of human remains kept in the refrigerated holding area if the functioning or temperature of the refrigerated area endangers the condition, dignity, or security of human remains in the refrigerated holding area;
 15. Advertising about the funeral goods and services offered by the funeral establishment to ensure the advertising:
 - a. Is clear and accurate; and
 - b. Complies with the requirements in A.R.S. Title 32, Chapter 12;
 16. The display of funeral merchandise or services regularly offered for sale and stocked by the funeral establishment, as specified in R9-9B-306(F)(2);
 17. How information about funeral goods and services, offered by the funeral establishment, and their prices is provided to persons contacting the funeral establishment, as specified in R9-9B-306(B) and (C); and
 18. If the funeral establishment offers prearranged funeral agreements, compliance with A.R.S. Title 32, Chapter 12, Article 5, and R9-9B-307 and R9-9B-308.
- C.** A licensee shall ensure that policies and procedures are developed, documented, and implemented, consistent with the requirements in A.R.S. Title 32, Chapter 12, and the rules in this Subchapter, that ensure that:
1. At all times while human remains or cremated remains are in the custody of a funeral establishment:
 - a. The identity of the human remains or cremated remains are accurately and timely recorded and tracked, and
 - b. The condition of the human remains is monitored and concerns are documented;
 2. The condition, dignity, and security of human remains in the custody of the funeral establishment are maintained;
 3. A deceased individual's family is treated honestly and with respect, including considerations for religious or cultural beliefs;
 4. No photographs or recordings of the deceased individual or the deceased individual's family are made, except, if applicable, as part of the funeral establishment's electronic video security monitoring system, without the express permission of the individual authorized according to A.R.S. § 36-831 to provide funeral and disposition arrangements;
 5. Information about the deceased individual, the deceased individual's family, or financial matters obtained during the course of providing services to the deceased individual's family is maintained in a confidential manner;
 6. The following are provided to the individual authorized according to A.R.S. § 36-831 to provide funeral and disposition arrangements:
 - a. Disclosures specified in 16 CFR 453, incorporated by reference in R9-9B-306(A); and
 - b. Documents required according to R9-9B-306(C) and (E);
 7. Instructions are provided to the purchaser of funeral goods and services about:
 - a. A contract for the provision of funeral goods and services being cancelled only if services have not yet been provided to the deceased individual specified in the contract; and
 - b. How to cancel a contract for the provision of funeral goods and services, including:
 - i. Who may request cancellation of the contract;
 - ii. What amount of the monies that have been paid will be refunded and what amount will be retained by the funeral establishment; and
 - iii. For a prearranged funeral agreement funded by trust, how the identity of the individual requesting the cancellation will be verified;
 8. Embalming is conducted according to R9-9B-306(I); and
 9. If applicable, transportation agreements meet the requirements in A.R.S. §§ 32-1301 and 32-1378.
- D.** A licensee shall ensure that:
1. Policies and procedures are reviewed at least once every three years and updated as needed;
 2. Policies and procedures are available to employees and, as applicable, contracted individuals; and
 3. Documentation required by this Article is provided to the Department:
 - a. If requested by the Department during an inspection, within two hours after a Department request and before the end of the inspection; and
 - b. If requested by email, written correspondence, or telephone, by midnight of the next calendar day, unless a longer period is specified by the Department.
- E.** A licensee shall ensure that documentation that an employee is on the pathway to licensure as a funeral director or embalmer is submitted to the Department, in a Department-provided format:
1. Within seven calendar days after, as applicable:
 - a. An employee begins on the pathway to licensure as a funeral director or embalmer;
 - b. An individual who is on the pathway to licensure as a funeral director or embalmer begins employment at the funeral establishment; or
 - c. The supervising licensed funeral director or embalmer, as applicable, changes; and
 2. Includes the following information:
 - a. The name and license number of the funeral establishment;
 - b. The name of the employee or individual who is on the pathway to licensure as a funeral director or embalmer;

NOTICES OF PROPOSED RULEMAKING

- c. For an employee beginning on the pathway to licensure as a funeral director or embalmer:
 - i. The date the employee began on the pathway to licensure, and
 - ii. Whether the employee began on the pathway to licensure according to R9-9B-305(B)(1)(a) or (b);
 - d. For an individual who is on the pathway to licensure as a funeral director or embalmer beginning employment at the funeral establishment:
 - i. The starting date of employment,
 - ii. The date the individual began on the pathway to licensure, and
 - iii. Whether the individual began on the pathway to licensure according to R9-9B-305(B)(1)(a) or (b);
 - e. The name and license number of the supervising licensed funeral director or embalmer at the funeral establishment; and
 - f. The signature and date of signing of the supervising licensed funeral director or embalmer and, if different, the responsible funeral director.
- F.** A licensee shall ensure that the professional licenses, issued under Article 2 of this Subchapter, for all applicable individuals employed by or contracted with the funeral establishment to provide funeral services are:
- 1. Current and valid, and
 - 2. Posted in a conspicuous location that may be viewed by an individual entering the funeral establishment.
- G.** A licensee shall ensure that one of the following, as applicable, is posted in a conspicuous location that may be viewed by an individual entering the funeral establishment:
- 1. The current and valid license issued to the funeral establishment under this Article, or
 - 2. A valid interim permit issued under R9-9B-301.
- H.** A licensee shall ensure that transport of human remains or cremated remains, by or on behalf of the funeral establishment, is in compliance with the applicable requirements of this Subchapter.
- I.** A licensee shall ensure that:
- 1. If embalming of deceased individuals is not done on-site at the funeral establishment, a contract is established and maintained with another funeral establishment licensed under this Article for embalming, including:
 - a. The name, physical address, and license number of the funeral establishment;
 - b. The name, physical address, and license number of the funeral establishment at which embalming would take place;
 - c. The name and license number of the responsible funeral director at each of the funeral establishments;
 - d. The name and license number of each embalmer employed by the funeral establishment at which embalming would take place;
 - e. A description of the activities to be performed by each of the funeral establishments, including responsibilities for transport and storage as well as embalming; and
 - f. The signature and date of signing of each of the licensees and responsible funeral directors;
 - 2. If the funeral establishment does not have a refrigerated area for human remains on-site, a contract for the refrigerated storage of human remains is established and maintained with:
 - a. Another funeral establishment licensed under this Article, including:
 - i. The name, physical address, and license number of both funeral establishments;
 - ii. The name and license number of the responsible funeral director at each of the funeral establishments;
 - iii. A description of the activities to be performed by each of the funeral establishments, including responsibilities for transport and storage; and
 - iv. The signature and date of signing of each of the licensees and responsible funeral directors; or
 - b. A crematory licensed under Article 4 of this Subchapter, including:
 - i. The name, physical address, and license number of the funeral establishment;
 - ii. The name and license number of the responsible funeral director at the funeral establishment;
 - iii. The name, physical address, and license number of the crematory;
 - iv. The name and license number of the responsible cremationist at the crematory;
 - v. A description of the activities to be performed by the funeral establishment and the activities to be performed by the crematory, including responsibilities for transport and storage; and
 - vi. The signature and date of signing of each of the licensees and the responsible funeral director and responsible cremationist; and
 - 3. For any other activities or services offered by the funeral establishment and performed by a contracted person, a contract is established and maintained that complies with requirements in subsection (B)(2).
- J.** A licensee shall ensure that:
- 1. Copies of general price lists in R9-9B-306(C)(1), alternative price lists in R9-9B-306(C)(2) if applicable, casket price lists in R9-9B-306(C)(3), and outer burial container price lists if applicable in R9-9B-306(C)(4) are maintained, according to A.R.S. § 32-1385, for at least three years after the date the documents are no longer used;
 - 2. Copies of any other documents related to the arrangement or direction of funeral or embalming services, including signed Statements of Funeral Goods and Services and authorizations for embalming or cremation according to R9-9B-306, are maintained, according to A.R.S. § 32-1385, for at least three years after the date that the documents were prepared by or on behalf of the funeral establishment;
 - 3. Documentation required according to A.R.S. Title 36, Chapter 3, Article 3, and:
 - a. A.A.C. R9-19-301 related to human release forms is maintained for at least five years after the date of the document,
 - b. A.A.C. R9-19-303 for a death record is maintained according to A.A.C. R9-19-303(E),
 - c. A.A.C. R9-19-308 related to disposition transit permits is maintained for at least five years after the date of the document,
 - d. A.A.C. R9-19-311 related to disposition transit permits is maintained for at least five years after the date of the document,
and

NOTICES OF PROPOSED RULEMAKING

- e. A.A.C. R9-19-312(A) for a disinterment-reinternment permit is maintained according to A.A.C. R9-19-312(B); and
- 4. If the funeral establishment has a prearranged funeral sales endorsement, for each prearranged funeral agreement funded by trust, a copy of each of the following is maintained for at least three years after the date of the prearranged funeral agreement funded by trust has been fulfilled or cancelled:
 - a. The prearranged funeral agreement;
 - b. Each request to a financial institution directing the financial institution to transfer the trust account to another financial institution, consistent with A.R.S. 32-1391.05(D);
 - c. Each notice required in subsection (J)(4) of the transfer of the trust account to another financial institution, together with a record of the names and last known addresses of the holders and the dates on which the notice was provided;
 - d. Each statement of accrued taxes and direction from the funeral establishment, according to A.R.S. § 32-1391.06(C) and R9-9B-307(E), for payment from the trust account;
 - e. Each certificate from the funeral establishment, according to A.R.S. § 32-1391.06(B) and R9-9B-307(G), concerning entitlement to service fees paid from the trust account;
 - f. If applicable, the certificate of performance from the funeral establishment, according to A.R.S. § 32-1391.08(A) and R9-9B-307(H), stating that the funeral establishment provided the requested funeral goods and services;
 - g. If applicable, a cancellation or termination request from a holder according to A.R.S. § 32-1391.07 and R9-9B-307(I);
 - h. Detailed financial institution statements and accounting records concerning the trust account; and
 - i. Any other documentation relating to the prearranged funeral agreement or trust account.
- K. A licensee of a funeral establishment with a prearranged funeral sales endorsement shall ensure that a notification of the following is sent to each holder of an existing prearranged funeral agreement funded by trust:
 - 1. For a change of ownership of the funeral establishment, notification within 30 calendar days after the change of ownership, including:
 - a. The name of the new owner and, if different, the new name of the funeral establishment;
 - b. The date of the change of ownership;
 - c. Information about the status of the trust funds and, if the trust account is being transferred to another financial institution, the name and location of the financial institution and the new trust account number; and
 - d. A statement that additional information is available upon request, including how the request may be made;
 - 2. For a change in the legal name of the funeral establishment without a change of ownership, notification within seven calendar days after the name change, including the new name of the funeral establishment;
 - 3. For a change in the location of the funeral establishment without a change of ownership, notification within seven calendar days after the change of location, including the new location of the funeral establishment;
 - 4. For a change in the location, type of account, or account number of the trust funds associated with a prearranged funeral agreement, notification within seven calendar days before the change, including:
 - a. The name and address of the financial institution in which the trust funds are to be deposited, and
 - b. The new trust account number; and
 - 5. If the funeral establishment closes, without a change of ownership or change of location, notification within seven calendar days after the closure, including:
 - a. The date of closure;
 - b. Information about the status of the trust funds; and
 - c. A statement that additional information is available upon request, including how the request may be made.

R9-9B-305. Deceptive Practices Prohibited Personnel

- A. In selling or offering to sell funeral goods or funeral services to funeral services consumers, it is a deceptive act or practice for a funeral establishment, funeral director, embalmer, or agents or employees of a funeral establishment:
 - 1. To advertise for or solicit business through the use of deceptive, misleading, or inaccurate statements or other information;
 - 2. To display or represent funeral merchandise or services in a deceptive or misleading manner. Failure to display to or show funeral services consumers inexpensive caskets and containers regularly offered for sale and stocked by the funeral establishment is deemed to be a misleading display practice. Display of inexpensive caskets or containers, or photos or facsimiles thereof, under less favorable conditions or circumstances, including poor lighting, merchandise damage or defacement, or conditions inhibiting the consumer's free choice of merchandise is also deemed to be a misleading display practice;
 - 3. To embalm a deceased human body unless:
 - a. State or local law or regulation requires embalming in the particular circumstances regardless of any funeral choice the family might make;
 - b. Prior approval for embalming (expressly so described) has been obtained from a family member or other authorized person;
or
 - c. The funeral establishment is unable to contact a family member or other authorized person after exercising due diligence, has no reason to believe the family does not want embalming performed, and obtains subsequent approval for embalming already performed (expressly so described). In seeking approval, the funeral establishment shall disclose that a fee will be charged if the family selects a funeral that requires embalming, such as a funeral with viewing, and that no fee will be charged if the family selects a service that does not require embalming, such as direct cremation or immediate burial;
 - 4. To fail to promptly release upon request, deceased human remains to a family member, representative of the family, or other person authorized by the family to take possession of the remains;
 - 5. To make any false, misleading, or unsubstantiated statements or claims, or in any manner imply that natural decomposition or decay of human remains can be prevented by embalming, or certain caskets, vaults, or other burial containers, or to otherwise

NOTICES OF PROPOSED RULEMAKING

~~make any false, misleading, or unsubstantiated statements or claims of watertightness or airtightness of caskets, vaults, or other burial containers;~~

- ~~6. To reuse a casket or container previously purchased by or delivered to another decedent's family and intended for or used in connection with the burial, cremation, or other final disposition of the previous decedent. This provision does not apply to the rental of caskets, containers, casket shells, or other devices used in connection with the funeral services if the funeral services consumer is informed of the rental arrangement;~~
- ~~7. To bill or otherwise charge a purchaser for merchandise or services not actually provided by or arranged through the funeral establishment;~~
- ~~8. To represent that the price charged for a cash advance item is the same as the cost to the funeral establishment for the item when such is not the case, or to fail to disclose to purchasers that the price being charged for a cash advance item is not the same as the cost to the funeral establishment for the item when such is the case;~~
- ~~9. To make disparaging statements concerning the quality, utility, suitability or durability of inexpensive caskets or containers without basis in fact;~~
- ~~10. To make false or misleading statements concerning or otherwise engage in deceptive, misleading or fraudulent practices in connection with the advertising, solicitation, or sale of prearranged funeral plans;~~
- ~~11. To make any misrepresentations or omissions of material fact concerning funeral services, prices, or the merchandise and services included in a stated price;~~
- ~~12. To represent or insinuate that a direct cremation, immediate burial, inexpensive funeral arrangements, or inexpensive casket, container, or unfinished wood box would be disrespectful or inconsiderate to the decedent or family members, or friends, neighbors, or associates of the decedent or family; or~~
- ~~13. To disrupt the funeral arrangement process or funeral service, intimidate, harass, or coerce a family member, with the intent to prevent such family member from exercising existing contractual or legal rights.~~

~~**B.** Failure to substantially comply with the provisions of this Section shall be deemed to be evidence of gross negligence, repeated or continuous negligence, or other professional incompetence.~~

A. A licensee shall ensure that:

1. The qualifications, skill, and knowledge required for each type of employee is based on the activities and services the employee may provide, as established in the employee's job description;
2. An employee's qualifications, skills, and knowledge are verified and documented:
 - a. Before the employee provides activities or services on behalf of the funeral establishment, and
 - b. According to policies and procedures;
3. An employee is provided with orientation, training, and in-service education:
 - a. According to policies and procedures,
 - b. Specific to the type of funeral services being provided and the employee's duties, and
 - c. Conducted by the responsible funeral director or another individual with the applicable qualifications, skill, and knowledge;
4. A personnel record is established for each employee providing activities or services on behalf of the funeral establishment, including:
 - a. The employee's name, date of birth, home address, and contact telephone number;
 - b. The employee's starting date of employment and, if applicable, the ending date; and
 - c. Documentation applicable to an employee's duties, as required by policies and procedures, including:
 - i. The employee's education and experience;
 - ii. A copy of the employee's current and valid professional license, if applicable; and
 - iii. The topics covered during orientation, training, and in-service education, with the dates provided and the names of the individual providing the orientation, training, or in-service education;
5. A personnel record is:
 - a. Maintained throughout an employee's period of employment,
 - b. Maintained for at least three years after the last date of employment, and
 - c. Provided to the Department when requested; and
6. The contract for persons providing funeral-related activities or services regulated under this Subchapter in or for the funeral establishment under a contract:
 - a. Contains documentation of the person's knowledge, skills, and abilities;
 - b. Includes a copy of the person's current and valid professional license, if applicable;
 - c. Is maintained throughout the contract period and for at least three years after the last date the person's provided funeral-related activities or services in or for the funeral establishment under the contract; and
 - d. Is provided to the Department when requested.

B. A licensee shall ensure that, for an employee on the pathway to licensure as a funeral director or an embalmer, according to A.R.S. § 32-1361, the employee's personnel record contains:

1. In addition to the starting date of employment, the date the employee began on the pathway to licensure, as calculated by the date the employee began assisting in, as applicable, arranging and directing funerals or embalming deceased individuals after either:
 - a. Being enrolled in an accredited or provisionally accredited school of mortuary science; or
 - b. Having graduated from an accredited or provisionally accredited school of mortuary science and passed the state laws and rules examination and the national board examination, as required by A.R.S. § 32-1322;
2. Documentation that the employee satisfies the requirements in subsection (B)(1)(a) or (b), as applicable; and
3. Documentation of the employee's assistance in, as applicable, arranging and directing funerals or embalming deceased individuals, including:

NOTICES OF PROPOSED RULEMAKING

- a. The name of the deceased individual;
- b. The date the employee, as applicable, arranged and directed the deceased individual's funeral or embalmed the deceased individual;
- c. For an employee on the pathway to licensure as a funeral director, information on whether the employee conducted a burial, immediate burial, or direct cremation; and
- d. The signature and license number of the supervising licensed funeral director or embalmer, as applicable.

R9-9B-306. ~~Misrepresentation of Legal or Cemetery Requirements~~ Operations

- ~~A.~~** ~~In selling or offering to sell funeral goods or funeral services to funeral services consumers, it is a deceptive act or practice for a funeral establishment, funeral director, embalmer, or agents or employees of a funeral establishment to:~~
 - 1. ~~Represent that state or local law requires that a deceased person be embalmed when such is not the case, or fail to disclose that embalming is not required by law except where burial or cremation will not occur within 24 hours or where the body is not refrigerated immediately after death;~~
 - 2. ~~Represent that state or local law requires a casket for direct cremation, or represent that a casket (other than an unfinished wood box) is required for direct cremations;~~
 - 3. ~~Represent that state or local laws or regulations, or particular cemeteries require burial vaults, grave boxes, or grave liners when such is not the case, or fail to disclose to persons arranging funerals that state law does not require the purchase of an outside receptacle; or~~
 - 4. ~~Represent that federal, state, or local laws, or particular cemeteries or crematories require the purchase of any funeral goods or funeral services when such is not the case.~~
- ~~B.~~** ~~Failure to substantially comply with the provisions of this Section shall be deemed to be evidence of gross negligence, repeated or continuous negligence, or other professional incompetence.~~
- ~~A.~~** ~~A licensee shall ensure that the funeral establishment operates in compliance with requirements in 16 CFR 453, Federal Trade Commission Funeral Industry Practices (1994), which is incorporated by reference, is available at <https://www.ftc.gov/sites/default/files/16cfr453.pdf>, is on file with the Department, and includes no future editions or amendments.~~
- ~~B.~~** ~~If an individual contacts a funeral establishment by telephone and asks about terms, conditions, or prices of funeral goods or funeral services offered, a responsible funeral director shall ensure that:~~
 - 1. ~~The requested information is provided to the individual during the telephone call according to, as applicable, the current general price list as specified in subsection (C)(1), casket price list as specified in subsection (C)(3), and outer burial container price list as specified in subsection (C)(4);~~
 - 2. ~~If the requested information is contained on the funeral establishment's website, the individual is provided with the web address;~~
~~or~~
 - 3. ~~Within seven calendar days after the individual's request, a general price list, as specified in subsection (C)(1), showing all the goods and services that may be provided, is sent to the individual by mail or to an email address provided by the individual.~~
- ~~C.~~** ~~If an individual asks in-person about terms, conditions, or prices of the funeral goods and services offered, a responsible funeral director shall ensure that the individual is:~~
 - 1. ~~Given a general price list of all the funeral goods and services that may be provided by or on behalf of the funeral establishment, with the respective prices adjacent to the listing, that includes:~~
 - a. ~~The title "General Price List";~~
 - b. ~~The name, address, and telephone number of the funeral establishment;~~
 - c. ~~The effective date of the price list;~~
 - d. ~~The right of selection, including:~~
 - i. ~~A statement of an individual's right to select only the goods and services desired; and~~
 - ii. ~~The following disclosure immediately above the listing of funeral goods and services in subsections (C)(1)(e) through (f): "The funeral goods and services shown below are those we can provide to our customers. You may choose only the items you desire. However, any funeral arrangements you select will include a charge for our basic services and overhead. If legal or other requirements mean you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected."~~
 - e. ~~A description about and the price of basic services of a funeral director and staff and, except as specified in subsection (D), if the fee cannot be declined, either of the following disclosures:~~
 - i. ~~"This fee for our basic services will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.);"~~ or
 - ii. ~~"Please note that a fee of [specify dollar amount] for the use of our basic services is included in the price of our caskets. This same fee shall be added to the total cost of your funeral arrangements if you provide the casket. Our services include [specify]." placed immediately above the information required in subsection (C)(1)(d)(ii);~~
 - f. ~~The price for the forwarding of human remains to another funeral establishment, including a description of the services included in the price;~~
 - g. ~~The price for receiving human remains from another funeral establishment, including a description of the services included in the price;~~
 - h. ~~For direct cremations:~~
 - i. ~~A description and the price range for each method of direct cremation arranged through the funeral establishment if the purchaser provides the casket or other container;~~
 - ii. ~~A description and the price range for each method of direct cremation arranged through the funeral establishment with an alternative container; and~~

NOTICES OF PROPOSED RULEMAKING

- iii. The following disclosure placed directly next to the price range for a direct cremation: “If you want to arrange a direct cremation, you can use an alternative container. Alternative containers encase the body and can be made of materials like fiberboard or composition materials (with or without an outside covering). The containers we provide are [specify containers].”:
 - i. The price range for an immediate burial, including a description of the services included in each price, specifying:
 - i. The price for an immediate burial for which the purchaser provides the casket; and
 - ii. Separate prices for each immediate burial offered including a casket or an alternative container, other than a casket;
 - j. If provided by or on behalf of the funeral establishment, the price for the transfer of human remains to the funeral establishment, including a description of the services included in the price;
 - k. For embalming, if provided by or on behalf of the funeral establishment:
 - i. The price for embalming, including a description of the services included in the price; and
 - ii. The following disclosure placed directly next to the price for embalming: “Embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement that does not require you to pay for it, such as direct cremation or immediate burial.”;
 - l. If provided by or on behalf of the funeral establishment, the price for other preparation of the body, including a description of the services included in the price;
 - m. If provided by or on behalf of the funeral establishment, the price for the use of the facilities and staff for viewing, including a description of the services included in the price;
 - n. If provided by or on behalf of the funeral establishment, the price for the use of the facilities and staff for a memorial service, including a description of the services included in the price;
 - o. If provided by or on behalf of the funeral establishment, the price for the use of the facilities and staff for a funeral ceremony, including a description of the services included in the price;
 - p. If provided by or on behalf of the funeral establishment, the price for the use of equipment and staff for a graveside service, including a description of the services included in the price;
 - q. If provided by or on behalf of the funeral establishment, the price for the use of a hearse, including a description of the services included in the price;
 - r. If provided by or on behalf of the funeral establishment, the price for the use of a limousine, including a description of the services included in the price;
 - s. For caskets or alternative containers, if provided by or on behalf of the funeral establishment, either:
 - i. A description about and the price of individual caskets or alternative containers, or
 - ii. The range of prices for caskets or alternative containers that appear on the casket price list in subsection (C)(3) and the following disclosure placed directly next to the range of casket prices: “A complete price list will be provided at the funeral establishment.”;
 - t. For outer burial containers, if provided by or on behalf of the funeral establishment, either:
 - i. A description about and the price of individual outer burial container prices and the following disclosure placed directly next to the prices: “State or local law does not require that you buy a container to surround the casket in the grave. However, many cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements.”; or
 - ii. The range of outer burial container prices that appear on the outer burial container price list in subsection (C)(4) and the following disclosure placed directly next to the range of prices: “A complete price list will be provided at the funeral establishment.”
 - u. The prices for any other funeral goods and services offered, including a description of the funeral goods and services included in the price; and
 - v. If provided by or on behalf of the funeral establishment, a list of any funeral packages offered by the funeral establishment, describing what funeral goods and services are included in each funeral package, and the price of the funeral package;
2. If the funeral establishment offers alternative price lists for specific groups of individuals, given an alternative price list that includes:
- a. The title “Price List for [Specify the specific group of individuals]”; and
 - b. The information required in subsections (C)(1)(b) through (u) with the respective prices charged to specific groups of individuals;
3. If the price of individual caskets is not listed on the general price list specified in subsection (C)(1), provided, upon request, with a casket price list that includes:
- a. The name of the funeral establishment;
 - b. The title “Casket Price List”;
 - c. The effective date of the casket price list;
 - d. Information about each casket available through the funeral establishment that does not require special ordering, including at least the following information:
 - i. Manufacturer and model number or popular name;
 - ii. Specific construction and type;
 - iii. Interior fabric;
 - iv. Special features, if any; and
 - v. Casket retail price; and
 - e. Information about and prices of alternative containers, other than caskets, that may be used for direct cremation; and

NOTICES OF PROPOSED RULEMAKING

4. If the funeral establishment sells outer burial containers and the price of individual outer burial containers is not listed on the general price list specified in subsection (C)(1), provided, upon request, with an outer burial container price list that includes:
 - a. The name of the funeral establishment;
 - b. The title "Outer Burial Container Price List";
 - c. The effective date of the outer burial container price list;
 - d. The following disclosure placed immediately above the list in subsection (C)(4)(e): "State or local law does not require that you buy a container to surround the casket in the grave. However, many cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements."; and
 - e. A description and price of each outer burial container available through the funeral establishment that does not require special ordering.
- D. If the fee for basic services described in subsection (C)(1)(e) cannot be declined, a responsible funeral director may include in the required disclosure in subsection (C)(1)(e)(i) or (ii), as applicable, the phrase "and overhead" after the word "services."
- E. A responsible funeral director shall ensure that:
 1. A Statement of Funeral Goods and Services Selected or contract document includes:
 - a. The name, address, and telephone number of the funeral establishment;
 - b. The title "Statement of Funeral Goods and Services Selected";
 - c. An itemized list of funeral goods and services that a purchaser has chosen, which may include:
 - i. Categories of funeral goods and services on the general price list in subsection (C)(1), alternative price list in subsection (C)(2), casket price list in subsection (C)(3), or outer burial container price list in subsection (C)(4), as applicable; and
 - ii. Any cash advance items, such as pallbearers, transport, clergy, flowers, motorcycle escorts, hair dressers, barbers, nurses, obituary notices, or death certificates, together with a place to specify the number of each selected item, which are paid for by a funeral establishment on behalf of a purchaser and charged to the purchaser at the same amount as originally purchased;
 - d. Adjacent to a listing for embalming services, the following disclosures:
 - i. "If you selected a funeral that may require embalming, such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as direct cremation or immediate burial. If we charged for embalming, we will explain why below."; and
 - ii. "Embalming may not be appropriate and may not be offered if you select a method of cremation other than cremation through combustion.";
 - e. The following disclosure about a purchaser being able to select only those funeral goods and services that the purchaser wants: "Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below.";
 - f. A location to specify the total amount of the funeral goods and services selected by the purchaser;
 - g. Information about the method and timing of payment and any terms and conditions related to the payment;
 - h. The name and address of the location where a deceased individual would be held until final disposition if:
 - i. The funeral establishment does not have a refrigerated holding area for human remains,
 - ii. The funeral establishment does not provide embalming on site, or
 - iii. The deceased individual is to be cremated through combustion, alkaline hydrolysis, or natural organic reduction at a separate facility;
 - i. A location for a purchaser to sign and date the Statement of Funeral Goods and Services Selected;
 - j. A location for a funeral director to certify the Statement of Funeral Goods and Services Selected, according to A.R.S. § 32-1373(E); and
 - k. A statement containing the name, address and telephone number of any entity owning ten percent or more of the funeral establishment;
 2. During a discussion with a potential purchaser about the funeral arrangements of a deceased individual:
 - a. The potential purchaser has a copy of the general price list in subsection (C)(1) or alternative price list in subsection (C)(2), as applicable;
 - b. If the potential purchaser is considering a casket or outer burial container and the funeral establishment has a separate casket price list in subsection (C)(3) or outer burial container price list in subsection (C)(4), the potential purchaser has a copy of the applicable price list;
 - c. If the potential purchaser is considering cremation, the potential purchaser is informed of the methods of cremation offered through the funeral establishment and any limitations in the:
 - i. Method of cremation based on the funeral goods and services that the potential purchaser has selected and the characteristics of the deceased individual that could influence the choice of the method of cremation; and
 - ii. Choice of embalming, caskets or alternative containers, and other funeral goods and services required by the method of cremation;
 - d. A Statement of Funeral Goods and Services Selected in subsection (E)(1) is prepared for the potential purchaser, accurately indicating an itemized list of the funeral goods and services that the potential purchaser has selected during the discussion of funeral arrangements;
 - e. Any questions asked by the potential purchaser are answered fully and accurately;
 - f. The amount to be paid by the potential purchaser for each selected item listed on the Statement of Funeral Goods and Services Selected in subsection (E)(2)(d) is included, together with the total cost; and
 - g. The Statement of Funeral Goods and Services Selected in subsection (E)(2)(d) is given to the potential purchaser at the earliest opportunity;

NOTICES OF PROPOSED RULEMAKING

3. If the cost of any cash advance item specified according to subsection (E)(1)(c)(ii) is unknown at the time the Statement of Funeral Goods and Services Selected in subsection (E)(2)(d) is prepared for the potential purchaser, a written description of the actual charges is provided to a purchaser within 14 calendar days after the information becomes available;
4. Once the Statement of Funeral Goods and Services Selected in subsection (E)(2)(d) is signed and dated by a purchaser, a funeral director licensed under Article 2 of this Subchapter certifies the Statement of Funeral Goods and Services Selected, according to A.R.S. § 32-1373(E), with the funeral director's license number, signature, and date of signing, before conducting final services or within seven calendar days after the purchaser signs the statement, whichever is earlier; and
5. When discussing funeral arrangements with an individual authorized according to A.R.S. § 36-831 to provide funeral and disposition arrangements for a deceased individual:
 - a. The funeral establishment complies with requirements in A.A.C. R9-19-303(A)(1);
 - b. If the funeral establishment learns that the deceased individual:
 - i. Has any implanted devices, prosthetics, bridgework, or other implants, the individual authorized according to A.R.S. § 36-831 to provide funeral and disposition arrangements provides instructions for the disposition of the implanted devices, prosthetics, bridgework, or other implants; and
 - ii. Had any diagnostic or therapeutic procedure, within the previous two years, involving the infusion or implanting of a radioactive material, the funeral establishment contacts the part of the Department responsible for regulating sources of radiation to receive assistance and guidance;
 - c. If the funeral services selected according to subsection (E)(2)(d) require embalming:
 - i. Any issues or limitations to embalming, arising from the characteristics of the deceased individual or the information received according to subsection (E)(5)(b), are discussed with the individual authorized according to A.R.S. § 36-831 to provide funeral and disposition arrangements;
 - ii. If necessary, changes are made to the Statement of Funeral Goods and Services Selected in subsection (E)(2)(d) based on the discussion in subsection (E)(5)(c)(i); and
 - iii. If authorization for embalming has not already been obtained according to R9-9B-307(D)(3)(b), written authorization for embalming, containing the names of the deceased individual and the funeral establishment, is obtained from the individual authorized according to A.R.S. § 36-831 to provide funeral and disposition arrangements;
 - d. If the authorization for embalming in subsection (E)(5)(c)(iii) is received orally, the oral authorization is documented and includes:
 - i. The name of the individual authorizing the embalming.
 - ii. The relation of the individual in subsection (E)(5)(d)(i) to the deceased individual.
 - iii. The date and time that the authorization was given, and
 - iv. The name of the funeral director or other individual designated by the funeral establishment who obtained the authorization; and
 - e. If the funeral services selected according to subsection (E)(2)(d) require cremation:
 - i. Any issues with or limitations to the selected method of cremation, arising from the characteristics of the deceased individual or the information received according to subsection (E)(5)(b), are discussed with the individual authorized according to A.R.S. § 36-831 to provide funeral and disposition arrangements;
 - ii. If necessary, changes are made to the Statement of Funeral Goods and Services Selected in subsection (E)(2)(d) based on the discussion in subsection (E)(5)(e)(i);
 - iii. If authorization for cremation has not already been obtained according to R9-9B-307(D)(3)(c), written authorization for cremation, containing the names of the deceased individual and the funeral establishment, is obtained from the individual authorized according to A.R.S. § 36-831 to provide funeral and disposition arrangements; and
 - iv. The individual authorized according to A.R.S. § 36-831 to provide funeral and disposition arrangements provides instructions for the disposition of the cremated remains and for any remnants after processing of the cremated remains.
- F. A responsible funeral director shall ensure that:
 1. No monetary or other payment is made to an individual, such as ambulance attendant as defined in A.R.S. § 36-2201, personnel member of a health care institution as defined in A.R.S. § 36-401, a member of the clergy, or law enforcement officer, to secure business for the funeral establishment;
 2. Each casket or other goods offered for sale and stocked by the funeral establishment:
 - a. Is displayed in a manner to enable a purchaser to make an informed choice;
 - b. Has either of the following, placed as to enable an individual to read the displayed information:
 - i. A price card on or near the casket or other goods that states the retail price of the casket or other goods; or
 - ii. If the casket or other goods are not physically displayed, a photograph or printed picture of the casket or other goods that states the retail price of the casket or other goods; and
 - c. For a casket or outer burial container, the price card in subsection (F)(2)(b)(i) or photograph or printed picture in subsection (F)(2)(b)(ii) also contains the information specified in subsection (C)(3)(d);
 3. A casket or other container intended for or used in connection with the burial, cremation, or other final disposition of a deceased individual is not reused except if:
 - a. The casket or other container had been rented in connection with funeral services, and
 - b. A subsequent purchaser is informed of the rental arrangement;
 4. Except as provided in subsection (G), no deceased individual is embalmed unless:
 - a. Authorization for embalming is obtained according to subsection (E)(5)(c)(iii) or R9-9B-307(D)(3)(b); and
 - b. If there is suspicion of a crime related to the cause of death of the deceased individual, permission is obtained from the applicable medical examiner or other official according to A.R.S. § 32-1365(A)(1);
 5. No deceased individual is cremated unless:

NOTICES OF PROPOSED RULEMAKING

- a. Authorization for cremation is obtained according to subsection (E)(5)(e)(iii) or R9-9B-307(D)(3)(c), and
- b. Permission for the cremation is obtained from the applicable medical examiner according to A.R.S. § 11-599;
- 6. A deceased individual's human remains in the custody of the funeral establishment are released to a family member, representative of the family, or other person authorized by the family to take possession of the human remains upon the written request of the individual authorized according to A.R.S. § 36-831 to provide funeral and disposition arrangements; and
- 7. A purchaser is only charged for the funeral goods and services:
 - a. Specified on the Statement of Funeral Goods and Services Selected given to the purchaser according to subsection (E)(2)(g) and signed by the purchaser, and
 - b. Provided by or through the funeral establishment.
- G. A responsible funeral director shall ensure that a deceased individual in the custody of a funeral establishment is:
 - 1. Refrigerated unless the human remains are:
 - a. In transit or being prepared for embalming or a funeral service, or
 - b. Embalmed; and
 - 2. Refrigerated or embalmed if, within 24 hours after death:
 - a. The funeral establishment is unable to contact an individual authorized according to A.R.S. § 36-831 to provide funeral and disposition arrangements, or
 - b. The deceased individual will not be buried or cremated.
- H. A responsible funeral director shall ensure that access to the areas of the funeral establishment where human remains or cremated remains are prepared or kept, or where equipment or supplies to prepare or store human remains or cremated remains are stored is limited to individuals authorized by the responsible funeral director, according to policies and procedures, unless the individual is supervised by an employee of the funeral establishment authorized to access the area.
- I. A responsible funeral director shall ensure that:
 - 1. When a deceased individual is to be embalmed:
 - a. An embalmer licensed under Article 2 of this Subchapter is in the room for the preparation of human remains required in R9-9B-309(C)(1)(c) during the embalming process;
 - b. All individuals engaged in the embalming process wear a clean smock or gown and disposable gloves that meet appropriate safety standards for handling embalming chemicals, such as butyl, neoprene, or nitrile gloves;
 - c. All clothing is removed from the human remains and a visual inspection of the condition of the human remains is conducted;
 - d. To the extent feasible under the circumstances, the entire human remains, including legs, arms, feet, hands and head, are washed with an antiseptic or detergent solution;
 - e. Embalming is performed by:
 - i. An embalmer licensed under Article 2 of this Subchapter, or
 - ii. An employee on the pathway to licensure as an embalmer under the supervision of the licensed embalmer in subsection (I)(1)(a);
 - f. Embalming solution is injected into the entire human remains in such dilutions and pressures as warranted by the condition of the human remains:
 - i. If feasible, using the arterial injection technique; and
 - ii. If the arterial circulation technique is not feasible for any portion of the human remains due to advanced decomposition or autopsy, trauma, or the developmental status of the human remains, using hypodermic injection or by surface embalming in those areas, as appropriate;
 - g. The abdominal and thoracic cavities of the human remains are injected with a concentrated cavity chemical, after liquids and materials have been substantially removed through a trocar, so that the concentrated cavity chemical is thoroughly distributed in the cavities; and
 - h. If the deceased individual's body is to be viewed at a funeral service, cosmetic procedures are employed in accordance with the wishes of the family and current industry standards;
 - 2. After a deceased individual is embalmed:
 - a. The human remains are covered so as to maintain the privacy and dignity of the human remains; and
 - b. Within 24 hours after the embalming procedure, the licensed embalmer in subsection (I)(1)(a) completes an embalming case report that:
 - i. Includes the date and time of the deceased individual's death;
 - ii. Specifies the date and time the embalming procedure began;
 - iii. Specifies the date and time the embalming procedure ended;
 - iv. Describes the condition of the human remains before and after embalming and the embalming procedures used; and
 - v. Is certified by the embalmer, according to A.R.S. § 32-1361(B), with the embalmer's signature and license number and date signed; and
 - 3. If a deceased individual is to be cremated, the preparation of the deceased individual's human remains is consistent with the method of cremation.
- J. If the funeral establishment receives information that the human remains of a deceased individual has any implanted devices, prosthetics, bridgework, or other implants, based on subsection (E)(5)(b), a responsible funeral director shall ensure that, if appropriate, an item identified according to subsection (E)(5)(b)(i) is removed:
 - 1. Except as provided in subsection (J)(2), by an embalmer licensed under Article 2 of this Subchapter; and

NOTICES OF PROPOSED RULEMAKING

2. If the item identified according to subsection (E)(5)(b)(i) contains a radioactive material, according to instructions from the part of the Department responsible for regulating sources of radiation and, if applicable, the person that implanted the item.

R9-9B-307. Consumer Disclosures Prearranged Funeral Agreements Funded by Trust

- A.** The consumer notice required by A.R.S. § 32-1391.08(A) and (C) shall be conspicuously printed on either the first or signature page of the prearranged funeral agreement.
- B.** At the time the purchaser signs the agreement the funeral establishment shall provide a copy of the prearranged funeral agreement for retention by the purchaser.
- C.** At the time of the inquiry or solicitation the funeral establishment shall provide a copy of its current price list for retention by the person who inquires about or is personally solicited regarding a prearranged funeral agreement.
- D.** Pursuant to A.R.S. § 32-1373, each contract for prearranged funeral services also shall contain one of the following notices, as appropriate, conspicuously printed near the top of the first page:
 1. ~~THIS FUNERAL CONTRACT IS FUNDED BY INSURANCE.~~
 2. ~~THIS FUNERAL CONTRACT IS FUNDED BY A PREARRANGED FUNERAL TRUST ACCOUNT.~~
- A.** A licensee of a funeral establishment:
 1. May only offer prearranged funeral agreement funded by trust if the funeral establishment has a prearranged funeral sales endorsement to the funeral establishment's license issued according to this Article, and
 2. Shall only include in a prearranged funeral agreement those funeral goods and services regularly sold by the funeral establishment at the time of execution of the prearranged funeral agreement.
- B.** A licensee of a funeral establishment with a prearranged funeral sales endorsement shall maintain a corporate surety bond, according to A.R.S. § 32-1391.12:
 1. In the applicable amount, as follows, depending on the number of prearranged funeral agreements the funeral establishment sold or expects to sell:
 - a. Fewer than 100 during the immediately preceding calendar year or current calendar year, \$15,000;
 - b. At least 100 but fewer than 250 prearranged funeral agreements during the immediately preceding calendar year or current calendar year, \$30,000; or
 - c. 250 or more prearranged funeral agreements during the immediately preceding calendar year or current calendar year, \$50,000; and
 2. Documented in a Department-provided format and containing at least the following:
 - a. The name of the company issuing the surety bond;
 - b. The state in which the company issuing the surety bond is regulated;
 - c. The name of the funeral establishment;
 - d. The amount of the surety bond;
 - e. The effective date of the surety bond;
 - f. The conditions upon which the surety bond would be paid, consistent with A.R.S. § 32-1391.12(A)(4);
 - g. A statement that the surety bond protects from the commission of fraud, misappropriation, misrepresentation, or professionally negligent practices on the part of the funeral establishment;
 - h. The signature and date of signing of the designated representative of the company issuing the surety bond; and
 - i. The signature of each individual representing a person owning 10 percent or more of the funeral establishment.
- C.** A licensee shall ensure that each prearranged funeral agreement funded by trust:
 1. Contains the information required in A.R.S. § 1391.09(A) and (C);
 2. Indicates all provisions of the contract, with all details accurately filled in and the prices of selected funeral goods and services specified in the contract, before the contract is signed; and
 3. Specifies:
 - a. Whether the prices of selected funeral goods and services specified in the contract may increase before the contract is fulfilled;
 - b. Any funeral, burial, cemetery, or crematory expenses that are not covered under the prearranged funeral agreement;
 - c. Whether a transportation protection agreement has been included in the prearranged funeral agreement;
 - d. Whether the prearranged funeral is to be paid through insurance or by trust;
 - e. Conditions under which the contract may be cancelled and the process for cancellation, as specified in R9-9B-304(C)(7) and subsection (J);
 - f. For a trust account that is specific to a single prearranged funeral agreement, whether the individual purchasing the prearranged funeral prefers to:
 - i. Obtain a copy of the financial institution statements, certificate of deposit, or other similar documentation of the prearranged funeral trust account for the individual's personal possession; or
 - ii. Authorize the funeral establishment to maintain the documentation in subsection (C)(3)(f)(i) on behalf of the purchaser; and
 - g. As applicable, the amount of:
 - i. The initial service fee, as specified according to A.R.S. § 1391.06(A);
 - ii. Annual service fees, as specified according to A.R.S. § 1391.06(B); and
 - iii. Any fees imposed by the financial institution in which the trust funds are deposited.
- D.** If an individual inquires about a prearranged funeral, a licensee shall ensure that:
 1. The individual is:
 - a. Given price lists according to R9-9B-306(C) showing all the goods and services that may be provided, and
 - b. Told whether the prices on the price lists may increase;

NOTICES OF PROPOSED RULEMAKING

2. During a discussion about the purchase of a prearranged funeral, an individual employed by or contracted with the funeral establishment to offer prearranged funerals funded by trust complies with requirements in R9-9B-306(E)(2)(a) through (f) and (3); and
 3. If the individual decides to purchase a prearranged funeral:
 - a. A prearranged funeral agreement is presented to the individual that clearly indicates near the top of the first page whether the cost of the prearranged funeral is to be paid through insurance or by trust;
 - b. If the funeral services selected according to R9-9B-306(E)(2)(d) require embalming, give the individual an opportunity to provide authorization for embalming, containing the names of the individual and the funeral establishment;
 - c. If the funeral services selected according to R9-9B-306(E)(2)(d) require cremation, give the individual an opportunity to provide authorization for cremation, containing the names of the individual and the funeral establishment;
 - d. The individual is provided with a copy of the signed prearranged funeral agreement in subsection (D)(3)(a); and
 - e. A funeral director complies with R9-9B-306(E)(4).
- E.** A licensee shall ensure that:
1. All monies paid to a funeral establishment towards funding a prearranged funeral funded by trust are deposited in a trust account according to A.R.S. § 32-1391.05;
 2. If applicable according to subsection (C)(3)(f), the purchaser of the prearranged funeral agreement funded by trust is provided with the documentation about the trust account; and
 3. Within 14 calendar days after a request from the purchaser of a prearranged funeral agreement funded by trust, the purchaser of the prearranged funeral agreement funded by trust is provided with the most currently available information concerning:
 - a. The purchaser's principal payments and the total amount paid to date.
 - b. The interest accrued on the principal in the trust account.
 - c. The total service fees charged concerning the purchase of the prearranged funeral, and
 - d. The outstanding balance on the prearranged funeral agreement funded by trust.
- F.** As specified in A.R.S. 32-1391.06(C), a licensee may direct a financial institution in which trust funds have been deposited, pursuant to a prearranged funeral agreement funded by trust, to release funds from a trust account related to the payment of taxes on income earned on the funds deposited in the trust account:
1. For a trust account that is not specific to a single prearranged funeral agreement, by submitting to the financial institution a statement of accrued taxes that includes:
 - a. The name of the funeral establishment;
 - b. The name and address of the financial institution;
 - c. The account number of the trust account;
 - d. The amount of taxes due and payable;
 - e. The fiscal period the taxes concern;
 - f. The name and address of the taxing authority to which payment is to be made; and
 - g. The signature and date of signing of:
 - i. The licensee, and
 - ii. The responsible funeral director;
 2. For a trust account that is specific to a single prearranged funeral agreement, by submitting to the financial institution, a statement of accrued taxes that includes:
 - a. The name of the funeral establishment;
 - b. The name and address of the financial institution;
 - c. The name and address of the beneficiary of the prearranged funeral agreement;
 - d. The account number of the trust account;
 - e. The amount of taxes due and payable;
 - f. The fiscal period the taxes concern;
 - g. The name and address of the taxing authority;
 - h. Whether the payment of the amount of taxes due is to be made to the taxing authority or to the beneficiary; and
 - i. The signature and date of signing of:
 - i. The licensee, and
 - ii. The responsible funeral director; and
 3. If the amount in subsection (F)(2)(e) is to be paid to the beneficiary, documentation that the beneficiary has paid the taxes.
- G.** If a prearranged funeral agreement funded by trust includes an annual service fee charged by the funeral establishment, a licensee shall ensure that:
1. The certificate of entitlement delivered by the funeral establishment to the financial institution in which trust funds have been deposited, according to A.R.S. § 32-1391.06(B), includes:
 - a. The name of the funeral establishment,
 - b. The name and address of the financial institution,
 - c. The prearranged funeral trust account number(s),
 - d. The amount of trust funds to be withdrawn as the annual service fee for each prearranged funeral agreement funding the trust account,
 - e. The total amount of trust funds to be withdrawn,
 - f. An attestation that the funeral establishment is contractually entitled to an annual service fee for the preceding calendar year according to the terms of each prearranged funeral agreement funded by trust; and
 - g. The signature and date of signing of:
 - i. The licensee, and

NOTICES OF PROPOSED RULEMAKING

- ii. The responsible funeral director; and
 - 2. The amount of the trust funds released to the funeral establishment does not exceed 10 percent of the interest that has accrued on the trust funds during the preceding calendar year or the percentage of the interest specified in the prearranged funeral agreement funded by trust, whichever is less.
- H. When a funeral establishment has provided the funeral goods and services specified in a prearranged funeral agreement funded by trust to the deceased individual specified in the prearranged funeral agreement, a licensee shall ensure that:
 - 1. The certificate of performance delivered by the funeral establishment to the financial institution in which trust funds have been deposited, according to A.R.S. § 32-1391.08, includes:
 - a. The name of the funeral establishment;
 - b. The name and address of the financial institution;
 - c. The name of the deceased individual;
 - d. The trust account number into which the funds paid to satisfy the prearranged funeral agreement funded by trust were deposited;
 - e. The amount of trust funds to be withdrawn;
 - f. An attestation that the funeral establishment provided the funeral goods and services according to the terms of the prearranged funeral agreement funded by trust;
 - g. For a fixed price prearranged funeral agreement funded by trust, an attestation that the funeral establishment agreed in the prearranged funeral agreement to fix the prices of the funeral goods and services provided under the prearranged funeral agreement at the price levels in effect at the time of the execution of the prearranged funeral agreement by the purchaser;
 - h. An attestation that the amount in subsection (H)(1)(e) constitutes:
 - i. The total charges for the funeral goods and services provided according to the funeral arrangements specified in the prearranged funeral agreement funded by trust; or
 - ii. For a fixed price prearranged funeral agreement funded by trust, the total amount specified in the prearranged funeral agreement funded by trust for the provided funeral goods and services plus the percentage of all interest accruing on the trust fund, as specified in the prearranged funeral agreement funded by trust; and
 - i. The signature and date of signing of:
 - i. The licensee, and
 - ii. The responsible funeral director;
 - 2. A certified copy of the deceased individual's certificate of death registration, according to A.A.C. R9-19-315, accompanies the certificate of performance in subsection (H)(1); and
 - 3. After the disbursement made according to A.R.S. § 32-1391.08 and subsection (H)(1)(e), any applicable trust funds remaining are paid to the estate of the deceased individual.
- I. If the purchaser of a prearranged funeral or another individual designated by the purchaser, according to A.R.S. § 32-1391.07(A), decides to cancel all or any part of a prearranged funeral agreement funded by trust, the purchaser or designated individual shall:
 - 1. Send a written request to the funeral establishment for termination of the contract containing:
 - a. The name of the funeral establishment;
 - b. The full name and address of the prearranged funeral purchaser or designated individual making the request;
 - c. A statement that the purchaser or designated individual is, as applicable, canceling:
 - i. The prearranged funeral agreement funded by trust and requesting refund of the trust funds, or
 - ii. Specific items that are included in the prearranged funeral agreement funded by trust and requesting refund of the charges for the specific items from the trust funds; and
 - d. The dated signature of the individual making the written request, as specified according to subsection (I)(1)(b); and
 - 2. Include the information or documentation required to verify the identity of the individual making the written request, according to the instructions provided as required in the policies and procedures in R9-9B-304(C)(7).
- J. If a funeral establishment receives a request for cancellation of a prearranged funeral agreement funded by trust according to subsection (I), a licensee shall:
 - 1. Within seven calendar days:
 - a. Direct the financial institution in which the trust funds are held to release the applicable amount of trust funds to the funeral establishment, and
 - b. Refund the applicable amount of trust funds to the purchaser or designated individual requesting the cancellation; and
 - 2. If the request in subsection (I) is made according to A.R.S. § 32-1391.07(B), ensure that the refund includes all monies paid under the prearranged funeral agreement funded by trust, including the full amount of any initial service fee paid by the purchaser and any interest accrued.

R9-9B-308. Annual Report Format Annual Reports on Trust Accounts for Prearranged Funeral Agreements

- ~~A.~~ The annual report concerning prearranged funeral sales and trust account activities filed by funeral establishments pursuant to A.R.S. § 32-1391.15 shall contain the information indicated by the annual report format in Appendix E of 4 A.A.C. 12, Article 5. If a funeral establishment does not offer or sell prearranged funerals on or after January 1, 1985, it shall annually provide to the Department the information required by Appendix E of 4 A.A.C. 12, Article 5, concerning:
 - 1. Each prearranged funeral trust account established before January 1, 1985, and in existence during any portion of the preceding calendar year; and
 - 2. Trust account deposits, withdrawals and service fees during the preceding calendar year.
- ~~B.~~ If a funeral establishment offers or sells prearranged funeral agreements on or after January 1, 1985, it shall annually provide to the Department the information required by Appendix E of 4 A.A.C. 12, Article 5, concerning:

NOTICES OF PROPOSED RULEMAKING

1. ~~Each prearranged funeral trust account established before January 1, 1985, and in existence during any portion of the preceding calendar year;~~
2. ~~Each prearranged funeral agreement sold after January 1, 1985, and in existence during any portion of the preceding calendar year; and~~
3. ~~Trust account deposits, withdrawals, and service fees during the preceding calendar year.~~

A. In compliance with A.R.S. § 32-1391.16, a licensee shall ensure that the following are submitted to the Department on or before May 1 of each calendar year:

1. An annual report for each trust account funded through a prearranged funeral sales agreement, concerning prearranged funeral sales and trust account activities by the funeral establishment, in a Department-provided format, including:
 - a. The ending date of the funeral establishment's reporting period;
 - b. The name, physical address, and prearranged funeral sales endorsement number of the funeral establishment;
 - c. The name and address of each person owning 10 percent or more of the funeral establishment;
 - d. For each prearranged funeral agreement funded by trust that was sold during the calendar year specified according to subsection (A)(1)(a) that funds the trust account:
 - i. The name and address of the financial institution,
 - ii. The trust account number,
 - iii. The name and address of the individual purchasing the prearranged funeral agreement funded by trust,
 - iv. The date of sale,
 - v. The name of the individual employed by or contracted with the funeral establishment who sold the prearranged funeral,
 - vi. The name of the beneficiary of the prearranged funeral agreement funded by trust,
 - vii. The total contract amount,
 - viii. The initial service fee,
 - ix. The total amount of the initial service fee that has been paid,
 - x. The total amount of monies paid by the purchaser,
 - xi. The total amount of the monies paid that were deposited in the trust account,
 - xii. The total amount of any refunds made to the purchaser;
 - xiii. The total amount of any bank service charges,
 - xiv. The total amount of any other withdrawals made from the trust account, and
 - xv. The balance of the trust account as of December 31 of the calendar year specified according to subsection (A)(1)(a);
 - e. For each prearranged funeral agreement funded by trust that was sold before the calendar year specified according to subsection (A)(1)(a) that funds the trust account:
 - i. The name and address of the financial institution,
 - ii. The trust account number,
 - iii. The name of the individual purchasing the prearranged funeral agreement funded by trust and the date sold,
 - iv. The total contract amount,
 - v. The initial service fee,
 - vi. The total amount of the initial service fee that has been paid,
 - vii. The total amount of monies paid by the purchaser during the calendar year specified according to subsection (A)(1)(a),
 - viii. The total amount of monies paid by the purchaser,
 - ix. The total amount of the monies paid that were deposited in the trust account,
 - x. The total amount of any refunds made to the purchaser,
 - xi. The amount of an annual service fee,
 - xii. The amount of taxes paid,
 - xiii. The total amount of any bank service charges,
 - xiv. The total amount of any other withdrawals made from the trust account, and
 - xv. The balance of the trust account as of December 31 of the calendar year specified according to subsection (A)(1)(a);
 - f. A summary of trust account transactions for the calendar year specified according to subsection (A)(1)(a) for each financial institution and each trust account held by the financial institution, including:
 - i. The total amount of trust fund monies, including accrued interest, on December 31 of the calendar year immediately preceding the calendar year specified according to subsection (A)(1)(a);
 - ii. The total amount of trust monies received and deposited into a trust account during the calendar year specified according to subsection (A)(1)(a);
 - iii. The amount withdrawn from a trust fund during the calendar year specified according to subsection (A)(1)(a) for funeral arrangements, annual service fees, tax payments, financial institution service charges, refunds to purchasers, or other withdrawals;
 - iv. The total amount withdrawn during the calendar year specified according to subsection (A)(1)(a);
 - v. The total interest paid into the trust accounts during the calendar year specified according to subsection (A)(1)(a);
 - vi. The total amount of trust fund monies, including accrued interest, on December 31 of the calendar year specified according to subsection (A)(1)(a); and
 - vii. The total amount of trust monies received, not including initial service fees, and not deposited into a trust account during the calendar year specified according to subsection (A)(1)(a);
 - g. For other withdrawals specified according to subsection (A)(1)(d)(xiii), (e)(xiv), or (f)(iii), a detailed explanation of the reason for each withdrawal;

NOTICES OF PROPOSED RULEMAKING

- h. The name and address of each individual employed by or contracted with the funeral establishment to offer prearranged funerals funded by trust; and
- i. An affidavit, signed and dated by the licensee and responsible funeral director, that the funeral establishment has complied with the requirements in A.R.S. Title 32, Chapter 12, Article 5, and this Subchapter;
- 2. A copy of a current surety bond as required in R9-9B-307(B);
- 3. Documentation from each financial institution for each trust account held by the financial institution, showing the year-end balance of the trust account; and
- 4. The fee in R9-9B-103(D)(4).
- B.** If an annual report in subsection (A)(1) and copy of a current surety bond in subsection (A)(2) are submitted to the Department after May 1 of a calendar year, a licensee shall ensure that the fee in R9-9B-103(D)(5) is submitted to the Department.
- C.** If an annual report in subsection (A)(1) that was submitted to the Department before May 1 of a calendar year is still incomplete as of May 1 of the calendar year, a licensee shall ensure that the difference between the fee in R9-9B-103(D)(4) and the fee in R9-9B-103(D)(5) is submitted to the Department.

R9-9B-309. Equipment and Sanitation Requirements Environmental and Physical Premises Requirements

- A.** The Department recommends that the following instruments, equipment, and supplies be maintained in the preparation room of a funeral establishment:
 - 1. 1 set metal or rubber drain tubes (large, medium, small);
 - 2. 1 set metal injection tubes (large, medium, small);
 - 3. 1 grooved director or equal;
 - 4. 1 aneurysm needle;
 - 5. 1 large trocar;
 - 6. 1 small trocar;
 - 7. 1 scalpel;
 - 8. 1 pair seissors;
 - 9. 6 hemostats;
 - 10. 2 forceps;
 - 11. 1 hypodermic syringe;
 - 12. hypodermic needles (assorted);
 - 13. aspirator;
 - 14. suture needles;
 - 15. suture thread;
 - 16. disinfectant;
 - 17. 1 set of cream or liquid cosmetics;
 - 18. 1 powder brush;
 - 19. 1 application brush;
 - 20. wax for restorative work;
 - 21. soap;
 - 22. cotton;
 - 23. head rest;
 - 24. hardening compound;
 - 25. arterial embalming fluid;
 - 26. cavity embalming fluid;
 - 27. embalming machine or percolator gravity injector and bulb syringe if latter used; and
 - 28. sheets or covers for remains.
- B.** All funeral establishments shall be kept and maintained in a clean and sanitary condition, and all embalming tables, hoppers, sinks, receptacles, instruments, and other appliances used in embalming human remains shall be thoroughly cleansed and disinfected with a 1% solution of chlorinated soda, or other suitable and effective disinfectant immediately after the embalming of each remains.
- C.** Every preparation room shall be equipped with a sanitary embalming table, and such table should be provided with running water.
- D.** Every preparation room should be provided with proper and convenient receptacles for refuse, bandages, cotton, and other waste materials and supplies, and all such waste materials shall be properly disposed of.
- E.** At no time shall the operation of the establishment constitute or create a health nuisance or hazard.
- A.** A licensee of a funeral establishment shall ensure that the funeral establishment:
 - 1. Is in a building that:
 - a. Has a commercial occupancy according to the local zoning jurisdiction; and
 - b. Is free of any plumbing, electrical, ventilation, mechanical, or structural hazard that may jeopardize:
 - i. The condition or security of human remains in the custody of the funeral establishment, or
 - ii. The health or safety of an employee or member of the public; and
 - 2. Has premises that are:
 - a. Sufficient to provide for a funeral establishment's services and activities;
 - b. Cleaned and disinfected according to the funeral establishment's policies and procedures to prevent, minimize, and control odor, illness, and infection;
 - c. Clean and free from accumulations of dirt, garbage, and rubbish; and
 - d. Free from a condition or situation that may cause an individual to suffer physical injury.
- B.** A licensee of a funeral establishment shall ensure that:

NOTICES OF PROPOSED RULEMAKING

1. A pest control program is implemented and documented that requires:
 - a. A pest control service that uses certified applicators as specified in 3 A.A.C. 8, Article 2; and
 - b. Annual pest control service records to be retained for at least 12 months after the date of service; and
 2. The funeral establishment does not engage in any practice or create any condition that would constitute a public health nuisance, as specified in A.R.S. § 36-601, or is contrary to the health laws of this state.
- C.** A licensee of a funeral establishment shall ensure that:
1. The funeral establishment provides a separate and designated area or room for each of the following:
 - a. An area that may be used as a chapel for conducting funeral services;
 - b. An area for discussing funeral arrangements with the family of a deceased individual;
 - c. A room or an area, as applicable, for the preparation of human remains that contains only the equipment, instruments, and supplies necessary for accomplishing the tasks for which the room or area is used;
 - d. An area for displaying funeral goods, either physically or through photographic or electronic means; and
 - e. If the funeral establishment reuses sheets or other linens for covering a deceased individual, gowns, or other items that may have come into contact with a deceased individual or bodily fluids, separate areas where soiled items are stored, soiled items are laundered, and clean items are stored;
 2. If the funeral establishment has a refrigerated holding area for human remains, the refrigerated holding area:
 - a. Except as specified in subsection (C)(3), is only used for human remains;
 - b. Can be accessed from the room in subsection (C)(1)(c) without traveling through areas of the funeral establishment open to the public;
 - c. Is maintained in working order;
 - d. Is kept in a clean and sanitary condition;
 - e. Maintains a temperature at or below thirty-eight degrees Fahrenheit; and
 - f. Is monitored according to policies and procedures;
 3. If flowers intended for a deceased individual are received by the funeral establishment and need to be refrigerated to ensure freshness, the flowers are located consistent with R9-9B-304(C)(2); and
 4. No equipment, instruments, or supplies are stored in the same location as human remains.
- D.** If the funeral establishment embalms on-site, a licensee shall ensure that the preparation room in subsection (C)(1)(c):
1. Is properly ventilated;
 2. Has sanitary flooring and drainage;
 3. Is protected from dust, dirt, flies, and other contamination;
 4. Is only used for the preparation of human remains;
 5. Is thoroughly cleansed and disinfected with a 1% solution of chlorinated soda, or other suitable and effective disinfectant, immediately after:
 - a. An obvious spill of blood or other potentially infectious bodily fluid or material, and
 - b. The embalming of human remains;
 6. Contains an eye wash station to enable an individual to quickly and efficiently flush the eyes in the event of accidental exposure to harmful materials;
 7. Contains a sanitary embalming table, which is provided with running water and a drain;
 8. If embalming is performed on-site, contains an embalming machine with a lid to minimize the dispersion of harmful fumes;
 9. Contains equipment, instruments, and supplies that:
 - a. Are sufficient to accomplish the tasks for which the room is used;
 - b. Are maintained in working condition;
 - c. Are maintained in a clean and sanitary condition and disinfected or sanitized, as applicable, after each use;
 - d. Are used according to the manufacturer's recommendations; and
 - e. If applicable, are tested and calibrated according to the manufacturer's recommendations or, if there are no manufacturer's recommendations, as specified in policies and procedures; and
 10. Has proper and convenient receptacles for refuse, bandages, sharp objects, and all other waste materials that are clearly labeled as to purpose.
- E.** If the funeral establishment embalms on-site, a responsible funeral director shall ensure that the preparation room in subsection (C)(1)(c):
1. Is disinfected after each use to protect the health and safety of employees, and
 2. Is maintained in a clean and sanitary condition at all times with cleaning equipment that is labeled and used only for the preparation room in subsection (C)(1)(c).
- F.** A responsible funeral director shall maintain documentation of equipment tests, calibrations, and repairs for at least 12 months after the date of testing, calibration, or repair.
- G.** A responsible funeral director shall ensure that:
1. Biohazardous medical waste, as defined in A.A.C. R18-13-1401, and other potentially hazardous waste, as described in A.A.C. R18-8-260, are removed and disposed of by a facility licensed by the Arizona Department of Environmental Quality pursuant to 18 A.A.C. 8 and 13;
 2. Combustible or flammable liquids are stored in labeled containers or safety containers in a secured area, properly identified to ensure the health and safety of employees and the public, and, except as provided in subsection (F)(3), away from where human remains are stored or prepared; and
 3. If embalming fluid is stored in a preparation room, the embalming fluid is kept in a location in the preparation room separate from where human remains are stored.
- H.** A responsible funeral director shall:

NOTICES OF PROPOSED RULEMAKING

1. Provide access to hearses or funeral coaches that are properly equipped for transporting deceased individuals in compliance with A.R.S. § 32-1382;
2. Ensure that, before transport, the human remains are placed in one of the following, as applicable, consistent with the Statement of Funeral Goods and Services Selected in R9-9B-306(E)(2)(d) and, if applicable, the method of cremation:
 - a. A casket;
 - b. A rigid, alternative container that totally encloses the human remains;
 - c. A flexible container, such as a body bag, that is waterproof and totally encloses the human remains; or
 - d. When transporting human remains to the funeral establishment, on a wheeled stretcher, such as a gurney, that is non-porous and deters spillage of bodily fluids from the wheeled stretcher, with the human remains covered by a tight-fitting cloth that entirely covers the human remains; and
3. Ensure that a vehicle used for the transport of human remains or cremated remains by or on behalf of the funeral establishment:
 - a. Is maintained in a clean and sanitary condition;
 - b. If transporting human remains, totally encloses the human remains and the casket or other container of the human remains;
 - c. Has surfaces on which human remains or cremated remains are placed during transport that are capable of being cleaned and sanitized or disinfected; and
 - d. Is locked and secured at all times during transport of human remains or cremated remains.

R9-9B-310. ~~Reserved Inspections~~

- A.** A funeral establishment is subject to inspection by the Department at any time to evaluate compliance with A.R.S. Title 32, Chapter 12, and this Subchapter according to A.R.S. § 32-1307(A)(4).
- B.** A responsible funeral director shall ensure that the Department is allowed access to the following during an inspection:
 1. All areas of the funeral establishment;
 2. All records relating to employees and to persons providing contracted services regulated under this Subchapter on behalf of the funeral establishment;
 3. All policies and procedures required in R9-9B-304;
 4. All records and other documents relating to the funeral goods and services provided by or on behalf of the funeral establishment; and
 5. If applicable, all records relating to prearranged funeral agreements funded by trust, including documentation required in R9-9B-304, R9-9B-307, or R9-9B-308.
- C.** If the Department determines that a funeral establishment is not in compliance with the applicable requirements in A.R.S. Title 32, Chapter 12, and the rules in this Subchapter, the Department may:
 1. Take an enforcement action as described in R9-9B-311;
 2. Impose probationary terms according to A.R.S. § 32-1367(C)(2); or
 3. Require that the licensee submit to the Department, within 30 calendar days after written notice from the Department, a plan of correction acceptable to the Department to address issues of noncompliance that:
 - a. Describes how each identified instance of noncompliance will be corrected and reoccurrence prevented, and
 - b. Includes a date for correcting each instance of noncompliance that is appropriate to the actions necessary to correct the instance of noncompliance.

R9-9B-311. ~~Reserved Enforcement Action~~

- A.** The Department may:
 1. Deny a license or prearranged funeral sales endorsement as specified in subsection (B).
 2. Suspend or revoke a license or prearranged funeral sales endorsement under A.R.S. § 32-1367 and subsection (B), or
 3. Assess or impose a civil penalty under A.R.S. § 32-1367 and subsection (B).
- B.** The Department may impose civil penalties, deny an application, or suspend or revoke a license or prearranged funeral sales endorsement, if:
 1. An applicant or a licensee does not meet the application requirements contained in R9-9B-301 or R9-9B-302, as applicable;
 2. A licensee does not comply with applicable requirements in A.R.S. Title 32, Chapter 12, and this Subchapter;
 3. A licensee does not correct the deficiencies identified during an inspection according to the plan of correction;
 4. An applicant or a licensee provides false or misleading information to the Department; or
 5. The nature or number of violations revealed by any type of inspection or investigation of a funeral establishment demonstrates a direct risk to the life, health, or safety of an employee, a contracted individual, or another personnel member or a member of the public.
- C.** In determining which action in subsection (A) is appropriate, the Department shall comply with A.R.S. § 32-1367(D).

R9-9B-312. ~~Telephone Price Disclosures Requirement Repealed~~

- A.** Each funeral establishment shall tell persons who contact the establishment by telephone and ask about terms, conditions, or prices of funeral goods or funeral services offered that price information is available over the telephone. The funeral establishment shall provide accurate information from the funeral price list required by R9-9B-313 that reasonably answers the question and any other information that reasonably answers the question about the retail prices of funeral goods or funeral services readily available for sale to the caller.
- B.** If the caller requests a funeral price list, the funeral establishment shall mail its funeral price list required by R9-9B-313 to the caller. If a funeral establishment mails a funeral price list to a caller, it may charge a reasonable postage and handling fee not to exceed two

NOTICES OF PROPOSED RULEMAKING

dollars. The establishment shall mail the price list to the caller within five days after receipt of the handling charge, or if the establishment does not require a handling charge, within seven days after the caller's price list request.

R9-9B-313. Price Lists Requirement Repealed

- A.** Each funeral establishment, funeral director, or embalmer shall provide a casket price list, an outside receptacle price list, and a general price list in the form and in the manner required by Federal Trade Commission rules 16 CFR 453.2(b)(2), (3) and (4) issued pursuant to the Federal Trade Commission Act as amended and in effect on June 1, 1984. The items required by the Federal rules shall be included before additional items.
- B.** A copy of Federal Trade Commission rule 16 CFR 453.2(b) is incorporated by reference.

R9-9B-314. Merchandise Price Card Requirement Repealed

Each funeral establishment shall place a price card on each casket, container, and outside receptacle the establishment makes available for sale to funeral services consumers. Each price card shall be placed on or attached to each item of merchandise in a conspicuous manner that permits a potential purchaser to see the information on the price card when standing near the casket or other item of merchandise. Each price card shall conspicuously disclose the separate retail price of the merchandise item available for sale. Price cards on caskets or outside receptacles shall also disclose the construction or type, manufacturer or assembler, and model number or popular name of the casket or outside receptacle. Price cards on containers shall also disclose the construction or type and manufacturer or assembler of the container. Photographs or accurate pictures of merchandise items may be used if conspicuously displayed with the price card information required by this Section.

R9-9B-315. Funeral Goods and Services Memorandum Repealed

- A.** Each funeral establishment, funeral director, or embalmer shall give an itemized written or printed memorandum of funeral goods and services ("statement") for retention to each potential purchaser of funeral goods or services at the conclusion of the discussion of any funeral arrangements and before the establishment enters into a contract with a purchaser of funeral goods or services. The itemized statement shall list at least the following information:
 - 1. The name and address of the funeral establishment;
 - 2. A caption entitled "Statement of Funeral Goods and Services Selected"; and
 - 3. The funeral goods and services selected by that person and the prices to be paid for each item, specifically itemized cash advance items, the total cost of the goods and services selected and other information contained in or indicated by the "Statement of Funeral Goods and Services Selected" format in Appendix B of 4 A.A.C. 12, Article 5.

- B.** The information required by this Section may be included on any contract, statement, or other document that the funeral establishment would otherwise provide at the conclusion of discussion of arrangements. The itemized disclosures required by this Section shall be made in a clear and conspicuous manner. The establishment shall indicate immediately adjacent to the appropriate items under the "funeral arrangements" and "automotive equipment" categories the funeral services, facilities, and automotive equipment items selected by the purchaser. A funeral establishment may include additional itemized disclosures on the statement concerning goods and services selected. If certain charges required to be itemized on the statement are not known or reasonably ascertainable at the time the contract is signed, a good faith estimate of the charges shall be given on the statement, and the establishment shall provide a written description of the actual charges to the purchaser within fifteen (15) days after the information becomes available to the establishment.

- C.** If an establishment uses the "statement of funeral goods and services selected" as a final bill, the following disclosures must be added to the statement:

"If you elected a funeral that requires embalming, such as a funeral with a viewing, you may have to pay for the embalming. You do not have to pay for embalming you did not approve if you selected arrangements such as a direct cremation or immediate burial. If we charged for embalming, we will explain why in writing."

If an establishment does not use the "statement of funeral goods and services selected" as a final bill, the disclosures concerning embalming required by this subsection must be added to the final bill, contract, or other written evidence of the agreement or obligation given to the purchaser, and the establishment may use the "statement of funeral goods and services selected" format as shown in Appendix B of 4 A.A.C. 12, Article 5. The establishment shall disclose in writing to the purchaser on the statement any legal, cemetery, or crematory requirement that mandates that the consumer purchase a specific funeral good or service. The establishment also shall disclose on the statement the "Notice to Purchaser" concerning casket and container legal requirements required by A.R.S. § 32-1373(B).

R9-9B-316. Minimum Embalming Requirements Repealed

- A.** Embalmers and apprentice embalmers shall comply with the following minimum embalming procedures when embalming human remains:
 - 1. All persons participating in the embalming procedure shall be either a licensed embalmer or a registered apprentice embalmer. Apprentice embalmers shall be under the direct supervision of a licensed embalmer during the embalming. "Direct supervision," as used in this subsection, means that the licensed embalmer shall at all times be immediately available on the funeral establishment premises to supervise the apprentice embalmer, except that if the apprentice embalmer has embalmed at least ten adult human remains and has been registered with the Department for a minimum of six months, the supervision requirement is deemed to have been met if the apprentice has immediate access to and is performing according to the directions of a licensed embalmer.
 - 2. Regulations of the Department and of county health departments pertaining to sewage, sanitation and public health requirements shall be observed.
 - 3. All persons engaged in the embalming process shall wear a clean smock or gown and wear impervious rubber gloves.
 - 4. All clothing shall be removed from the remains and a visual inspection of the condition of the remains shall be conducted.

NOTICES OF PROPOSED RULEMAKING

5. To the extent feasible under the circumstances, the entire remains, including all extremities (legs, arms, feet, hands and head), shall be washed with an antiseptic or detergent solution.
 6. To the extent feasible under the circumstances, the arterial injection technique shall be used in the embalming process. If the arterial circulation of any portion of the remains is materially incomplete or impaired due to advanced decomposition or autopsy, then the embalming may be done by hypodermically injecting those areas.
 7. Embalming solution shall be injected into the entire remains, including extremities (legs, arms, feet, hands and head), and shall be injected in such dilutions and pressures as warranted by the condition of the remains in accordance with prevailing professional practice.
 8. The abdominal and thoracic cavities of the remains shall be injected with a concentrated cavity chemical after liquids and materials have been substantially removed through a trocar. The cavity chemical shall be injected into and thoroughly distributed in such cavities in accordance with prevailing professional practice.
 9. If the body is to be viewed at a funeral service, cosmetic procedures should be employed in accordance with the wishes of the family and prevailing professional practice.
 10. Within 24 hours after the embalming procedure, an embalming case report shall be prepared describing the elapsed time since death, condition of the remains before and after embalming, and embalming procedures used.
 11. After embalming procedures have been completed, the remains shall be covered and diligent effort shall be made to maintain the privacy of the remains.
- B.** The care and preparation for burial or other disposition of human remains shall be strictly private, and no one shall be allowed in the embalming room while a dead human body is being embalmed, except licensees or other authorized employees of the establishment, instructors of the science of embalming and their students, public officials in the discharge of their duties, or other persons having the legal right to be present.
- C.** Each funeral establishment and responsible funeral director shall adopt and implement adequate procedures concerning the supervision of embalming personnel to assure compliance with this rule.
- D.** Failure to substantially comply with the minimum embalming standards contained in this rule shall be deemed to be evidence of gross negligence, repeated or continuing negligence, or other professional incompetence.

R9-9B-317. Surety Bond Requirements Repealed

- A.** A funeral establishment applying for a prearranged funeral sales endorsement shall provide the Department with the number of prearranged funeral agreements sold during the immediately preceding calendar year and provide the applicable surety bond as follows:
1. \$15,000 if the establishment sold fewer than 100 prearranged funeral agreements during the immediately preceding calendar year;
 2. \$30,000 if the establishment sold 100 or more, but fewer than 250 prearranged funeral agreements during the immediately preceding calendar year; or
 3. \$50,000 if the establishment sold 250 or more prearranged funeral agreements during the immediately preceding calendar year.
- The amount of the surety bond shall be increased by \$5,000 for each salesperson currently registered by the Department for the establishment.
- B.** The corporate surety bond provided to the Department shall contain the language specified by Appendix D of 4 A.A.C. 12, Article 5.

R9-9B-318. Deceptive, Misleading, or Professionally Negligent Practices Repealed

- In selling or offering to sell prearranged funerals, or in handling the trust funds or accounts of a prearranged funeral consumer, it is a deceptive, misleading, or professionally negligent practice for anyone licensed under A.R.S. Title 32, Chapter 12, or his agent:
1. To misstate or omit to state any material fact upon which a prearranged funeral consumer detrimentally relies concerning the transaction or the prearranged funeral;
 2. To represent or imply that the prices of funeral goods and services to be provided pursuant to a fixed-price prearranged funeral agreement are guaranteed, frozen, or otherwise an absolute economic certainty;
 3. To guarantee or promise that the funeral establishment will be in business at any indefinite time in the future;
 4. To fail to disclose to the purchaser or beneficiary, within ten business days after a request, the most currently available information concerning the purchaser's principal payments, all earned interest on the principal, and total service fees charged concerning that purchase;
 5. To intentionally mislead or deceive by entering into a contract with a prearranged funeral purchaser, while any blank in the contract, other than for the account number, has not been completed; or
 6. To enter into a prearranged funeral agreement to provide funeral goods and services not regularly sold by the funeral establishment at the time of execution of the agreement.

R9-9B-319. Description of Casket Repealed

- A prearranged funeral agreement shall be deemed misleading unless it describes the following information concerning any casket to be provided under the agreement:
1. Specific construction and type;
 2. Interior fabric;
 3. Manufacturer and model number or popular name;
 4. Special features, if any; and
 5. Casket retail price.

R9-9B-320. Possession of Trust Account Passbook Repealed

With respect to individual trust accounts, the funeral establishment shall offer a prearranged funeral purchaser the option of either obtaining a copy of the financial institution passbook, certificate of deposit, or other similar documentation of the prearranged funeral trust

Arizona Administrative Register
NOTICES OF PROPOSED RULEMAKING

account for his personal possession, or authorizing the funeral establishment to maintain such documentation on behalf of the purchaser. This Section does not apply to common trust accounts.

R9-9B-321. Certificate of Entitlement Repealed

The certificate of entitlement which a funeral establishment delivers to the financial institution servicing a prearranged funeral trust account or accounts shall contain the following information:

1. Name of the funeral establishment;
2. Name and location of financial institution;
3. Prearranged funeral trust account number(s);
4. The amount of trust funds to be withdrawn as the annual service fee, and
5. Certification by the funeral establishment that it is contractually entitled to an annual service fee for the preceding calendar year pursuant to the terms of the prearranged funeral agreement(s).

The certificate shall be signed and dated by the owner or responsible funeral director of the establishment and sworn to before a notary public. On receipt of an appropriately completed certificate of entitlement, the financial institution shall release a portion of the trust funds equal to the annual service fee to the funeral establishment. The portion of trust funds released to the establishment shall not exceed 10 percent of the interest which has accrued on the trust funds during the preceding calendar year.

R9-9B-322. Certificate of Performance Repealed

A. The certificate of performance which a funeral establishment delivers to the financial institution servicing a prearranged funeral trust account after the death of the beneficiary of a prearranged funeral agreement shall contain the following information:

1. Name of the funeral establishment;
2. Name and location of financial institution and trust account number;
3. Name of deceased beneficiary;
4. Certification of the total charges for the funeral goods and services provided in the funeral arrangements; and
5. Certification that it provided the funeral goods and services pursuant to the prearranged funeral agreement.

B. If the certificate of performance concerns a fixed price prearranged funeral agreement, it shall also contain certification that the establishment agreed in the prearranged funeral agreement to fix the prices of the funeral goods and services provided under the agreement at the price levels in effect at the time of the execution of the agreement by the purchaser.

C. The certificate shall be signed and dated by the owner or responsible funeral director of the establishment and sworn to before a notary public. The certified death certificate of the deceased beneficiary shall accompany the certificate of performance when it is delivered to the financial institution. On receipt of the certified death certificate and appropriately completed certificate of performance, the financial institution shall release a portion of the trust funds equal to the establishment's charges for funeral goods and services for the beneficiary's funeral arrangements. If the certificate of performance concerns a fixed price prearranged funeral agreement, the financial institution may release an additional portion of the trust funds to the establishment equal to that portion of the total accrued interest on principal payments deposited in the trust account during the term of the prearranged funeral agreement which the purchaser agreed to convey to the establishment.

R9-9B-323. Statement of Accrued Taxes Repealed

The statement of accrued taxes which a funeral establishment delivers to the financial institution servicing a prearranged funeral trust account or accounts shall contain the following information:

1. Name of the funeral establishment;
2. Name and location of financial institution;
3. Prearranged funeral trust account number(s); and
4. Statement identifying the person by whom taxes are due and payable concerning income earned from funds deposited in the trust account(s). The statement shall describe the taxing authority to which the taxes are due, the amount of taxes due and payable concerning each trust account and the fiscal period the taxes concern. The statement shall be signed and dated by the owner or responsible funeral director and one other employee of the establishment. On receipt of an appropriately completed statement of accrued taxes, the financial institution shall release a portion of the trust funds equal to the accrued taxes, payable to the taxing authority, to the funeral establishment.

R9-9B-324. Notice of Trust Account Transfer Repealed

A. If a funeral establishment directs a financial institution to transfer a common prearranged funeral trust account pursuant to A.R.S. § 32-1391.04(C), it shall provide written notice by first class mail to the last known address of each participant not less than ten business days before transfer of the account. The notice shall advise each participant that the account is being transferred and give the name and location of the new financial institution and trust account number. The notice also shall contain a conspicuous statement that the establishment will provide specific information concerning the trust account status upon request.

B. If a funeral establishment is sold, or its name or location is changed or the prearranged funeral trust account is in any way transferred to another entity, the funeral establishment shall notify the Department of the disposition of the trust account within ten business days after the change in the status of the trust account. The funeral establishment also shall provide written notice by certified mail to the last known address of each participant in the prearranged funeral trust account within thirty business days after the change in the status of the trust account. The notice shall advise each participant of the change of status of the trust account and shall contain a conspicuous statement that the establishment, or its successor in interest, will provide specific information concerning the trust account status upon request.

R9-9B-325. Purchaser Cancellation Requests Repealed

The written request from a purchaser of a prearranged funeral agreement or designated person to terminate the agreement and refund the trust funds shall contain the following information:

Arizona Administrative Register
NOTICES OF PROPOSED RULEMAKING

1. Name of funeral establishment;
2. Full name of the prearranged funeral purchaser or designated person making the request, and
3. Statement of purchaser or designated or legally responsible person requesting refund of the trust funds.

The cancellation request shall be signed by the purchaser, designated or legally responsible person. Within five days following receipt of a properly signed cancellation request, the financial institution shall release the trust funds, payable to the person making the cancellation request, to the establishment for refund to the requesting person.

R9-9B-326. ~~Records Retention Requirement Repealed~~

Each funeral establishment shall retain and make available for inspection by Department representatives true and accurate copies of the following records during the term of the prearranged funeral agreement and for three years following the death of the beneficiary or the termination of the agreement:

1. The prearranged funeral agreement;
2. Each notice of the transfer of the trust account to another financial institution, together with a record of the names and last known addresses of the purchasers and the dates on which the notice was mailed;
3. The certificate of performance from the funeral establishment stating that it provided the requested funeral goods and services which is delivered to a financial institution;
4. Each certificate from the funeral establishment concerning entitlement to service fees concerning the trust account;
5. Each statement of accrued taxes from the funeral establishment concerning the trust account;
6. Each cancellation or termination request from a purchaser; and
7. Detailed financial institution statements and accounting records concerning the trust account.

ARTICLE 4. CREMATORY LICENSING

R9-9B-401. Application for a Crematory License or Interim Crematory Permit

An applicant for a crematory license shall submit an application packet to the Department that contains the fee required by the Department, information required in A.R.S. § 32-1395, and the following:

1. An application form that contains:
 - a. The name of the crematory;
 - b. The address of the physical location and telephone number of the crematory;
 - c. Whether the crematory is a proprietorship, a corporation, a partnership, a limited liability company, or a subsidiary of a corporation, a partnership, or a limited liability company;
 - d. The name and license number of the responsible funeral director or cremationist;
 - e. The name and address of each person owning 10 percent or more of the establishment or corporation common stock;
 - f. A statement, signed by the responsible funeral director or cremationist and notarized, affirming licensure in Arizona and confirming responsibility for the crematory's compliance with Arizona state laws and rules;
 - g. If a corporation, partnership, or limited liability company:
 - i. The state and date of incorporation or formation;
 - ii. The name and address of the Arizona statutory agent or agent appointed to receive process; and
 - iii. The name, address, and title of each officer, director, general partner, or member;
 - h. Whether the applicant has ever been convicted of or entered into a plea of no contest to a class 1 or 2 felony, including the information in subsection (1)(i)(i) through (1)(i)(vi);
 - i. Whether the applicant, within five years from the date of the application, has been convicted of or entered into a plea of no contest to a felony or to a misdemeanor that is reasonably related to the applicant's proposed area of licensure including the:
 - i. Charged felony or misdemeanor;
 - ii. Date of conviction;
 - iii. Court having jurisdiction over the felony or misdemeanor;
 - iv. Probation officer's name, address, and telephone number, if applicable;
 - v. A copy of the notice of expungement, if applicable; and
 - vi. A copy of the notice of restoration of civil rights, if applicable;
 - j. Whether the applicant, within five years from the date of the application, has committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, gross negligence, or incompetence reasonably related to the applicant's proposed area of licensure;
 - k. Whether the applicant is currently incarcerated or on community supervision after a period of imprisonment in a local, state, or federal penal institution or on criminal probation;
 - l. Whether the applicant, within five years from the date of the application, has had an application for a license, registration, certificate, or endorsement denied or rejected by any state funeral licensing authority including the:
 - i. Reason for the denial or rejection;
 - ii. Date of the denial or rejection; and
 - iii. Name and address of the agency that denied or rejected the application;
 - m. Whether the applicant has, within five years from the date of the application, had a license, registration, certificate, or endorsement suspended or revoked by any state funeral licensing authority including the:
 - i. Reason for the suspension or revocation;
 - ii. Date of the suspension or revocation; and
 - iii. Name and address of the state licensing authority that suspended or revoked the license;
 - n. Whether the applicant has ever surrendered a license, registration, certificate, or endorsement to the Department or any state funeral licensing authority; and

Arizona Administrative Register
NOTICES OF PROPOSED RULEMAKING

- o. The applicant's signature; and
- 2. A copy of a funeral establishment license or crematory authority certificate issued by the Arizona Department of Real Estate to a cemetery that operates a crematory.
- A. A person may not advertise or operate for compensation a crematory in this state unless the person is licensed by the Department, specific to the method of cremation to be provided, or has an interim permit issued according to this Article.
- B. An applicant for a crematory license shall submit to the Department an application that contains:
 - 1. The following, in a Department-provided format:
 - a. The applicant's name, mailing address, email address, and telephone number;
 - b. The name or proposed name of the crematory, including the:
 - i. Physical address;
 - ii. Mailing address, if different from the physical address;
 - iii. Telephone number;
 - iv. Email address;
 - v. Tax ID number; and
 - vi. If applicable, the applicant's Arizona Corporation Commission entity file number;
 - c. Whether the applicant is a business organization and, if so:
 - i. The type of business organization;
 - ii. The name and address of the Arizona statutory agent, or agent appointed to receive process;
 - iii. The name, title, telephone number, email address, and address of the individual the Department may contact about the application or operation of the crematory; and
 - iv. The name and address of each person owning 10 percent or more of the business organization;
 - d. Whether the applicant is requesting the issuance of an interim permit and, if so:
 - i. The name of the previous licensee of the crematory;
 - ii. The license number previously issued for the crematory;
 - iii. The name of the crematory listed on the license in subsection (B)(1)(d)(ii), if different from the name in subsection (B)(1)(b); and
 - iv. The date of the change of ownership of the crematory;
 - e. Whether the applicant or any individual listed according to subsection (B)(1)(c)(iv) has, in any jurisdiction:
 - i. Had a crematory or funeral establishment license or certificate denied, suspended, or revoked, or had disciplinary action taken against the crematory or funeral establishment license or certificate; or
 - ii. Voluntarily surrendered a crematory or funeral establishment license or certificate in lieu of disciplinary action;
 - f. Whether the applicant or any individual listed according to subsection (B)(1)(c)(iv) has ever been convicted of or entered into a plea of no contest to a felony or a misdemeanor in this or another state and, if so:
 - i. The date of the conviction;
 - ii. The state or jurisdiction of the conviction;
 - iii. An explanation of the crime of which the applicant was convicted or entered into a plea of no contest to, and
 - iv. The disposition of the case;
 - g. The name and license number of the responsible cremationist;
 - h. Whether the crematory plans to provide cremation through:
 - i. Combustion;
 - ii. Alkaline hydrolysis, or
 - iii. Natural organic reduction;
 - i. Whether the crematory is ready for a licensing inspection by the Department;
 - j. If the crematory is not ready for a licensing inspection, as specified in subsection (B)(1)(i), the date the facility will be ready for a licensing inspection;
 - k. Whether the crematory complies with local zoning ordinances, building codes, and fire codes;
 - l. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-9B-102(C)(3);
 - m. An attestation that the information and documentation submitted as part of the application for a crematory license are true and accurate; and
 - n. The applicant's signature and date of signing;
 - 2. A floor plan, which is drawn to approximate scale and may be neatly hand-drawn, of each building where the crematory will be located, showing the function of each room;
 - 3. A copy of the business organization's articles of incorporation, articles of organization, or partnership documents, if applicable, and percentage ownership of each listed individual;
 - 4. Documentation for the applicant that complies with A.R.S. § 41-1080;
 - 5. For each individual signing according to subsection (B)(1)(n), the individual's fingerprints on a fingerprint card for the Department's criminal history check authorized in A.R.S. §§ 32-1344(B) and 32-1395(B) that includes:
 - a. The individual's first name; middle initial, if applicable; and last name;
 - b. The individual's signature;
 - c. If different from the individual, the signature of the individual physically rolling the individual's fingerprints;
 - d. The individual's address;
 - e. If applicable, the individual's surname before marriage and any names previously used by the individual;
 - f. The individual's date of birth;
 - g. The individual's Social Security number;

NOTICES OF PROPOSED RULEMAKING

- C.** At least 30 calendar days before a change in the legal name of a crematory that does not affect the structure or ownership of the business organization, a licensee shall submit to the Department an application, including:
1. The following information in a Department-provided format:
 - a. The current name and license number of the crematory;
 - b. The new name of the crematory;
 - c. The name, email address, and telephone number of an individual who may be contacted by the Department;
 - d. An attestation that the change in the legal name of the crematory does not affect the structure or ownership of the business organization;
 - e. An attestation that the information and documentation submitted as part of the application are true and accurate; and
 - f. The licensee's signature and the date of signing;
 2. An updated attestation from the responsible cremationist, as specified in R9-401(B)(6), including the new name of the crematory;
 3. An updated copy of the log of cremations, required in R9-403(G), including the new name of the crematory; and
 4. The fee in R9-9B-103(A)(8).
- D.** At least 30 calendar days before a change in the legal name of the licensee, which does not affect the structure or ownership of the business organization if the licensee is a business organization, a licensee shall:
1. Notify the Department in writing, including the following information, in a Department-provided format:
 - a. The name and license number of the crematory;
 - b. The current name of the licensee;
 - c. The new name of the licensee;
 - d. The name, email address, and telephone number of an individual who may be contacted by the Department;
 - e. An attestation that the change in the legal name of the licensee does not affect the structure or ownership of the business organization;
 - f. An attestation that the information and documentation submitted as part of the notification are true and accurate; and
 - g. The licensee's signature and date of signing; and
 2. Either:
 - a. If the licensee is an individual, documentation of the individual's legal name change; or
 - b. If the licensee is a business organization, documentation of the name change, from the Arizona Corporation Commission or other governmental entity, as applicable, registering the new name, that indicates no change in structure or ownership of the business organization.
- E.** At least 30 calendar days before an anticipated change of location of a crematory, without a change of ownership, a licensee shall submit to the Department an application, including:
1. The following information in a Department-provided format:
 - a. The name and license number of the crematory;
 - b. The name, mailing address, email address, and telephone number of the licensee;
 - c. The current physical address of the crematory;
 - d. The new physical address of the crematory;
 - e. The estimated date that the crematory plans to suspend operations at the current address in anticipation of the change of address;
 - f. The estimated date that the crematory plans to be ready to begin operations at the new address;
 - g. The date the crematory will be ready for a licensing inspection;
 - h. Whether the crematory complies with local zoning ordinances, building codes, and fire codes for the new location;
 - i. Whether the licensee agrees to allow the Department to submit supplemental requests for information under R9-9B-102(C)(3);
 - j. An attestation that the change in the location of the crematory does not affect the structure or ownership of the business organization;
 - k. An attestation that the information and documentation submitted as part of the application for a change of location for the crematory are true and accurate; and
 - l. The licensee's signature and date of signing;
 2. A plan for ensuring the condition, dignity, and security of human remains and cremated remains in the custody of the crematory during the change of location;
 3. An updated attestation from the responsible cremationist, as specified in R9-401(B)(6), including the new location of the crematory;
 4. A floor plan, which is drawn to approximate scale and may be neatly hand-drawn, of each building at the new location of the crematory, showing the function of each room;
 5. If the new location of the crematory is on the premises of a cemetery, a copy of a crematory authority certificate issued by the Arizona Department of Real Estate to the cemetery; and
 6. The fee in R9-9B-103(A)(7).
- F.** A licensee shall notify the Department in writing at least 30 calendar days before the anticipated start of a proposed modification, which includes a substantial improvement, enlargement, reduction, alteration, or other substantial change in the crematory or another structure on the premises at the crematory, including:
1. The following information in a Department-provided format:
 - a. The name and license number of the crematory;
 - b. A description of the proposed modification;
 - c. Whether the modification will comply with local zoning ordinances, building codes, and fire codes;

NOTICES OF PROPOSED RULEMAKING

- d. The estimated date of completion of the modification;
- e. The date the crematory will be ready for a licensing inspection;
- f. The name, email address, and telephone number of an individual who may be contacted by the Department;
- g. An attestation that the information and documentation submitted as part of the application for a modification of the crematory are true and accurate; and
- h. The licensee's signature and date of signing;
- 2. A plan for ensuring the condition, dignity, and security of human remains and cremated remains in the custody of the crematory during the modification; and
- 3. A floor plan, which is drawn to approximate scale and may be neatly hand-drawn, of each building in which a modification of the crematory will be made:
 - a. Showing the function of each room, and
 - b. Indicating the changes to be made.
- G. Within seven calendar days after a change in a responsible cremationist, the new responsible cremationist shall submit to the Department an attestation, in a Department-provided format, including:
 - 1. The name and license number of the crematory;
 - 2. The name and license number of the former responsible cremationist;
 - 3. The name and license number of the new responsible cremationist;
 - 4. The date of the change in responsible cremationist;
 - 5. Whether the contact email address for the crematory is changing and, if so, the new contact email address for the crematory;
 - 6. A statement that the new responsible cremationist:
 - a. Is licensed under Article 2 of this Subchapter;
 - b. Is familiar with the requirements in A.R.S. Title 32, Chapter 12, and the rules in this Subchapter;
 - c. Accepts responsibility for the operation of and services provided by the crematory; and
 - d. Will ensure that the crematory will be equipped and operated according to the requirements in A.R.S. Title 32, Chapter 12, and the rules in this Subchapter; and
 - 7. The new responsible cremationist's signature and date of signing.
- H. A licensee shall notify the Department in writing, including in the notification the name and license number of the crematory, no later than 30 calendar days after a change in any of the following:
 - 1. The email address or mailing address of the crematory, including the new email address or mailing address; or
 - 2. The email address or telephone number of the licensee, including the new email address or telephone number.
- I. If a licensee intends to close a crematory, without a change of ownership or change of location, the licensee shall:
 - 1. Notify the Department in writing at least 30 calendar days before the anticipated date the crematory will close, including the following information, in a Department-provided format:
 - a. The name and license number of the crematory;
 - b. The name of the licensee;
 - c. The estimated date that the crematory plans to close;
 - d. The name, email address, and telephone number of an individual who may be contacted by the Department;
 - e. The name, email address, and telephone number of the person that will have custody of records required to be maintained by the crematory according to R9-9B-403(I);
 - f. A statement that, as of the date specified according to subsection (I)(1)(c), the crematory will have no human remains or cremated remains on the premises;
 - g. An attestation that the information and documentation submitted as part of the notification are true and accurate; and
 - h. The licensee's signature and date of signing; and
 - 2. Within seven calendar days after the date specified according to subsection (I)(1)(c):
 - a. Submit to the Department an attestation, signed by the licensee, that the records required to be maintained by the crematory according to R9-9B-403(I) have been transferred into the custody of the person named according to subsection (I)(1)(c) and the date of the transfer; and
 - b. Surrender the crematory license to the Department.
- J. If the Department receives the notification of a change in ownership in subsection (B) or closure of the crematory in subsection (I), the Department shall void the licensee's license to operate a crematory as of the date specified by the licensee in subsection (B)(1)(d) or (I)(1)(c), as applicable.
- K. If the Department receives an application for a change in the name of a crematory in subsection (C) or notification in subsection (D) of a change in the legal name of a licensee, the Department shall:
 - 1. Determine whether the change affects the structure or ownership of a business organization;
 - 2. If the change in the name of a crematory or licensee does not affect the structure or ownership of a business organization:
 - a. For a change in the name of a crematory, issue to the licensee an amended license showing the new legal name of the crematory, keeping the current license expiration date; or
 - b. For a change in the legal name of a licensee, notify the licensee that records have been updated; and
 - 3. If the change in the name of the crematory or licensee affects the structure or ownership of a business organization, notify the licensee that:
 - a. The crematory is required to comply with subsection (B);
 - b. The new owner may apply for a new crematory license according to R9-9B-401; and
 - c. According to R9-9B-401(A), crematory services cannot be provided until a new license or interim permit is issued.
- L. If the Department receives an application for a change in the location of a crematory in subsection (E), the Department shall:
 - 1. Conduct an inspection of the premises; and

NOTICES OF PROPOSED RULEMAKING

2. If the crematory is compliant with A.R.S. Title 32, Chapter 12, and this Subchapter, issue to the licensee an amended license for the crematory that incorporates the new address and retains the expiration date of the existing license.
- M.** If the Department receives an application in subsection (F) of a proposed modification, the Department:
 1. May conduct an inspection of the premises; and
 2. Shall notify the licensee that the crematory is:
 - a. Compliant with A.R.S. Title 32, Chapter 12, and this Subchapter; or
 - b. Not compliant with A.R.S. Title 32, Chapter 12, and this Subchapter, and:
 - i. Request a plan of correction for instances of noncompliance, and
 - ii. State whether the crematory may continue operations before corrections are completed.
- R9-9B-403. Reserved Administration**
- A.** A licensee of a crematory shall designate in writing a responsible cremationist for the crematory who:
 1. Is licensed under Article 2 of this Subchapter for the method of cremation provided by the crematory;
 2. Is responsible for the day-to-day operations of the crematory, including:
 - a. Supervision of the services provided, and
 - b. Ensuring compliance with the crematory's policies and procedures;
 3. Manages staffing and oversees personnel decisions; and
 4. Ensures that the crematory complies with the requirements in A.R.S. Title 32, Chapter 12, and the rules in this Subchapter.
- B.** A licensee shall ensure that policies and procedures are developed, documented, and implemented, consistent with the requirements in A.R.S. Title 32, Chapter 12, and the rules in this Subchapter, that cover:
 1. Employees and other personnel, including:
 - a. Job descriptions, duties, and qualifications, including required skills and knowledge for cremationists;
 - b. Orientation, training, and in-service education for employees; and
 - c. Supervision;
 2. Persons providing contracted services to ensure that:
 - a. Persons providing contracted services have the required skills and knowledge, and
 - b. Contracted services are provided according to the requirements in this Article;
 3. The posting of professional licenses, issued under Article 2 of this Subchapter, for all applicable individuals employed by or contracted with the crematory to provide cremation;
 4. Compliance with requirements in A.R.S. § 32-1365(A)(11);
 5. Compliance with applicable requirements in R9-9B-405(B) and (D) to ensure workplace health and safety;
 6. Compliance with applicable requirements related to the disposition of human remains in A.R.S. Title 36, Chapter 7;
 7. Compliance with applicable requirements related to communicable diseases in A.R.S. § 36-621 and A.A.C. R9-6-102;
 8. Who can access areas of the crematory in which human remains or cremated remains are prepared or kept, according to R9-9B-405(I)(1);
 9. The security and accuracy of the log of cremations in subsection (G), including:
 - a. The method by which the log of cremations, whether in electronic or paper format, is stored to prevent unauthorized access;
 - b. The method by which authorized individuals can access the log of cremations at the crematory to ensure timely entry into the log of cremations; and
 - c. Who is authorized to access or enter information into the log of cremations to ensure the accuracy and confidentiality of the information in the log of cremations;
 10. Cleaning and sanitation of the crematory, in compliance with applicable requirements in R9-9B-406 and applicable requirements related to health menaces in A.R.S. § 36-601 et seq.;
 11. Maintenance of equipment used to conduct the cremation of human remains and the processing of cremated remains;
 12. The following, related to a refrigerated holding area for human remains:
 - a. Monitoring of the functioning and temperature of the refrigerated holding area to ensure the condition, dignity, and security of human remains in the refrigerated holding area; and
 - b. The transfer of human remains kept in the refrigerated holding area if the functioning or temperature of the refrigerated area endangers the condition, dignity, or security of human remains in the refrigerated holding area; and
 13. Advertising about services and their prices offered by the crematory to funeral establishments or other applicable businesses contacting the crematory to ensure the advertising:
 - a. Is clear and accurate; and
 - b. Complies with the requirements in A.R.S. Title 32, Chapter 12.
- C.** A licensee shall ensure that policies and procedures are developed, documented, and implemented, consistent with the requirements in A.R.S. Title 32, Chapter 12, and the rules in this Subchapter, to ensure that:
 1. The identity of human remains or cremated remains is recorded and tracked at all times while the human remains or cremated remains are in the custody of the crematory;
 2. The condition, dignity, and security of human remains and cremated remains in the custody of the crematory are maintained and any concerns about the condition of human remains are documented;
 3. Cremation services are conducted according to the requests made through a funeral establishment by the deceased individual's family, including considerations for religious or cultural beliefs;
 4. No photographs or recordings of the deceased individual or the deceased individual's family are made, except, if applicable, as part of the crematory's electronic video security monitoring system, without the express permission of the individual authorized according to A.R.S. § 36-831 to provide funeral and disposition arrangements;

NOTICES OF PROPOSED RULEMAKING

5. Information about the deceased individual, the deceased individual's family, or financial matters obtained from a funeral establishment during the course of providing services to the deceased individual's family is maintained in a confidential manner; and
 6. Cremation and the processing of cremated remains are conducted according to applicable requirements in R9-9B-405 and, as applicable, R9-9B-407, R9-9B-408, or R9-9B-409.
- D.** A licensee shall ensure that:
1. Policies and procedures are reviewed at least once every three years and updated as needed;
 2. Policies and procedures are available to employees and, as applicable, contracted individuals; and
 3. Documentation required by this Article is provided to the Department:
 - a. If requested by the Department during an inspection, within two hours after a Department request and before the end of the inspection; and
 - b. If requested by email, written correspondence, or telephone, by midnight of the next calendar day, unless a longer period is specified by the Department.
- E.** A licensee shall ensure that the professional licenses, issued under Article 2 of this Subchapter, for all applicable individuals employed by or contracted with the crematory to provide cremation services are:
1. Current and valid, and
 2. Posted in a conspicuous location that may be viewed by an individual entering the crematory.
- F.** A licensee shall ensure that one of the following, as applicable, is posted in a conspicuous location that may be viewed by an individual entering the crematory:
1. The current and valid license issued to the crematory under this Article, or
 2. A valid interim permit issued under R9-9B-401.
- G.** A licensee shall ensure that a written, permanent, chronological log of cremations is established and maintained, and is available on-site, which is specific to the method of cremation and contains:
1. The name and applicable license number of the crematory;
 2. The name and license number of the responsible cremationist;
 3. The method of cremation to which the information on the log of cremations pertains; and
 4. For each deceased individual whose human remains were received by the crematory for cremation by the method of cremation specified according to subsection (G)(3), the following information, each in a separate row or column:
 - a. The name of the deceased individual;
 - b. An identifying number for the deceased individual;
 - c. The date the deceased individual's human remains were received at the crematory;
 - d. Whether the authorization for cremation according to A.R.S. § 32-1365.01 or 32-1365.02, as applicable, was received;
 - e. Whether the disposition-transit permit according to A.R.S. § 36-326 and A.A.C. R9-19-308 was received;
 - f. The type of receptacle in which the human remains were received at the crematory;
 - g. Unless the human remains were returned to a funeral establishment before cremation:
 - i. The date and time of the cremation;
 - ii. Except as provided in R9-9B-409(D)(3)(c), the printed name and signature of the cremationist who performed the cremation;
 - iii. Except as provided in subsection (G)(4)(g)(iv) or (vii), the name of the funeral establishment providing funeral and disposition arrangements to which custody of the cremated remains was transferred;
 - iv. If custody of the cremated remains was transferred to a person other than the funeral establishment providing funeral and disposition arrangements, the name of the person to which custody of the cremated remains was transferred and the person's relationship to the deceased individual;
 - v. The name of the individual receiving the cremated remains on behalf of the funeral establishment in subsection (G)(4)(g)(iii) or the person in subsection (G)(4)(g)(iv);
 - vi. The date and time of transfer of custody of the cremated remains; and
 - vii. If custody of the cremated remains were not transferred to a funeral establishment or the individual authorized according to A.R.S. § 36-831 to provide funeral and disposition arrangements, the method of disposition and the date and time of the disposition; and
 - h. If the human remains were returned to a funeral establishment before cremation, the date and time the human remains were picked up and the name of the individual who picked up the human remains.
- H.** If a deceased individual's human remains, which had been returned to a funeral establishment before cremation, are transferred back to the crematory, a responsible cremationist shall ensure that a new entry is made for the deceased individual in the log of cremations in subsection (G).
- I.** A licensee shall ensure that:
1. The log of cremations in subsection (G) is retained for at least five years after the last date of cremation on the chronological log; and
 2. For each deceased individual on the log of cremations in subsection (G) and cremated by the crematory, the following records are maintained for at least five years after the date of the cremation:
 - a. The name and address of the deceased individual;
 - b. The date of death of the deceased individual;
 - c. The name, address, and license number of the funeral establishment that arranged for the cremation;
 - d. Documentation related to authorization for cremation according to A.R.S. § 32-1365.01 or 32-1365.02, as applicable, received from the funeral establishment transferring custody of the deceased individual's human remains to the crematory; and

NOTICES OF PROPOSED RULEMAKING

- e. A copy of the completed disposition-transit permit that meets the requirements in A.R.S. § 36-326 and A.A.C. R9-19-308, specifying cremation as a final disposition.

R9-9B-404. ~~Reserved~~ Personnel

A licensee shall ensure that:

- 1. The qualifications, skill, and knowledge required for each type of employee is based on the activities and services the employee may provide, as established in the employee's job description;
- 2. An employee's qualifications, skills, and knowledge are verified and documented:
 - a. Before the employee provides activities or services on behalf of the crematory, and
 - b. According to policies and procedures;
- 3. An employee is provided with orientation, training, and in-service education:
 - a. According to policies and procedures;
 - b. Specific to the method of cremation being provided and the employees duties; and
 - c. Conducted by the responsible cremationist or another individual with the applicable qualifications, skill, and knowledge;
- 4. A personnel record is established for each employee providing activities or services on behalf of the crematory, including:
 - a. The employee's name, date of birth, home address, and contact telephone number;
 - b. The employee's starting date of employment and, if applicable, the ending date; and
 - c. Documentation applicable to an employee's duties, as required by policies and procedures, including:
 - i. The employee's education and experience;
 - ii. A copy of the employee's current and valid professional license, if applicable; and
 - iii. The topics covered during orientation, training, and in-service education, including the dates provided and the names of the individual providing the orientation, training, or in-service education;
- 5. A personnel record is:
 - a. Maintained throughout an employee's period of employment,
 - b. Maintained for at least three years after the last date of employment, and
 - c. Provided to the Department when requested; and
- 6. The contract for persons providing crematory services regulated under this Subchapter in or for the crematory under a contract:
 - a. Contains documentation of the person's knowledge, skills, and abilities;
 - b. Includes a copy of the person's current and valid professional license, if applicable;
 - c. Is maintained throughout the contract period and for at least three years after the last date the person provided crematory services in or for the crematory under the contract; and
 - d. Is provided to the Department when requested.

R9-9B-405. ~~Reserved~~ General Operational Requirements for Cremation

A. A licensee shall ensure that:

- 1. Cremation is provided in compliance with an agreement between the crematory and a funeral establishment; and
- 2. The crematory does not:
 - a. Provide any services other than cremation;
 - b. Cremate the human remains of a deceased individual without receiving a copy of the authorization for cremation obtained according to R9-9B-306(E)(5)(e) or R9-9B-307(D)(3)(c), as required by A.R.S. § 32-1365.02 and A.R.S. § 32-1365.01 respectively;
 - c. Use a retort for any purpose other than the cremation of human remains;
 - d. Cremate the human remains of more than one deceased individual at the same time in the same retort without the express written authorization of the individual authorized according to A.R.S. § 36-831 to provide funeral and disposition arrangements; or
 - e. Except as specified in subsections (H)(5) and (6), retain any part of the cremated remains of a deceased individual, including visible residue from a retort, processor, or other equipment.

B. A licensee shall ensure that the crematory does not accept:

- 1. A casket or other container, the contents of which are unidentified;
- 2. A casket or other container that has evidence of leakage of body fluids from the human remains; or
- 3. Human remains that are not appropriate, based on information received by a funeral establishment according to R9-9B-306(E)(5)(b), for the method of cremation provided by the crematory.

C. A licensee shall ensure that:

- 1. Any accumulated residual human remains or cremated remains, resulting from the preparation, cremation, or processing of the human remains or cremated remains, that are in the custody of the crematory are disposed of in a cemetery in accordance with the requirements of the cemetery and any applicable local ordinances;
- 2. For cremated remains that are in the custody of the crematory according to subsection (H)(2)(c):
 - a. The cremated remains are transferred into the custody of:
 - i. The funeral establishment providing funeral and disposition arrangements for the deceased individual for the individual authorized according to A.R.S. § 36-831 to provide funeral and disposition arrangements; or
 - ii. A different recipient that has been designated by the deceased individual, according to A.R.S. § 32-1365.01, or the individual authorized according to A.R.S. § 36-831 to provide funeral and disposition arrangements; and
 - b. If the individual authorized according to A.R.S. § 36-831 to provide funeral and disposition arrangements or the designated recipient does not take custody of the cremated remains as specified in funeral and disposition arrangements within thirty calendar days after cremation or on an agreed date;

NOTICES OF PROPOSED RULEMAKING

- i. If necessary, clean packing material that will not combine with the cremated remains filling any extra space;
 - ii. The lid or top of each temporary container or urn securely closed; and
 - iii. The metal cremation disc in subsection (E)(4) attached to the temporary container or urn in subsection (H)(2)(c) and another method of identification attached to any separate container in subsection (H)(3);
 - 3. Any cremated remains that do not fit in the temporary container or urn in subsection (H)(2)(c) are placed in a separate container and returned or disposed of by the crematory according to subsection (C)(3);
 - 4. All body prostheses, bridgework, or similar items are removed from the cremated remains during processing and:
 - a. Disposed of by the crematory according to policies and procedures in R9-9B-403(C); or
 - b. Transferred according to instructions from the funeral establishment from which the human remains of the deceased individual were received by the crematory, consistent with alternative disposition instructions specified according to R9-9B-306(E)(5)(b)(ii);
 - 5. Except as allowed in subsection (A)(2)(d), a retort is cleaned of the visible residue of a cremation according to policies and procedures before the human remains of another deceased individual are placed in the retort; and
 - 6. Except as allowed in subsection (A)(2)(d), a device for processing cremated remains is cleaned of the visible residue of the cremated remains of one deceased individual according to policies and procedures before the cremated remains of another individual are placed in the device.
 - I. A responsible cremationist shall ensure that:
 - 1. Access to the areas of the crematory where human remains or cremated remains are prepared or kept, or where equipment or supplies used to cremate human remains or to process cremated remains are located is limited to individuals authorized by the responsible cremationist, according to policies and procedures, unless the individual is supervised by an employee of the crematory who is authorized to access the area; and
 - 2. Only individuals authorized according to policies and procedures enter information into the log of cremations in R9-9B-403(G).

R9-9B-406. Crematory Requirements Environmental and Physical Premises Requirements

In addition to the requirements in A.R.S. § 32-1394, the responsible cremationist of a crematory shall ensure:

- 1. The crematory is maintained free from dirt and debris;
- 2. Equipment and supplies maintained in the crematory do not impede passage through the crematory, and
- 3. Human remains that are not embalmed are held in a refrigerated holding facility at the crematory or sent to a funeral establishment or another crematory for refrigeration.
- A. A licensee of a crematory shall ensure that:
 - 1. The crematory is in a building that:
 - a. Has a commercial occupancy according to the local zoning jurisdiction; and
 - b. Is free of any plumbing, electrical, ventilation, mechanical, storage, or structural hazard that may jeopardize:
 - i. The condition or security of human remains or cremated remains in the custody of the crematory,
 - ii. The ability of the crematory to conduct a cremation, or
 - iii. The health or safety of an employee or member of the public;
 - 2. The crematory's premises are:
 - a. Sufficient to provide for a crematory's services and activities;
 - b. Cleaned and disinfected according to the crematory's policies and procedures to prevent, minimize, and control odor, harmful gasses, and infection;
 - c. Clean and free from accumulations of dirt, garbage, and rubbish; and
 - d. Free from a condition or situation that may cause an individual to suffer physical injury; and
 - 3. Each retort in the crematory is:
 - a. Appropriate, according to the manufacturer specifications, for the method of cremation provided by the crematory; and
 - b. Installed by the manufacturer or according to the manufacturer's specifications.
- B. A licensee of a crematory shall ensure that the crematory does not engage in any practice or create any condition that:
 - 1. Would constitute a public health nuisance, as specified in A.R.S. § 36-601; or
 - 2. Is contrary to the health laws of this state.
- C. A licensee of a crematory shall ensure that:
 - 1. There is a separate and designated area for each of the following:
 - a. An area for receipt and storage of human remains that may only be accessed by authorized individuals according to R9-9B-405(I)(1);
 - b. An area for storage of equipment and supplies in a manner that the equipment or supplies do not impede passage through the crematory or functioning of a retort;
 - c. An area for conducting the cremation of human remains that is fitted and equipped based on the method of cremation in use;
 - d. An area for the processing and storage of cremated remains; and
 - e. A refrigerated holding area for human remains that:
 - i. Is only used for human remains,
 - ii. Is maintained in working order,
 - iii. Is kept in a clean and sanitary condition,
 - iv. Maintains a temperature at or below 38 degrees Fahrenheit, and
 - v. Is monitored according to policies and procedures; and
 - 2. No equipment, instruments, or supplies are stored in the same location as human remains.
- D. A responsible cremationist shall ensure that the areas in subsections (C)(1)(c) and (d):

Arizona Administrative Register
NOTICES OF PROPOSED RULEMAKING

1. Are properly ventilated;
 2. Have sanitary flooring;
 3. Are only used for conducting the cremation or processing of human remains;
 4. Are maintained in a clean and sanitary condition at all times; and
 5. Contain equipment, instruments, and supplies that:
 - a. Are sufficient to accomplish the tasks for which the areas are used;
 - b. Are maintained in working condition;
 - c. Are maintained in a clean condition;
 - d. Are used according to the manufacturer's recommendations; and
 - e. If applicable, are tested and calibrated according to the manufacturer's recommendations or, if there are no manufacturer's recommendations, as specified in policies and procedures.
- E.** A licensee shall maintain documentation of equipment tests, calibrations, and repairs for at least 12 months after the date of testing, calibration, or repair.
- F.** A responsible cremationist shall ensure that combustible or flammable liquids are stored in labeled containers or safety containers in a secured area, away from where human remains or cremated remains are prepared or kept, and properly identified to ensure the health and safety of employees and the public.

R9-9B-407. ~~Reserved~~ Additional Requirements for Cremation through Combustion

- A.** A licensee of a crematory that carries out cremation through combustion shall ensure that:
1. The crematory complies with applicable state and local environmental standards, including obtaining a permit if required by a state or local environmental health agency; and
 2. If required by the local jurisdiction, the crematory is inspected by the appropriate fire marshal, according to the schedule of the local jurisdiction.
- B.** A licensee of a crematory that carries out cremation through combustion shall ensure that, in addition to the operational requirements in R9-9B-405:
1. Gas lines to each retort are inspected for leaks and maintained according to the policies and procedures required in R9-9B-403(B)(12);
 2. Devices for the detection of carbon monoxide are installed and tested at least once every three months; and
 3. Documentation of the inspection required in subsection (B)(1) and testing required in subsection (B)(2), including the date of each inspection or test and the name of the individual conducting the inspection or test, is maintained at the crematory for at least five years after the last date included on the documentation.
- C.** A responsible cremationist of a crematory that carries out cremation through combustion shall ensure that, in addition to the operational requirements in R9-9B-405, the crematory does not accept human remains that arrive at the crematory in a container that is not appropriate for cremation through combustion.

R9-9B-408. ~~Reserved~~ Additional Requirements for Cremation through Alkaline Hydrolysis

- A.** A licensee of a crematory that carries out cremation through alkaline hydrolysis shall ensure that, in addition to other applicable requirements in the Subchapter:
1. The crematory complies with applicable local and state building codes, zoning laws and ordinances, and wastewater management and environmental standards, according to A.R.S. § 32-1342(A)(1), including obtaining a permit if required by a state or local environmental health agency;
 2. The crematory has:
 - a. An air-handling system to prevent vapor escape and ensure workplace safety;
 - b. Floors that are sealed and graded to contain spills and facilitate cleaning; and
 - c. An area for the preparation of human remains for cremation that:
 - i. Has sanitary flooring and drainage;
 - ii. Contains only the equipment, instruments, and supplies necessary for accomplishing the tasks for which the room is used;
 - iii. Is disinfected after each use to protect the health and safety of employees; and
 - iv. Is maintained in a clean and sanitary condition at all times;
 3. In the area required according to R9-9B-406(C)(1)(d), the crematory uses a method that is approved by the Department to dry the hydrolyzed remains of cremation, according to A.R.S. § 32-1342(A)(2); and
 4. Biohazardous medical waste, as defined in A.A.C. R18-13-1401, and other potentially hazardous waste, as described in A.A.C. R18-8-260, are removed and disposed of by a facility licensed by the Arizona Department of Environmental Quality pursuant to 18 A.A.C. 8 and 13.
- B.** A licensee of a crematory that carries out cremation through alkaline hydrolysis shall ensure that, in addition to the requirements in R9-9B-403, R9-9B-404, and R9-9B-405:
1. Employees and any other individual handling human remains or cremated remains receive training on:
 - a. The testing of the effluent discharge from a retort prior to release into a sewer system or another method of disposal, and
 - b. Chemical spill control and clean-up;
 2. Policies and procedures are developed, documented, and maintained, consistent with the requirements in A.R.S. Title 32, Chapter 12, and the rules in this Subchapter, that cover:
 - a. Fire suppression,
 - b. Chemical spill control, and
 - c. The testing of the effluent discharge from a retort prior to release into a sewer system or another method of disposal; and

NOTICES OF PROPOSED RULEMAKING

3. The documentation required in subsection (C)(3)(b), including the date of monitoring and the name of the monitoring individual, is maintained at the crematory for at least five years after the last date included on the documentation.
- C. A responsible cremationist of a crematory that carries out cremation through alkaline hydrolysis shall ensure that, in addition to the operational requirements in R9-9B-405:
 1. Only regulated alkaline chemicals, such as potassium hydroxide or sodium hydroxide, are used and in concentrations specified by the manufacturer of the retort;
 2. To enable the human remains of a deceased individual to be cremated by alkaline hydrolysis, the human remains accepted by the crematory are:
 - a. Removed from the casket or other container in which the human remains were received by the crematory:
 - i. In the area required in subsection (A)(2)(c), and
 - ii. Consistent with R9-9B-405(F)(1) and (2);
 - b. Placed into the retort; and
 - c. Prepared for cremation;
 3. During cremation of the human remains of a deceased individual:
 - a. The temperature and, if applicable, pressure within the retort are controlled, according to the manufacturer's recommendations, to ensure:
 - i. The efficient cremation of the human remains, and
 - ii. The health and safety of individuals in the vicinity of the retort; and
 - b. The parameters in subsection (C)(3)(a) and the time to complete the cremation are monitored and documented; and
 4. The effluent discharge from a retort complies with requirements specified according to subsection (A)(1), related to levels of heavy metals and organic matter contamination.

R9-9B-409. ~~Reserved~~ Additional Requirements for Cremation through Natural Organic Reduction

- A. A licensee of a crematory that carries out cremation through natural organic reduction shall ensure that, in addition to other applicable requirements in the Subchapter:
 1. The crematory complies with applicable state and local environmental standards, including obtaining a permit if required by a state or local environmental health agency;
 2. The crematory has an area for the preparation of human remains for cremation that:
 - a. Has sanitary flooring and drainage;
 - b. Contains only the equipment, instruments, and supplies necessary for accomplishing the tasks for which the room is used;
 - c. Is disinfected after each use to protect the health and safety of employees; and
 - d. Is maintained in a clean and sanitary condition at all times;
 3. The areas required according to R9-9B-406(C)(1)(c) and (d) are protected from dust, dirt, flies, and other contamination;
 4. A pest control program is implemented and documented that requires:
 - a. A pest control service that uses certified applicators as specified in 3 A.A.C. 8, Article 2; and
 - b. Annual pest control service records to be retained for at least 12 months after the date of service; and
 5. Biohazardous medical waste, as defined in A.A.C. R18-13-1401, and other potentially hazardous waste, as described in A.A.C. R18-8-260, are removed and disposed of by a facility licensed by the Arizona Department of Environmental Quality pursuant to 18 A.A.C. 8 and 13.
- B. A licensee of a crematory that carries out cremation through natural organic reduction shall ensure that, in addition to the requirements in R9-9B-403, R9-9B-404, and R9-9B-405:
 1. Policies and procedures are developed, documented, and maintained, consistent with the requirements in A.R.S. Title 32, Chapter 12, and the rules in this Subchapter, that cover:
 - a. Ensuring that the human remains of a deceased individual are appropriate for cremation by natural organic reduction;
 - b. How to prepare a retort;
 - c. The stages of cremation by natural organic reduction;
 - d. Establishing critical limits for specific parameters related to each stage of natural organic reduction, according to the manufacturer's recommendations;
 - e. How and when to monitor for efficient composting, including testing for moisture levels, pH, oxygen levels, and ammonia levels;
 - f. Steps to correct specific concerns, including turning of the retort; and
 - g. Documentation in the log of cremations in R9-9B-403(G) by the cremationist monitoring each stage of cremation by natural organic reduction, including the name and signature of the monitoring cremationist;
 2. Employees receive training on the policies and procedures in subsection (B)(1); and
 3. The documentation required in subsection (D)(3), including the date of monitoring and the name of the monitoring individual, is maintained at the crematory for at least five years after the last date included on the documentation.
- C. A responsible cremationist of a crematory that carries out cremation through natural organic reduction shall ensure that the human remains of a deceased individual are not accepted for cremation by natural organic reduction without documentation, from the funeral establishment from which the human remains of the deceased individual were received by the crematory, that indicates that the human remains are suitable for cremation by natural organic reduction.
- D. A responsible cremationist of a crematory that carries out cremation through natural organic reduction shall ensure that, in addition to the operational requirements in R9-9B-405:
 1. The retort is prepared according to policies and procedures;
 2. To enable the human remains of a deceased individual to be cremated by natural organic reduction, the human remains accepted by the crematory are:

NOTICES OF PROPOSED RULEMAKING

- a. Removed from the casket or other container in which the human remains were received by the crematory:
 - i. In the area required in subsection (A)(2), and
 - ii. Consistent with R9-9B-405(F)(1) and (2);
- b. Placed into the retort; and
- c. Prepared for cremation; and
- 3. During cremation of the human remains of a deceased individual:
 - a. The air supply, moisture content, temperature, and, if applicable, pressure within the retort are controlled, according to the manufacturer's recommendations, to ensure:
 - i. The efficient cremation of the human remains, and
 - ii. The health and safety of individuals in the vicinity of the retort;
 - b. The parameters in subsection (D)(3)(a) and the time to complete each stage of the cremation are monitored and documented according to policies and procedures; and
 - c. The cremationist monitoring each stage of cremation by natural organic reduction documents the log of cremation according to R9-9B-403(G)(4)(g)(ii) and subsection (B)(1)(g).

R9-9B-410. Reserved Inspections

- A. A crematory is subject to inspection by the Department at any time to evaluate compliance with A.R.S. Title 32, Chapter 12, and this Subchapter according to A.R.S. § 32-1307(A)(4).
- B. A responsible cremationist shall ensure that the Department is allowed access to the following during an inspection:
 - 1. All areas of the crematory.
 - 2. All records relating to employees and to persons providing contracted services regulated under this Subchapter on behalf of the crematory.
 - 3. All policies and procedures required in R9-9B-403, and
 - 4. All records and other documents relating to the crematory services provided by or on behalf of the crematory.
- C. If the Department determines that a crematory is not in compliance with the applicable requirements in A.R.S. Title 32, Chapter 12, and the rules in this Subchapter, the Department may:
 - 1. Take an enforcement action as described in R9-9B-411;
 - 2. Impose probationary terms according to A.R.S. § 32-1367(C)(2); or
 - 3. Require that the licensee submit to the Department, within 30 calendar days after written notice from the Department, a plan of correction acceptable to the Department to address issues of compliance that:
 - a. Describes how each identified instance of noncompliance will be corrected and reoccurrence prevented, and
 - b. Includes a date for correcting each instance of noncompliance that is appropriate to the actions necessary to correct the instance of noncompliance.

R9-9B-411. Reserved Enforcement Action

- A. The Department may:
 - 1. Deny a license as specified in subsection (B).
 - 2. Suspend or revoke a license under A.R.S. § 32-1367 and subsection (B), or
 - 3. Assess or impose a civil penalty under A.R.S. § 32-1367 and subsection (B).
- B. The Department may impose civil penalties, deny an application, or suspend or revoke a license if:
 - 1. An applicant or a licensee does not meet the application requirements contained in R9-9B-401;
 - 2. A licensee does not comply with applicable requirements in A.R.S. Title 32, Chapter 12, and this Subchapter;
 - 3. A licensee does not correct the deficiencies identified during an inspection according to the plan of correction;
 - 4. An applicant or a licensee provides false or misleading information to the Department; or
 - 5. The nature or number of violations revealed by any type of inspection or investigation of a crematory demonstrates a direct risk to the life, health, or safety of an employee, another personnel member, or a member of the public.
- C. In determining which action in subsection (A) is appropriate, the Department shall comply with A.R.S. § 32-1367(D).

R9-9B-412. Requirements for a Funeral Establishment that Provides for Cremation Repealed

- ~~A. A funeral establishment that owns a crematory on or off the funeral establishment's premises shall designate a responsible cremationist.~~
- ~~B. The responsible funeral director of a funeral establishment that provides for cremation shall ensure that:~~
 - ~~1. The cost of cremation is included on its general price list required by A.R.S. § 32-1371;~~
 - ~~2. A price card for cremation is placed as required by A.R.S. § 32-1372;~~
 - ~~3. If the funeral establishment contracts with a licensed crematory to perform the cremation, the information required in A.R.S. § 32-1373(A) and (B) is provided to the purchaser of the cremation;~~
 - ~~4. A consumer who chooses cremation is informed that human remains may be cremated in a cremation container capable of being entirely consumed or reduced to fine residue during the cremation process, such as a casket, unfinished wood box, or fiberboard container; and~~
 - ~~5. Caskets or containers constructed of metal or of a substance that may emit harmful fumes when subjected to the cremation process are not sold or used for cremation.~~

R9-9B-413. Records Requirements for Crematories and Funeral Establishments that Provide for Cremation Repealed

- ~~A. The responsible cremationist of a crematory or funeral establishment that provides for cremation shall ensure for each cremation performed that the following records are established and maintained for five years from the date of the cremation:~~
 - ~~1. The name of the decedent and date of death;~~

NOTICES OF PROPOSED RULEMAKING

- 2. The authorization document required by A.R.S. § 32-1365.01, if applicable, or a record of the oral or written consent of the authorizing agent that meets the requirements in A.R.S. § 32-1365.02; and
- 3. A copy of the completed disposition transit permit that meets the requirements in A.R.S. § 36-326 and A.A.C. R9-19-302.
- B.** The responsible cremationist of a crematory or funeral establishment that provides for cremation shall establish and maintain a written permanent chronological log of cremations that includes the identification number and identification information required in A.R.S. § 32-1399(1) and the following for each cremation performed:
 - 1. The day, month, and year the human remains were received at the crematory or funeral establishment that provides for cremation;
 - 2. Name of the decedent;
 - 3. The name of the responsible cremationist;
 - 4. The type of receptacle in which the human remains were received at the crematory, such as a wooden casket or a cardboard, fiberboard, or wooden container;
 - 5. A check list showing receipt of the following:
 - a. The authorization document required in subsection (A)(2); and
 - b. The disposition transit permit;
 - 6. The time, day, month, and year of the cremation;
 - 7. The printed name and signature of the cremationist who performed the cremation; and
 - 8. The following information regarding the cremated remains:
 - a. The time, day, month, and year the cremated remains were disposed of according to the authority set forth in A.R.S. § 32-1365.01 or 32-1365.02;
 - b. The name of the crematory, funeral establishment, or authorizing agent authorized according to A.R.S. § 32-1365.01 or 32-1365.02 to dispose of cremated remains; and
 - c. The place and manner of disposal according to A.R.S. § 32-1399(7).
- C.** If the uncremated human remains are returned to a funeral establishment, the responsible cremationist shall ensure that the time, day, month, and year the human remains were picked up and the name of the individual who picked up the human remains are recorded on the written chronological log required in subsection (B).
- D.** If a funeral establishment returns human remains that have been sent back according to subsection (C), the responsible cremationist shall ensure that a new entry that meets the requirements of subsection (B) is made.

R9-9B-414. Disposition of Records Repealed

- A.** If the crematory of a funeral establishment that provides for cremation or a crematory changes ownership, the responsible funeral director or responsible cremationist shall ensure the records described in R9-9B-406 are provided to the new responsible funeral director of the funeral establishment or responsible cremationist of the crematory.
- B.** If a funeral establishment that provides for cremation or a crematory ceases operations, within 20 days from the date of cessation, the responsible funeral director of the funeral establishment that provides for cremation or responsible cremationist of a crematory shall ensure that the records required in R9-9B-406 are:
 - 1. Provided to the Department office in person or by certified delivery mail, or
 - 2. Provided to another funeral establishment or crematory and the location of the records is provided to the Department.

Arizona Administrative Register
NOTICES OF AGENCY GUIDANCE DOCUMENT

Volume 32

Issue 6

February 6, 2026

NOTICES OF AGENCY GUIDANCE DOCUMENT

Summaries and Location of Documents

Guidance documents are agency guidelines written to give broad advice on procedure instead of precise requirements and standards.

Agencies are required to inform the public about their guidance documents by preparing and filing a Notice of Agency Guidance Document with the Office under [A.R.S. § 41-1013\(B\)\(12\)](#).

This section of the *Register* also includes notices of summaries to any revisions to guidance documents.

Publication of these notices includes the guidance document name, a summary of the guidance document and information where a person may view the document in its entirety.

NOTICE OF AGENCY GUIDANCE DOCUMENT

A.R.S. § 41-1013(B)(12)

ARIZONA DEPARTMENT OF HEALTH SERVICES

[M26-02]

1. Document title and number:

GD-102-PHS-EMS: Political Subdivision Contracts for Ambulance Service

2. Is this a new guidance document or revision:

The guidance document is a revision.

3. Effective date:

January 16, 2026

4. Document summary:

The guidance document provides a resource to assist Certificate of Necessity (CON) holders and political subdivisions when entering into contracts for ambulance services. It is meant to provide helpful information on the contract review process, statutes and rules, and common contract problems and possible resolutions.

5. Contact information:

Name: Chris Hale
Title: Bureau Chief
Division: Bureau of Emergency Medical Services and Trauma System
Address: 150 N. 18th Ave., Suite 300
Phoenix, AZ 85007-3248
Telephone: (602) 364-1733
Fax: (602) 364-3568
Email: Chris.Hale@azdhs.gov

or

Name: Stacie Gravito
Title: Office Chief
Division: Office of Administrative Counsel and Rules
Address: 150 N. 18th Ave., Suite 540
Phoenix, AZ 85007
Telephone: (602) 542-1020
Fax: (602) 364-1150
Email: Stacie.Gravito@azdhs.gov

NOTICES OF AGENCY GUIDANCE DOCUMENT

6. An electronic copy of the complete document can be viewed at:

<https://www.azdhs.gov/policy-intergovernmental-affairs/administrative-counsel-rules/rules/index.php#guidance-emsts>

7. A paper copy of the complete document can be obtained at:

Division: Bureau of Emergency Medical Services and Trauma System

Address: Arizona Department of Health Services
150 N. 18th Ave., Suite 300
Phoenix, AZ 85007

Copy or other fees: 25 cents per page. Payment is accepted in cash or money order made payable to the Arizona Department of Health Services.

Arizona Administrative Register
NOTICES OF SUBSTANTIVE POLICY STATEMENT

Volume 32

Issue 6

February 6, 2026

NOTICES OF SUBSTANTIVE POLICY STATEMENT

Summaries and Location of Documents

Substantive policy statements are written expressions that inform the general public of an agency's current approach to rule or regulation practice as defined under [A.R.S. § 41-1001\(24\)](#).

Agencies are required to prepare a Notice of Substantive Policy Statement and publish the titles of its substantive policy statements, a summary of statements, and its website where full statements can be reviewed under [A.R.S. § 41-1013\(B\)\(9\)](#).

Substantive policy statements are advisory only. A substantive policy statement does not

include internal procedural documents that only affect an agency's internal procedures and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the APA.

Any person may petition an agency under [A.R.S. § 41-1033\(A\)\(2\)](#) to review an existing agency practice or substantive policy statement that the petitioner alleges to constitute a rule.

For additional information about these notices, contact the person listed under Item #6.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

A.R.S. § 41-1013(B)(9)

BOARD OF PSYCHOLOGIST EXAMINERS

[M26-03]

1. Statement title and policy number:

Substantive Policy Statement SP.01-18: Calculation of Face-to-Face Patient-Client Contact for Supervised Postdoctoral Experience (SP.01-2018)

2. Is this a new policy or revision:

This is a revision

3. Date issued and effective date (if different from the date issued):

Issued and effective: January 16, 2026

4. Policy summary:

Pursuant to A.R.S. § 32-2071(D)(3), applicants for licensure may request to apply supervised postdoctoral experience hours to meet the 3,000 hours of supervised professional work experience required for licensure. This substantive policy statement is written to clarify that the Board accepts a calculation of the number of face-to-face patient contact hours based on the number of hours of supervised postdoctoral experience the applicant is applying toward licensure.

5. Authority (include the federal or state constitutional provision or statute, administrative rule, or regulation; or final court judgment):

A.R.S. § 32-2071(D)(3)

6. Agency contact information:

Name: Heidi Herbst Paakkonen, M.P.A
Title: Executive Director
Address: 1740 W. Adams, Suite 3403
Phoenix, AZ 85007
Telephone: (602) 542-3018
Email: heidi.paakkonen@psychboard.az.gov
Website: www.psychboard.az.gov

NOTICES OF SUBSTANTIVE POLICY STATEMENT

7. An electronic copy of the complete policy can be viewed at:

Website: <https://psychboard.az.gov/resources/statutes-and-rules>

8. A paper copy of complete policy can be obtained at:

Address: 1740 W. Adams, Suite 3403
Phoenix, AZ 85007

Copy or other fees: \$0.25 per page.

Arizona Administrative Register
2026 REGISTER INDEXES
Volume 32 - Issue 6 | February 6, 2026

Volume 32

Issue 6

February 6, 2026

2026 REGISTER INDEXES

The *Register* is published by volume in a calendar year (See “Information” in the front of each issue for more details).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

PN = Proposed new Section
PM = Proposed amended Section
PR = Proposed repealed Section
P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING

SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

SUMMARY RULEMAKING

PROPOSED SUMMARY

PSMN = Proposed Summary new Section
PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

FSMN = Final Summary new Section
FSMM = Final Summary amended Section
FSMR = Final Summary repealed Section
FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING

PROPOSED EXPEDITED

PEN = Proposed Expedited new Section
PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING

EXEMPT

XN = Exempt new Section
XM = Exempt amended Section
XR = Exempt repealed Section
X# = Exempt renumbered Section

EXEMPT PROPOSED

PXN = Proposed Exempt new Section
PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULEMAKING

FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

EN = Emergency new Section
EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

TN = Terminated proposed new Sections
TM = Terminated proposed amended Section
TR = Terminated proposed repealed Section
T# = Terminated proposed renumbered Section

RULE EXPIRATIONS

EXP = Rules have expired
See also “emergency expired” under emergency rulemaking

CORRECTIONS

C = Corrections to Published Rules

Arizona Administrative Register
2026 REGISTER INDEXES
Volume 32 - Issue 6 | February 6, 2026
Page Guide

Issue 1, Friday, January 2, 2026 1-166	Issue 27, Friday, July 3, 2026
Issue 2, Friday, January 9, 2026 167-210	Issue 28, Friday, July 10, 2026
Issue 3, Friday, January 16, 2026 211-240	Issue 29, Friday, July 17, 2026
Issue 4, Friday, January 23, 2026 241-278	Issue 30, Friday, July 24, 2026
Issue 5, Friday, January 30, 2026 279-302	Issue 31, Friday, July 31, 2026
Issue 6, Friday, February 6, 2026	Issue 32, Friday, August 7, 2026.....
Issue 7, Friday, February 13, 2026	Issue 33, Friday, August 14, 2026.....
Issue 8, Friday, February 20, 2026	Issue 34, Friday, August 21, 2026.....
Issue 9, Friday, February 27, 2026	Issue 35, Friday, August 28, 2026.....
Issue 10, Friday, March 6, 2026	Issue 36, Friday, September 4, 2026.....
Issue 11, Friday, March 13, 2026	Issue 37, Friday, September 11, 2026.....
Issue 12, Friday, March 20, 2026	Issue 38, Friday, September 18, 2026.....
Issue 13, Friday, March 27, 2026	Issue 39, Friday, September 25, 2026.....
Issue 14, Friday, April 3, 2026	Issue 40, Friday, October 2, 2026.....
Issue 15, Friday, April 10, 2026	Issue 41, Friday, October 9, 2026.....
Issue 16, Friday, April 17, 2026	Issue 42, Friday, October 16, 2026.....
Issue 17, Friday, April 24, 2026	Issue 43, Friday, October 23, 2026.....
Issue 18, Friday, May 1, 2026	Issue 44, Friday, October 30, 2026.....
Issue 19, Friday, May 8, 2026	Issue 45, Friday, November 6, 2026.....
Issue 20, Friday, May 15, 2026	Issue 46, Friday, November 13, 2026.....
Issue 21, Friday, May 22, 2026	Issue 47, Friday, November 20, 2026.....
Issue 22, Friday, May 29, 2026	Issue 48, Friday, November 27, 2026.....
Issue 23, Friday, June 5, 2026	Issue 49, Friday, December 4, 2026
Issue 24, Friday, June 12, 2026	Issue 50, Friday, December 11, 2026.....
Issue 25, Friday, June 19, 2026	Issue 51, Friday, December 18, 2026
Issue 26, Friday, June 26, 2026	Issue 52, Friday, December 25, 2026

Arizona Administrative Register
RULEMAKING ACTIVITY INDEX
Volume 32 - Issue 6 | February 6, 2026

RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and volume page number. Use the page guide to determine the *Register* issue number and publish date to review the rule. Subchapter, Article, Part, and Section headings are not indexed.

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 5 OF VOLUME 32.

Accountancy, Board of		R18-2-302.01.	FM-55	R4-12-305.	RC-177
R4-1-115.	PEM-249	R18-2-304.	FM-55	R4-12-306.	RC-177
R4-1-345.	PEM-249	R18-2-306.	FM-55	R4-12-307.	RC-177
R4-1-453.	PEM-249	R18-2-306.01.	FM-55	R4-12-311.	RC-177
R4-1-454.	PEM-249	R18-2-306.02.	FN-55	R4-12-312.	RC-177
R4-1-455.	PEM-249	R18-2-306.03.	FN-55	R4-12-413.	RC-177
		R18-2-307.	FM-55	R4-12-414.	RC-177
		R18-2-309.	FM-55	R4-12-415.	RC-177
Agriculture, Department of - Environmental Services Division		R18-2-310.01.	FM-55	R4-12-416.	RC-177
R3-3-402.	PM-171	R18-2-317.01.	FM-55	R4-12-523.	RC-177
		R18-2-320.01.	FM-55	R4-12-541.	RC-177
Arizona, Industrial Commission of		R18-2-324.01.	FM-55	R4-12-545.	RC-177
R20-5-601.	FM-126	R18-2-501.	FM-55	R4-12-546.	RC-177
R20-5-602.	FM-126	R18-2-513.	FM-55	R4-12-548.	RC-177
		A14. Appendix 14.	FM-93	R4-12-551.	RC-177
		Part B.		R4-12-552.	RC-177
Clean Elections Commission, Citizens		R18-2-B1301.	FM-93	R4-12-554.	RC-177
R2-20-702.	PM-245	R18-2-B1301.01.	FM-93	R4-12-556.	RC-177
		R18-2-B1302.	FM-93	R4-12-559.	RC-177
Corporation Commission, Arizona - Fixed Utilities				R4-12-561.	RC-177
R14-2-901.	FR-215	Environmental Quality, Department of - Permit and Compliance Fees		R4-12-565.	RC-177
R14-2-902.	FR-215	R18-14-101.	PM-283	R4-12-612.	RC-177
R14-2-903.	FR-215	R18-14-102.	PM-283	R4-12-613.	RC-177
R14-2-904.	FR-215	R18-14-104.	PM-283	R4-12-614.	RC-177
R14-2-905.	FR-215	R18-14-106.	PM-283	R4-12-615.	RC-177
R14-2-906.	FR-215	R18-14-108.	PM-283	R4-12-631.	RC-177
R14-2-907.	FR-215	R18-14-109.	PM-283	R4-12-633.	RC-177
R14-2-908.	FR-215	R18-14-110.	PM-283		
R14-2-909.	FR-215	R18-14-111.	PM-283	Game and Fish Commission	
		R18-14-112.	PM-283	R12-4-402.	FM-7
Education, State Board of		R18-14-113.	PR-283	R12-4-403.	FM-7
R7-2-701.	FXM-221	R18-14-114.	PM-283	R12-4-404.	FM-7
R7-2-703.	FXM-221	R18-14-115.	PM-283	R12-4-406.	FM-7
R7-2-704.	FXM-221	R18-14-116.	PM-283	R12-4-407.	FM-7
R7-2-709.	FXM-221	R18-14-117.	PM-283	R12-4-409.	FM-7
R7-2-712.	FXM-221	R18-14-118.	PM-283	R12-4-410.	FM-7
R7-2-1301.	FXM-221	R18-14-119.	PM-283	R12-4-411.	FM-7
R7-2-1302.	FXM-221	R18-14-120.	PM-283	R12-4-412.	FM-7
R7-2-1303.	FXM-221	R18-14-121.	PM-283	R12-4-413.	FM-7
R7-2-1304.	FXM-221	R18-14-122.	PM-283	R12-4-414.	FM-7
R7-2-1305.	FXM-221	R18-14-123.	PM-283	R12-4-417.	FM-7
R7-2-1306.	FXM-221	R18-14-124.	PM-283	R12-4-418.	FM-7
R7-2-1307.	FXM-221	R18-14-125.	PM-283	R12-4-420.	FM-7
R7-2-1308.	FXM-221	R18-14-126.	PM-283	R12-4-421.	FM-7
R7-2-1309.	FXM-221	R18-14-127.	PM-283	R12-4-422.	FM-7
		R18-14-128.	PM-283	R12-4-423.	FM-7
		R18-14-129.	PM-283	R12-4-424.	FM-7
		R18-14-130.	PM-283	R12-4-425.	FM-7
				R12-4-430.	FM-7
				R12-4-801.	XM-256
				R12-4-802.	XM-256
Environmental Quality, Department of - Air Pollution Control					
R18-2-101.	FM-55	Funeral Directors and Embalmers, Board of			
R18-2-301.	FM-55	R4-12-101.	RC-177		
R18-2-302.	FM-55	R4-12-106.	RC-177		
		Table 1.	RC-177		
		R4-12-108.	RC-177		
		R4-12-202.	RC-177		
		R4-12-204.	RC-177		
		R4-12-205.	RC-177		
		R4-12-207.	RC-177		
		R4-12-210.	RC-177		
		R4-12-211.	RC-177		
		R4-12-212.	RC-177		
		R4-12-301.	RC-177		
		R4-12-302.	RC-177		
		R4-12-303.	RC-177		
		R4-12-304.	RC-177		
				Health Services, Department of -	

Arizona Administrative Register
RULEMAKING ACTIVITY INDEX
Volume 32 - Issue 6 | February 6, 2026

Human Remains		R9-9B-306.	RC-177	R9-9B-406.	RC-177
Subchapter B. Funeral Industry		R9-9B-307.	RC-177	R9-9B-412.	RC-177
R9-9B-101.	RC-177	R9-9B-308.	RC-177	R9-9B-413.	RC-177
R9-9B-102.	RC-177	R9-9B-309.	RC-177	R9-9B-414.	RC-177
Table 1.1.	RC-177	R9-9B-312.	RC-177		
R9-9B-102.	RC-177	R9-9B-313.	RC-177		
R9-9B-103.	RC-177	R9-9B-314.	RC-177		
R9-9B-104.	RC-177	R9-9B-315.	RC-177		
R9-9B-203.	RC-177	R9-9B-316.	RC-177		
R9-9B-204.	RC-177	R9-9B-317.	RC-177	R4-46-107.	FR-5
R9-9B-205.	RC-177	R9-9B-318.	RC-177	R4-46-201.	PM-174
R9-9B-206.	RC-177	R9-9B-319.	RC-177		
R9-9B-207.	RC-177	R9-9B-320.	RC-177		
R9-9B-208.	RC-177	R9-9B-321.	RC-177		
R9-9B-209.	RC-177	R9-9B-322.	RC-177		
R9-9B-301.	RC-177	R9-9B-323.	RC-177	Table A.	FM-123
R9-9B-302.	RC-177	R9-9B-324.	RC-177	R20-4-602.	FM-123
R9-9B-304.	RC-177	R9-9B-325.	RC-177		
R9-9B-305.	RC-177	R9-9B-326.	RC-177		
		R9-9B-401.	RC-177		

Insurance and Financial Institutions, Department of - Financial Institutions Division - Real Estate Appraisal

Insurance and Financial Institutions, Department of - Financial Institutions Division

OTHER NOTICES AND PUBLIC RECORDS INDEX

Other legal notices required to be published under the Administrative Procedure Act, such as Rulemaking Docket Openings, are included in this Index by volume page number. Notices of Agency Ombudsman, Substantive Policy Statements, Proposed Delegation Agreements, and other applicable public records as required by law are also listed in this Index by volume page number.

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 5 OF VOLUME 32.

Agency Ombudsman, Notices of

- Child Safety, Department of; p. 230
- Dental Examiners, State Board of; p. 202
- Physical Therapy, Board of; p. 269
- Psychologist Examiners, Board of; p. 269
- Transportation, Department of; p. 130
- Water Resources, Department of; p. 230

- Clean Elections Commission, Citizens; 2 A.A.C. 20; pp. 266-267
- Insurance and Financial Institutions, Department of - Financial Institutions Division - Real Estate Appraisal; 4 A.A.C. 46; pp. 200-201

Substantive Policy Statement, Notices of

- Insurance and Financial Institutions, Department of; pp. 293-294

Proposed Delegation Agreement, Notices of

- Environmental Quality, Department of; pp. 231-232

Public Information, Notices of

- Dental Examiners, State Board of; p. 203
- Environmental Quality, Department of; pp. 131-141

Rulemaking Docket Opening, Notices of

- Accountancy, Board of; 4 A.A.C. 1; pp. 267-268
- Agriculture, Department of - Environmental Services Division; 3 A.A.C. 3; pp. 199-200

RULES EFFECTIVE DATES CALENDAR

Volume 32

Issue 6

February 6, 2026

RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states a rule generally becomes effective 60 days after the day it is filed with the Secretary of State’s Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking notice’s Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		

Arizona Administrative Register
RULES EFFECTIVE DATES CALENDAR

July		August		September		October		November		December	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1

Arizona Administrative Register
REGISTER PUBLISHING DEADLINES

REGISTER PUBLISHING DEADLINES

The Secretary of State’s Office publishes the *Register* weekly. There is a three-week delay between the deadline date to file a notice and the *Register* date in which the notice is published. The weekly deadline dates (*first column*) and issue dates (*second column*) are provided. Governor Regulatory Review Council meetings and *Register* deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements, following publication of the notice in the *Register*.

Deadline Date Friday, 5:00 p.m. <i>(*earlier date due to holiday)</i>	<i>Register</i> Publication Date	Oral Proceeding may be scheduled on or after <i>(*later date due to holiday)</i>
December 12, 2026	January 2, 2026	February 2, 2026
December 19, 2025	January 9, 2026	February 9, 2026
December 26, 2025	January 16, 2026	*February 17, 2026
January 2, 2026	January 23, 2026	February 23, 2026
January 9, 2026	January 30, 2026	March 2, 2026
January 16, 2026	February 6, 2026	March 9, 2026
January 23, 2026	February 13, 2026	March 16, 2026
January 30, 2026	February 20, 2026	March 23, 2026
February 6, 2026	February 27, 2026	March 30, 2026
February 13, 2026	March 6, 2026	April 6, 2026
February 20, 2026	March 13, 2026	April 13, 2026
February 27, 2026	March 20, 2026	April 20, 2026
March 6, 2026	March 27, 2026	April 27, 2026
March 13, 2026	April 3, 2026	May 4, 2026
March 20, 2026	April 10, 2026	May 11, 2026
March 27, 2026	April 17, 2026	May 18, 2026
April 3, 2026	April 24, 2026	*May 26, 2026
April 10, 2026	May 1, 2026	June 1, 2026
April 17, 2026	May 8, 2026	June 8, 2026
April 24, 2026	May 15, 2026	June 15, 2026
May 1, 2026	May 22, 2026	June 22, 2026
May 8, 2026	May 29, 2026	June 29, 2026
May 15, 2026	June 5, 2026	July 6, 2026
May 22, 2026	June 12, 2026	July 13, 2026
May 29, 2026	June 19, 2026	July 20, 2026
June 5, 2026	June 26, 2026	July 27, 2026
June 12, 2026	July 3, 2026	August 3, 2026

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

Volume 32

Issue 6

February 6, 2026

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

MEETING DATES ARE SUBJECT TO CHANGE

These deadlines apply to all Five-Year Review Reports and any rulemaking notice submitted for review to the Governor’s Regulatory Review Council (Council). The Office publishes these deadlines under A.R.S. [41-1013\(B\)\(15\)](#).

Council meetings and *Register* deadlines do not correlate.

All rulemaking notices submitted for review and Five-Year Review Reports are due in the Council office by 5 p.m. of the deadline date.

The Council’s office is located at 100 N. 15th Ave., Suite 305, Phoenix, AZ 85007.

For more information, call (602) 542-2058 or visit <https://grrc.az.gov>.

[M25-79]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> December 23, 2025	<i>Wednesday</i> January 21, 2026	<i>Tuesday</i> January 27, 2026	<i>Tuesday</i> February 3, 2026
<i>Tuesday</i> January 20, 2026	<i>Tuesday</i> February 17, 2026	<i>Tuesday</i> February 24, 2026	<i>Tuesday</i> March 3, 2026
<i>Tuesday</i> February 17, 2026	<i>Tuesday</i> March 24, 2026	<i>Tuesday</i> March 31, 2026	<i>Tuesday</i> April 7, 2026
<i>Tuesday</i> March 24, 2026	<i>Tuesday</i> April 21, 2026	<i>Tuesday</i> April 28, 2026	<i>Tuesday</i> May 5, 2026
<i>Tuesday</i> April 21, 2026	<i>Tuesday</i> May 19, 2026	<i>Wednesday</i> May 27, 2026	<i>Tuesday</i> June 2, 2026
<i>Tuesday</i> May 19, 2026	<i>Tuesday</i> June 23, 2026	<i>Tuesday</i> June 30, 2026	<i>Tuesday</i> July 7, 2026
<i>Tuesday</i> June 23, 2026	<i>Tuesday</i> July 21, 2026	<i>Tuesday</i> July 28, 2026	<i>Tuesday</i> August 4, 2026
<i>Tuesday</i> July 21, 2026	<i>Tuesday</i> August 18, 2026	<i>Tuesday</i> August 25, 2026	<i>Tuesday</i> September 1, 2026
<i>Tuesday</i> August 18, 2026	<i>Tuesday</i> September 22, 2026	<i>Tuesday</i> September 29, 2026	<i>Tuesday</i> October 6, 2026
<i>Tuesday</i> September 22, 2026	<i>Tuesday</i> October 20, 2026	<i>Tuesday</i> October 27, 2026	<i>Tuesday</i> November 3, 2026
<i>Tuesday</i> October 20, 2026	<i>Tuesday</i> November 17, 2026	<i>Tuesday</i> November 24, 2026	<i>Tuesday</i> December 1, 2026
<i>Tuesday</i> November 17, 2026	<i>Tuesday</i> December 22, 2026	<i>Tuesday</i> December 29, 2026	<i>Tuesday</i> January 5, 2027
<i>Tuesday</i> December 22, 2026	<i>Tuesday</i> January 19, 2027	<i>Tuesday</i> January 26, 2027	<i>Tuesday</i> February 2, 2027

* Materials must be submitted by 5 p.m. on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.