

COMMITTEE ON GOVERNMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1048
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 11-594, Arizona Revised Statutes, is amended to
3 read:

4 11-594. Powers and duties of county medical examiner

5 A. The county medical examiner or alternate medical examiner shall
6 direct a death investigation and, on a determination that the circumstances
7 of the death provide jurisdiction pursuant to section 11-593, subsection B,
8 shall:

9 1. Take charge of the dead body.

10 2. Determine if an autopsy is required.

11 3. Certify to the cause and manner of death following completion of
12 the death investigation, reduce the findings to writing and promptly make a
13 full report on forms prescribed for that purpose.

14 4. Have subpoena authority for all documents, records and papers
15 deemed useful in the death investigation.

16 5. Execute a death certificate provided by the state registrar of
17 vital statistics indicating the cause and the manner of death for those
18 bodies for which a death investigation has been conducted and jurisdiction
19 is assumed.

20 6. Give approval for cremation or alkaline hydrolysis of a dead body
21 after a death investigation and record the approval on the death
22 certificate.

23 7. Notify the county attorney or other law enforcement authority
24 when death is found to be from nonnatural causes.

1 8. Carry out the duties specified under section 28-668.

2 9. Carry out the duties specified under title 36, chapter 7,
3 article 3.

4 10. Provide a blood sample from a deceased person for the purpose of
5 communicable disease testing pursuant to sections 13-1210 and 36-670 if the
6 blood is available and the collection or release will not interfere with a
7 medical examination, autopsy or certification of death.

8 11. Observe all policies adopted by the board of supervisors
9 regarding conflicts of interest and disclosure of noncounty employment.

10 B. The county medical examiner or alternate medical examiner may:

11 1. Assign to a medical death investigator or other qualified
12 personnel all aspects of a death investigation except performing autopsies.

13 2. Authorize forensic pathologists to perform examinations and
14 autopsies. The medical examiner or alternate medical examiner may
15 authorize medical students or residents and fellows in pathology training
16 to perform autopsies under the supervision of a licensed physician who is
17 ~~board-certified~~ TRAINED in forensic pathology, pursuant to procedures
18 adopted by the county medical examiner or alternate medical examiner.
19 Authorization and the amount to be paid by the county for pathology
20 services are subject to approval of the board of supervisors.

21 3. Authorize pathologist assistants to assist with performing
22 autopsies under the direct supervision of a licensed physician who is board
23 certified in forensic pathology, pursuant to procedures adopted by the
24 county medical examiner or alternate medical examiner. A pathologist
25 assistant may not certify a cause of death or independently perform an
26 autopsy.

27 4. Delegate any power, duty or function, whether ministerial or
28 discretionary, vested by this chapter in the medical examiner or alternate
29 medical examiner to a person meeting the qualifications prescribed in this
30 chapter who is employed by or who has contracted with the county to provide
31 death investigation services. The medical examiner or alternate medical
32 examiner shall be responsible for the official acts of the person

1 designated pursuant to this section and shall act under the name and
2 authority of the medical examiner or alternate medical examiner.

3 5. Authorize the taking of organs and tissues as they prove to be
4 usable for transplants, other treatment, therapy, education or research if
5 all of the requirements of title 36, chapter 7, article 3 are met. The
6 medical examiner or alternate medical examiner shall give this
7 authorization within a time period that allows a medically viable donation.

8 6. Authorize licensed physicians, surgeons or trained technicians to
9 remove parts of bodies provided they follow an established protocol
10 approved by the medical examiner or alternate medical examiner.

11 7. Limit the removal of organs or tissues for transplants or other
12 therapy or treatment if, based on a review of available medical and
13 investigative information within a time that allows a medically viable
14 donation, the medical examiner or alternate medical examiner makes an
15 initial determination that their removal would interfere with a medical
16 examination, autopsy or certification of death. Before making a final
17 decision to limit the removal of organs, the medical examiner or alternate
18 medical examiner shall consult with the organ procurement organization.
19 After the consultation and when the organ procurement organization provides
20 information that the organ procurement organization reasonably believes
21 could alter the initial decision and at the request of the organ
22 procurement organization, the medical examiner or alternate medical
23 examiner shall conduct a physical examination of the body. If the medical
24 examiner or alternate medical examiner limits the removal of organs, the
25 medical examiner or alternate medical examiner shall maintain documentation
26 of this decision and shall make the documentation available to the organ
27 procurement organization.

28 C. A county medical examiner or alternate medical examiner shall not
29 be held civilly or criminally liable for any acts performed in good faith
30 pursuant to subsection A, paragraph 10 and subsection B, paragraphs 5, 6
31 and 7 of this section.

32 D. If a dispute arises over the findings of the medical examiner's
33 report, the medical examiner, on an order of the superior court, shall make

1 available all evidence and documentation to a court-designated licensed
2 forensic pathologist for review, and the results of the review shall be
3 reported to the superior court in the county issuing the order.

4 E. For providing external examinations and autopsies pursuant to
5 this section, the medical examiner may charge a fee established by the
6 board of supervisors pursuant to section 11-251.08.

7 F. The county medical examiner or alternate medical examiner is
8 entitled to all medical records and related records of a person for whom
9 the medical examiner is required to certify cause of death.

10 Sec. 2. Section 11-600, Arizona Revised Statutes, is amended to
11 read:

12 11-600. Indigent deceased persons; disposition of remains;
13 disposal of property

14 A. When a death investigation has been completed by the county
15 medical examiner or alternate medical examiner and no other person takes
16 charge of the body of the deceased, the examiner shall cause the body to be
17 delivered to the funeral establishment, licensed pursuant to title 32,
18 chapter 12, article 4, closest geographically to the place where the body
19 is pronounced dead, for preservation, disinfection and final disposition.
20 The medical examiner or alternate medical examiner may establish
21 ~~geographical~~ GEOGRAPHIC areas within the county and a rotation system
22 whereby the bodies are delivered equally in sequence to all licensed
23 funeral establishments in each ~~geographical~~ GEOGRAPHIC area. All licensed
24 funeral establishments in any incorporated city or town shall be in the
25 same ~~geographical~~ GEOGRAPHIC area. Area boundaries in unincorporated areas
26 shall be drawn so as to approximate equal distances between incorporated
27 cities or towns in which a licensed funeral establishment or establishments
28 exist. ~~Upon~~ ON request of any licensed funeral establishment, in writing,
29 ~~they~~ THE FUNERAL ESTABLISHMENT shall be removed from participation in the
30 receipt of medical examiner cases until ~~they rescind their~~ THE FUNERAL
31 ESTABLISHMENT RESCINDS ITS request. If there is not sufficient property in
32 the estate of the deceased to pay the necessary expenses of the burial, the
33 expenses shall be a legal charge against the county. ~~Upon~~ ON determination

1 of indigency, the funeral establishment shall perform the normal county
2 indigent burial, in the manner and for the fee then being paid by the
3 county, or release the body, ~~upon~~ ON county request, without fee, to the
4 funeral establishment designated by the county for other indigent burials.

5 B. Notwithstanding subsection A of this section, the county medical
6 examiner or alternate medical examiner may cause the body to be delivered
7 to a community college under the jurisdiction of a community college
8 district as defined in section 15-1401, if the community college has an
9 accredited mortuary science program. On acceptance of the body and with
10 proper authorization, the community college mortuary science program shall
11 preserve and disinfect the body, prepare ~~it~~ THE BODY for final disposition
12 and deliver the body to a licensed funeral establishment pursuant to
13 subsection A of this section for final disposition. For the purposes of
14 this subsection, proper authorization may be provided by the next of kin
15 pursuant to section 36-831, subsection A or the public fiduciary of the
16 county.

17 C. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE COUNTY MEDICAL
18 EXAMINER OR ALTERNATE MEDICAL EXAMINER MAY RETAIN THE BODY AND SUPERVISE
19 THE CREMATION AT A CREMATORY THAT IS OWNED AND OPERATED BY THE COUNTY AND
20 THAT IS LICENSED PURSUANT TO SECTION 32-1393. A CREMATION SHALL BE
21 PERFORMED BY A RESPONSIBLE CREMATIONIST WHO IS LICENSED PURSUANT TO SECTION
22 32-1394.01.

23 D. IF THE COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER IS
24 THE PERSON RESPONSIBLE FOR SUPERVISING THE CREMATION OF AN INDIGENT
25 DECEASED PERSON'S REMAINS PURSUANT TO SUBSECTION C OF THIS SECTION, THE
26 DIRECTOR OF THE COUNTY'S HEALTH DEPARTMENT SHALL DESIGNATE A COUNTY
27 EMPLOYEE WHO QUALIFIES FOR ACCESS TO VITAL RECORDS SYSTEMS PURSUANT TO
28 SECTION 36-113, SUBSECTION C, OTHER THAN THE COUNTY MEDICAL EXAMINER, AN
29 ALTERNATE MEDICAL EXAMINER OR AN EMPLOYEE THAT REPORTS TO EITHER THE COUNTY
30 MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER, TO SUBMIT THE DEATH
31 CERTIFICATE FOR REGISTRATION PURSUANT TO SECTION 36-325, SUBSECTION A.

32 ~~E.~~ E. Within thirty days after the examination, the medical
33 examiner or alternate medical examiner shall deliver to the public

1 fiduciary of the county or the legal representative of the deceased any
2 money or property found ~~upon~~ ON the body.

3 Sec. 3. Section 32-1321, Arizona Revised Statutes, is amended to
4 read:

5 32-1321. License requirement; persons not required to be
6 licensed; nontransferability; display

7 A. A person shall not advertise or engage in funeral directing,
8 cremation, alkaline hydrolysis or embalming without having a valid license
9 issued by the department.

10 B. This article does not prohibit:

11 1. A person from performing removals or arrangements or from
12 directing funeral services if the person is under the direction of and
13 accountable to a licensed funeral director.

14 2. A licensed cemetery employee from selling burial or final
15 disposition items or from arranging or directing cemetery services.

16 3. A COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER FROM
17 SUPERVISING THE CREMATION OF AN INDIGENT DECEASED PERSON PURSUANT TO
18 SECTION 11-600, SUBSECTION C.

19 C. A license issued by the department is not transferrable or
20 subject to sale or assignment, whether by a voluntary or involuntary
21 process.

22 D. A licensee shall conspicuously display the person's license at
23 the person's place of employment.

24 Sec. 4. Section 32-1343, Arizona Revised Statutes, is amended to
25 read:

26 32-1343. Alkaline hydrolysis operators; licensure;
27 application; qualifications; fingerprinting

28 A. An applicant for an alkaline hydrolysis operator license shall
29 submit a completed application on a form prescribed by the department. The
30 application shall be subscribed under oath and shall be accompanied by the
31 applicable fee pursuant to section 32-1309 and any additional information
32 that the department deems necessary.

1 B. An applicant for an alkaline hydrolysis operator license shall
2 meet both of the following:

3 1. Submit ~~a completed fingerprint card and~~ the prescribed
4 fingerprint records check fee ~~AND A FULL SET OF FINGERPRINTS~~ to the
5 department of health services ~~to enable the department of health services~~
6 ~~or the department of public safety to conduct a~~ ~~FOR THE PURPOSE OF~~
7 ~~CONDUCTING A STATE AND FEDERAL~~ criminal records check ~~PURSUANT TO SECTION~~
8 ~~41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY~~
9 ~~EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.~~

10 2. Meet the educational requirements as prescribed by the department
11 in rule.

12 C. An applicant for licensure under this section may not have a
13 disqualifying criminal history as determined by the department pursuant to
14 section 41-1093.04.

15 D. If the department finds that the applicant meets the criteria for
16 an alkaline hydrolysis operator license under this section and under rules
17 adopted by the department, the department shall issue an alkaline
18 hydrolysis operator license. A person does not need to be licensed as an
19 alkaline hydrolysis operator in order to practice as an alkaline hydrolysis
20 operator if the alkaline hydrolysis facility is operated or supervised by a
21 responsible cremationist or another person who is a licensed alkaline
22 hydrolysis operator.

23 Sec. 5. Section 32-1383, Arizona Revised Statutes, is amended to
24 read:

25 32-1383. Application: qualifications for funeral establishment
26 licensure

27 A. An applicant for a funeral establishment license shall submit a
28 completed application on a form prescribed by the department. The
29 application shall be subscribed under oath and shall be accompanied by the
30 applicable fee pursuant to section 32-1309 and any additional information
31 that the department deems necessary. A business entity that applies for a
32 license pursuant to this article shall submit to the department with its
33 application for licensure a copy of its partnership agreement, its articles

1 of incorporation or any other organizational documents required to be filed
2 with the corporation commission.

3 B. A person who applies for a license pursuant to this article, or
4 if the applicant is a business entity, the proprietors, partners, officers
5 and directors of the entity, shall submit ~~a completed fingerprint card,~~
6 ~~criminal history background information and a~~ THE PRESCRIBED fingerprint
7 ~~background~~ RECORDS check fee AND A FULL SET OF FINGERPRINTS to the
8 department OF HEALTH SERVICES FOR THE PURPOSE OF CONDUCTING A STATE AND
9 FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW
10 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA
11 WITH THE FEDERAL BUREAU OF INVESTIGATION.

12 C. The department shall inspect the premises of a funeral
13 establishment and investigate the qualifications of all applicants for
14 licensure.

15 D. If the department finds that the applicant meets the criteria for
16 licensure under this article and rules adopted by the department, the
17 department shall issue a funeral establishment license.

18 Sec. 6. Section 32-1394.01, Arizona Revised Statutes, is amended to
19 read:

20 32-1394.01. Application; qualifications for cremationist
21 licensure; licensure requirement for responsible
22 cremationists

23 A. An applicant for a cremationist license shall submit a completed
24 application on a form prescribed by the department. The application shall
25 be subscribed under oath and shall be accompanied by the applicable fee
26 pursuant to section 32-1309 and any additional information that the
27 department deems necessary.

28 B. An applicant for a cremationist license shall submit ~~a completed~~
29 ~~fingerprint card and~~ the prescribed fingerprint records check fee AND A
30 FULL SET OF FINGERPRINTS to the department of health services ~~to enable the~~
31 ~~department of health services or the department of public safety to~~
32 ~~conduct a~~ FOR THE PURPOSE OF CONDUCTING A STATE AND FEDERAL criminal
33 records check PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE

1 DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE
2 FEDERAL BUREAU OF INVESTIGATION.

3 C. An applicant for a cremationist license shall meet the
4 educational requirements as prescribed by the department in rule.

5 D. If the department finds that the applicant meets the criteria for
6 cremationist licensure under this section and under rules adopted by the
7 department, the department shall issue a cremationist license.

8 E. A responsible cremationist shall be licensed pursuant to this
9 article. Any other cremationist may be licensed pursuant to this article
10 but, if not licensed, may engage only in cremation activity that is allowed
11 without a license.

12 Sec. 7. Section 32-1395, Arizona Revised Statutes, is amended to
13 read:

14 32-1395. Application; qualifications for licensure

15 A. An applicant for a crematory license shall submit a completed
16 application on a form prescribed by the department. If the applicant is a
17 business entity, the entity shall direct a natural person who is an owner
18 of the entity to submit its application. IF THE APPLICANT IS A COUNTY, THE
19 COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER SHALL SUBMIT AN
20 APPLICATION ON THE COUNTY'S BEHALF. The application shall be subscribed
21 under oath, shall contain the name of the responsible cremationist and
22 shall be accompanied by the applicable fee pursuant to section 32-1309 and
23 any additional information that the department deems necessary. A business
24 entity that applies for a license pursuant to this article shall submit to
25 the department with its application for licensure a copy of its partnership
26 agreement, its articles of incorporation or organization or any other
27 organizational documents required to be filed with the corporation
28 commission.

29 B. A person who applies for a license pursuant to this article, or
30 if the applicant is a business entity, all owners, partners, officers,
31 directors and trust beneficiaries of the entity, shall submit THE
32 PRESCRIBED FINGERPRINT RECORDS CHECK FEE AND A FULL SET OF FINGERPRINTS TO
33 THE DEPARTMENT OF HEALTH SERVICES FOR THE PURPOSE OF CONDUCTING A STATE AND

1 FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW
2 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA
3 WITH THE FEDERAL BUREAU OF INVESTIGATION. THE DEPARTMENT OF PUBLIC SAFETY
4 IS AUTHORIZED TO EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
5 INVESTIGATION.

6 C. The department shall inspect the premises of a crematory and
7 investigate the character and other qualifications of all applicants for
8 licensure pursuant to this article to determine whether the crematory and
9 the applicants are in compliance with the requirements of this article and
10 rules adopted by the department.

11 D. If the department finds that the applicant meets the criteria for
12 licensure under this article and rules adopted by the department, the
13 department shall issue a crematory license."

14 Amend title to conform

And, as so amended, it do pass

WALT BLACKMAN
CHAIRMAN

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