

REFERENCE TITLE: burial; instructions

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HB 2116

Introduced by
Representative Petersen

AN ACT

AMENDING SECTION 36-831.01, ARIZONA REVISED STATUTES; RELATING TO BURIAL
RESPONSIBILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-831.01, Arizona Revised Statutes, is amended to
3 read:

4 36-831.01. Disposition of remains; duty to comply with
5 decedent's wishes; exemption from liability

6 A. If the person on whom the duty of burial OR PROVIDING OTHER FUNERAL
7 AND DISPOSITION ARRANGEMENTS is imposed pursuant to section 36-831 is aware
8 of the decedent's wishes regarding the disposition of ~~his~~ THE DECEDENT'S
9 remains, that person shall comply with those wishes ~~if they are reasonable~~
10 ~~and do not impose an economic or emotional hardship~~ TO THE EXTENT REQUIRED BY
11 THIS SECTION.

12 B. A DECEDENT, BEFORE DEATH, MAY DIRECT IN WRITING THE DISPOSITION OF
13 THE DECEDENT'S REMAINS AND SPECIFY FUNERAL GOODS AND SERVICES TO BE PROVIDED.
14 UNLESS THERE IS A STATEMENT TO THE CONTRARY THAT IS SIGNED AND DATED BY THE
15 DECEDENT, THE INSTRUCTIONS MAY NOT BE CHANGED OR OTHERWISE AMENDED IN ANY
16 MATERIAL WAY, EXCEPT IF REQUIRED BY LAW, AND SHALL BE CARRIED OUT ON THE
17 DECEDENT'S DEATH IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

18 1. THE INSTRUCTIONS SET FORTH CLEARLY AND COMPLETELY THE DECEDENT'S
19 FINAL WISHES IN SUFFICIENT DETAIL SO AS TO PRECLUDE ANY MATERIAL AMBIGUITY
20 WITH REGARD TO THE INSTRUCTIONS.

21 2. ARRANGEMENTS FOR PAYMENT THROUGH TRUSTS, INSURANCE, COMMITMENTS BY
22 OTHERS OR ANY OTHER EFFECTIVE AND BINDING MEANS HAVE BEEN MADE TO PRECLUDE
23 THE PAYMENT OF ANY MONIES BY THE PERSON OR PERSONS WHO MIGHT OTHERWISE RETAIN
24 THE RIGHT TO CONTROL THE DISPOSITION.

25 C. IF ARRANGEMENTS FOR ONLY ONE OF EITHER THE COST OF BURIAL OR THE
26 COST OF THE FUNERAL GOODS AND SERVICES ARE MADE PURSUANT TO THIS SECTION, THE
27 DECEDENT'S REMAINING WISHES SHALL BE CARRIED OUT ONLY TO THE EXTENT THAT THE
28 DECEDENT HAS SUFFICIENT ASSETS TO DO SO, UNLESS THE PERSON OR PERSONS WHO
29 OTHERWISE HAVE THE RIGHT TO CONTROL THE DISPOSITION AND TO ARRANGE FOR
30 FUNERAL GOODS AND SERVICES AGREE TO ASSUME THE COST. ALL OTHER INSTRUCTIONS
31 SHALL BE CARRIED OUT.

32 D. IF THE INSTRUCTIONS ARE CONTAINED IN A WILL, THE INSTRUCTIONS SHALL
33 BE IMMEDIATELY CARRIED OUT REGARDLESS OF THE VALIDITY OF THE WILL IN OTHER
34 RESPECTS OR THE FACT THAT THE WILL MAY NOT BE OFFERED FOR OR ADMITTED TO
35 PROBATE UNTIL A LATER DATE.

36 E. THIS SECTION DOES NOT REQUIRE A FUNERAL ESTABLISHMENT, CREMATORY OR
37 CEMETERY TO VIOLATE THE WRITTEN POLICIES OR PROCEDURES OF THE FUNERAL
38 ESTABLISHMENT, CREMATORY OR CEMETERY.

39 ~~B.~~ F. ~~No~~ A funeral establishment or crematory licensed pursuant to
40 title 32, chapter 12 or 20 or a cemetery certified under title 32, chapter
41 20, ~~that relies in good faith upon~~ ON the instructions for disposition of a
42 body given by the person authorized pursuant to section 36-831 ~~shall be~~ IS
43 NOT subject to civil liability or subject to disciplinary action for
44 disposition of the remains in accordance with the instructions.

Fifty-second Legislature
First Regular Session

COMMITTEE ON HEALTH

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2116

(Reference to printed bill)

1 Page 1, strike lines 25 through 31, insert:

2 "C. THE DECEDENT'S WISHES SHALL BE CARRIED OUT ONLY TO THE EXTENT THAT
3 THE DECEDENT HAS MADE ARRANGEMENTS FOR PAYMENT. THE PERSON OR PERSONS WHO
4 OTHERWISE HAVE THE RIGHT TO CONTROL THE DISPOSITION AND TO ARRANGE FOR
5 FUNERAL GOODS AND SERVICES MAY AGREE TO ASSUME THE COST OF ANY REMAINING
6 INSTRUCTIONS FOR WHICH ARRANGEMENTS FOR PAYMENT HAD NOT BEEN MADE."

7 After line 44, insert:

8 "Sec. 2. Applicability

9 Section 36-831.01, Arizona Revised Statutes, as amended by this act,
10 applies to funeral and disposition arrangements of a decedent that are made
11 on or after the effective date of this act."

12 Amend title to conform

and, as so amended, it do pass

HEATHER CARTER
Chairman

2116-health
2/17/15
H:laa

2116hc *
02/16/2015
09:20 AM
C: mjh