

FORESE SUBSTITUTE FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2272

I move the following SUBSTITUTE amendment to the COMMERCE Committee Amendment to HOUSE BILL 2272 (Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 32-1399, Arizona Revised Statutes, is amended to  
3 read:

4 32-1399. Crematories; standards of practice

5 The board shall adopt rules that establish standards equivalent to  
6 section 32-1307, subsection A, paragraph 5 for the regulation of crematories  
7 and cremation and that include the following:

8 1. A crematory shall develop, implement and maintain a written  
9 procedure for the identification of human remains that ensures that remains  
10 can be identified from the time that a crematory accepts the delivery of the  
11 remains until the cremated remains are released to the authorizing  
12 agent. The identification procedures shall require the crematory to comply  
13 with the requirements of this section. The crematory shall not open a  
14 container containing human remains, except under the personal supervision of  
15 a licensed funeral director, ~~or~~ embalmer OR A RESPONSIBLE CREMATIONIST  
16 LICENSED PURSUANT TO THIS ARTICLE AND TRAINED IN CREMATORY OPERATIONS TO  
17 MANAGE THE DAILY OPERATION OF THE CREMATORY. After taking custody of human  
18 remains, a crematory shall immediately verify the identification attached to  
19 the casket or cremation container and assign an identification number. The  
20 crematory shall not accept unidentified caskets or cremation containers. The  
21 identification shall include the name and address of the deceased, the name  
22 and relationship of the authorizing agent, the name of the person or entity  
23 engaging the crematory services, a valid cremation permit issued by a  
24 government agency and a metal cremation disk containing the identification  
25 number. The disk shall be placed with the deceased during cremation.

26 2. If a crematory is unable to cremate the human remains immediately  
27 after taking custody, the crematory shall store the remains in a holding  
28 facility that is secure from access by anyone other than employees of the  
29 crematory and public officials in the performance of their duty and that

1 complies with applicable public health laws, preserves the dignity of the  
2 human remains and protects the health of employees of the crematory.

3 3. A crematory shall not accept a casket or cremation container from  
4 which there is evidence of leakage of body fluids from the human remains and  
5 shall not hold human remains for cremation unless they are contained in an  
6 individual, closed casket or rigid cremation container of combustible  
7 material that preserves the dignity of the human remains and that protects  
8 the health of employees of the crematory. Human remains that are not  
9 embalmed shall be held by the crematory in a refrigerated holding facility or  
10 in compliance with applicable public health laws.

11 4. All body prostheses, bridgework or similar items removed from the  
12 cremated remains shall be disposed of by the crematory unless an alternative  
13 disposition is agreed to in the authorization to cremate.

14 5. After cremation, the crematory as far as practicable shall remove  
15 visible parts of the residual of the cremation process from the retort, shall  
16 not combine the cremated or processed remains with other cremated or  
17 processed remains and shall attach the identification of the cremated or  
18 processed remains to the temporary container or urn into which the remains  
19 are placed.

20 6. The crematory shall place cremated or processed remains in a  
21 temporary container or urn. Extra space may be filled with clean packing  
22 material that will not combine with the cremated or processed remains. The  
23 lid or top shall be securely closed. Any cremated or processed remains that  
24 do not fit in the temporary container or urn shall be returned in a separate  
25 container or, with permission of the authorizing agent, disposed of by the  
26 crematory.

27 7. A crematory may dispose of cremated or processed remains in any  
28 legal manner directed by a document prepared pursuant to section 32-1365.01  
29 or agreed to by the authorizing agent. If the authorizing agent agrees to  
30 take possession and does not take possession of the remains within thirty  
31 days after cremation or on an agreed date, the crematory shall send written  
32 notice to the last known address of the authorizing agent to take  
33 possession. Ninety days after the notification is sent or delivered, the  
34 crematory may dispose of the cremated or processed remains in any legal  
35 manner.

1           8. Unless the deceased has prepared a document pursuant to section  
2 32-1365.01, the crematory shall obtain an authorization to cremate from the  
3 authorizing agent that shall contain a provision holding the crematory  
4 harmless for the disposition of unclaimed cremated or processed remains.

5           9. All employees of the crematory who handle dead human bodies shall  
6 use universal precautions and shall otherwise exercise reasonable care to  
7 minimize the risk of transmitting any communicable disease from a dead human  
8 body.

9           10. Unless the deceased has prepared a document pursuant to section  
10 32-1365.01, employees of the crematory shall not remove a dead human body  
11 from the container in which it is delivered to the crematory without the  
12 express written consent of the authorizing agent. If, after accepting a dead  
13 human body for cremation, employees of a crematory discover that a mechanical  
14 or radioactive device is implanted in the body, an embalmer licensed pursuant  
15 to article 2 of this chapter shall remove the device from the body before  
16 cremation takes place.

17           11. A crematory shall keep an accurate record of all cremations  
18 performed, including dispositions of cremated and processed remains, for not  
19 fewer than five years after the cremation."

20 Renumber to conform

21 Page 1, line 18, after "REMAINS" insert "OR A DURABLE POWER OF ATTORNEY IF THAT  
22 POWER OF ATTORNEY SPECIFICALLY GIVES THAT PERSON THE AUTHORITY TO MAKE  
23 DECISIONS REGARDING THE DISPOSITION OF THE DECEDENT'S REMAINS"

24 Amend title to conform

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2/15/13  
2:45 PM  
H:lae