

Funeral Services Licensing Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor:

LONG TITLE**General Description:**

This bill amends provisions relating to funeral services licensing.

Highlighted Provisions:

This bill:

- removes the option for an oral preneed funeral agreement;
- removes the requirement that a funeral service establishment receive a receipt before releasing remains from alkaline hydrolysis and cremation; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

58-9-102, as last amended by Laws of Utah 2020, Chapter 354

58-9-611, as last amended by Laws of Utah 2018, Chapter 326

58-9-617, as enacted by Laws of Utah 2018, Chapter 326

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-9-102** is amended to read:

58-9-102 . Definitions.

~~[In addition to the definitions in Section 58-1-102, as]~~ As used in this chapter:

- (1)(a) "Alkaline hydrolysis" means a water-based dissolution process using alkaline chemicals, heat, and sometimes agitation or pressure that reduces human remains to a liquid and to dry bone residue~~[-and]~~ .
- (b) "Alkaline hydrolysis" includes the disposal of the liquid and the processing and pulverization of the dry bone residue.

- (2) "Alkaline hydrolysis chamber" means the enclosed space within which the alkaline hydrolysis process takes place and that is used exclusively for alkaline hydrolysis of human remains.
- (3) "Alkaline hydrolysis container" means a container:
- (a) in which human remains are transported to a funeral service establishment and placed in an alkaline hydrolysis chamber for ~~[resomation]~~ the alkaline hydrolysis process; and
 - (b) that meets substantially all of the following standards:
 - (i) able to be closed in order to provide a complete covering for the human remains;
 - (ii) resistant to leakage or spillage;
 - (iii) rigid enough for handling with ease; and
 - (iv) able to provide protection for the health, safety, and personal integrity of crematory personnel.
- (4) "Authorizing agent" means a person legally entitled to authorize the cremation or the alkaline hydrolysis process of human remains.
- (5) "Beneficiary" means the individual who, at the time of the individual's death, ~~[is to receive]~~ receives the benefit of the property and services purchased under a preneed funeral arrangement.
- (6) "Board" means the Board of Funeral Service created in Section 58-9-201.
- (7) "Body part" means:
- (a) a limb or other portion of the anatomy that is removed from ~~[a person]~~ an individual or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research; or
 - (b) a human body or any portion of a body that has been donated to science for medical research purposes.
- (8) "Buyer" means a person who purchases a preneed funeral arrangement.
- (9) "Calcination" means a process in which a dead human body is reduced by intense heat to a residue that is not as substantive as the residue that follows cremation.
- (10) "Cremated remains" means all the remains of a cremated body recovered after the completion of the cremation process, including pulverization ~~[which]~~ that leaves only bone fragments reduced to unidentifiable dimensions and may possibly include the residue of foreign matter including casket material, bridgework, or eyeglasses that were cremated with the human remains.
- (11)(a) "Cremation" means the technical process, using direct flame and heat, or a

chemical process, that reduces human remains to bone fragments through heat and evaporation, or a chemical process~~[, and]~~ .

(b) "Cremation" includes the processing and usually the pulverization of the bone fragments.

(12) "Cremation chamber" means the enclosed space within which the cremation process takes place and which is used exclusively for the cremation of human remains.

(13) "Cremation container" means the container:

(a) in which the human remains are transported to the crematory and placed in the cremation chamber for cremation; and

(b) that meets substantially all of the following standards:

(i) composed of readily combustible or consumable materials suitable for cremation;

(ii) able to be closed in order to provide a complete covering for the human remains;

(iii) resistant to leakage or spillage;

(iv) rigid enough for handling with ease; and

(v) able to provide protection for the health, safety, and personal integrity of crematory personnel.

(14) "Crematory" means the building or portion of a building that houses the cremation chamber and the holding facility.

(15) "Direct disposition" means the disposition of a dead human body:

(a) as quickly as law allows;

(b) without preparation of the body by embalming; and

(c) without an attendant funeral service or graveside service.

(16) "Disposition" means the final disposal of a dead human body by:

(a) earth interment;

(b) above ground burial;

(c) cremation;

(d) calcination;

(e) alkaline hydrolysis;

(f) burial at sea;

(g) delivery to a medical institution; or

(h) other lawful means.

(17) "Embalming" means replacing body fluids in a dead human body with preserving and disinfecting chemicals.

(18)(a) "Funeral merchandise" means any of the following into which a dead human

body is placed in connection with the transportation or disposition of the body:

- (i) a vault;
- (ii) a casket; or
- (iii) other personal property.

(b) "Funeral merchandise" does not include:

- (i) a mausoleum crypt;
- (ii) an interment receptacle preset in a cemetery; or
- (iii) a columbarium niche.

(19) "Funeral service" means a service, rite, or ceremony performed:

- (a) with respect to the death of a human; and
- (b) with the body of the deceased present.

(20) "Funeral service director" means an individual licensed under this chapter who may engage in all lawful professional activities regulated and defined under the practice of funeral service.

(21)(a) "Funeral service establishment" means a place of business at a specific street address or location licensed under this chapter that is devoted to:

- (i) the embalming, care, custody, shelter, preparation for burial, and final disposition of dead human bodies; and
- (ii) the furnishing of services, merchandise, and products purchased from the establishment as a preneed provider under a preneed funeral arrangement.

(b) "Funeral service establishment" includes:

- (i) all portions of the business premises and all tools, instruments, and supplies used in the preparation and embalming of dead human bodies for burial, cremation, alkaline hydrolysis, and final disposition as defined by division rule; and
- (ii) a facility used by the business in which funeral services may be conducted.

(22) "Funeral service intern" means an individual licensed under this chapter who is permitted to:

- (a) assist a funeral service director in the embalming or other preparation of a dead human body for disposition;
- (b) assist a funeral service director in the cremation, calcination, alkaline hydrolysis, or pulverization of a dead human body or [its] the body's remains; and
- (c) perform other funeral service activities under the supervision of a funeral service director.

(23) "Graveside service" means a funeral service held at the location of disposition.

- 133 (24) "Memorial service" means a service, rite, or ceremony performed:
134 (a) with respect to the death of a human; and
135 (b) without the body of the deceased present.
- 136 (25) "Practice of funeral service" means:
137 (a) supervising the receipt of custody and transportation of a dead human body to
138 prepare the body for:
139 (i) disposition; or
140 (ii) shipment to another location;
141 (b) entering into a contract with a person to provide professional services regulated
142 under this chapter;
143 (c) embalming or otherwise preparing a dead human body for disposition;
144 (d) supervising the arrangement or conduct of:
145 (i) a funeral service;
146 (ii) a graveside service; or
147 (iii) a memorial service;
148 (e) cremation, calcination, alkaline hydrolysis, or pulverization of a dead human body or
149 the body's remains;
150 (f) supervising the arrangement of:
151 (i) a disposition; or
152 (ii) a direct disposition;
153 (g) facilitating:
154 (i) a disposition; or
155 (ii) a direct disposition;
156 (h) supervising the sale of funeral merchandise by a funeral establishment;
157 (i) managing or otherwise being responsible for the practice of funeral service in a
158 licensed funeral service establishment;
159 (j) supervising the sale of a preneed funeral arrangement; and
160 (k) contracting with or employing individuals to sell a preneed funeral arrangement.
- 161 (26)(a) "Preneed funeral arrangement" means a written [~~or oral~~] agreement sold in
162 advance of the death of the beneficiary under which a person agrees with a buyer to
163 provide at the death of the beneficiary any of the following as are typically provided
164 in connection with a disposition:
165 (i) goods;
166 (ii) services, including:

- 167 (A) embalming services; and
168 (B) funeral directing services;
169 (iii) real property; or
170 (iv) personal property, including:
171 (A) a casket;
172 (B) another primary container;
173 (C) a cremation, alkaline hydrolysis, or transportation container;
174 (D) an outer burial container;
175 (E) a vault;
176 (F) a grave liner;
177 (G) funeral clothing and accessories;
178 (H) a monument;
179 (I) a grave marker; and
180 (J) a cremation or alkaline hydrolysis urn.

181 (b) "Preneed funeral arrangement" does not include a policy or product of life insurance
182 providing a death benefit cash payment upon the death of the beneficiary [~~which~~] that
183 is not limited to providing the products or services described in Subsection (26)(a).

184 (27) "Processing" means the reduction of identifiable bone fragments after the completion
185 of the cremation or the alkaline hydrolysis process to unidentifiable bone fragments by
186 manual means.

187 (28) "Pulverization" means the reduction of identifiable bone fragments after the
188 completion of the cremation or alkaline hydrolysis and processing to granulated particles
189 by manual or mechanical means.

190 [~~(29) "Resomation" means the alkaline hydrolysis process.~~]

191 [~~(30)~~] (29) "Sales agent" means an individual licensed under this chapter as a preneed
192 funeral arrangement sales agent.

193 [~~(31)~~] (30) "Temporary container" means a receptacle for cremated or alkaline hydrolysis
194 remains usually made of cardboard, plastic, or similar material designed to hold the
195 cremated remains until an urn or other permanent container is acquired.

196 [~~(32)~~] (31) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501
197 and 58-9-501.

198 [~~(33)~~] (32) "Unprofessional conduct" means the same as that term is defined in Sections
199 58-1-501 and 58-9-502.

200 [~~(34)~~] (33) "Urn" means a receptacle designed to permanently encase cremated or alkaline

hydrolysis remains.

Section 2. Section **58-9-611** is amended to read:

58-9-611 . Disposition of cremated remains.

- (1)(a) An authorizing agent shall provide the person with whom cremation arrangements are made with a signed statement specifying the final disposition of the cremated remains, if known.
- (b) The funeral services establishment shall retain a copy of the statement.
- (2)(a) The authorizing agent is responsible for the disposition of the cremated remains.
- (b) If the authorizing agent or the agent's representative has not specified the ultimate disposition of or claimed the cremated remains within 60 days from the date of the cremation, the funeral service establishment may dispose of the remains in any manner permitted by law, except scattering.
- (c) The authorizing agent shall reimburse the funeral services establishment for all reasonable costs incurred in disposing of the cremated remains under Subsection (2)(b).
- (d) The person or entity disposing of cremated remains under this section:
- (i) shall make and keep a record of the disposition of the remains; and
 - (ii) is discharged from any legal obligation or liability concerning the remains once the disposition has been made.
- (e) Subsection (2)(d)(ii) applies to cremated remains in the possession of a funeral services establishment or other responsible party as of May 5, 2008, or any time after that date.
- (3)(a) An authorizing agent may direct a funeral service establishment to dispose of or arrange for the disposition of cremated remains:
- (i) in a crypt, niche, grave, or scattering garden located in a dedicated cemetery;
 - (ii) by scattering the cremated remains over uninhabited public land, the sea, or other public waterways subject to health and environmental laws and regulations; or
 - (iii) in any manner on the private property of a consenting owner.
- (b) If ~~[cremated remains are to be disposed of]~~ the authorizing agent intends to dispose cremated remains on private property, other than dedicated cemetery property, the authorizing agent shall provide the funeral service establishment with the written consent of the property owner prior to disposal of the remains.
- (c) In order to scatter cremated remains under Subsection (3)(a)(ii) or (iii), the remains must be reduced to a particle size of one-eighth inch or less and removed from their

closed container.

~~[(4) A funeral service establishment may not release cremated remains for scattering under this section to the authorizing agent or the agent's designated representative until the funeral service establishment is given a receipt that shows the proper filing has been made with the local registrar of births and deaths.]~~

Section 3. Section **58-9-617** is amended to read:

58-9-617 . Final disposition of remains from the alkaline hydrolysis process.

(1)(a) An authorizing agent shall provide the person with whom the authorizing agent makes alkaline hydrolysis arrangements ~~[are made with-]~~ a signed statement specifying the final disposition of the remains from the alkaline hydrolysis process, if known.

(b) The funeral service establishment shall retain a copy of the statement.

(2)(a) The authorizing agent is responsible for the final disposition of the remains from the alkaline hydrolysis process.

(b) If the authorizing agent or the agent's representative has not specified the ultimate disposition of or claimed the remains from the alkaline hydrolysis process within 60 days from the date of the alkaline hydrolysis process, the funeral service establishment may dispose of the remains in any manner permitted by law, except scattering.

(c) The authorizing agent shall reimburse the funeral service establishment for all reasonable costs incurred in disposing of the remains from the alkaline hydrolysis process under Subsection (2)(b).

(d) The person or entity disposing of remains from the alkaline hydrolysis process under this section:

(i) shall make and keep a record of the final disposition of the remains; and

(ii) is discharged from any legal obligation or liability concerning the remains once the final disposition has been made.

(3)(a) An authorizing agent may direct a funeral service establishment to dispose of or arrange for the final disposition of remains from the alkaline hydrolysis process:

(i) in a crypt, niche, grave, or scattering garden located in a dedicated cemetery;

(ii) by scattering the remains over uninhabited public land, the sea, or other public waterways subject to health and environmental laws and regulations; or

(iii) in any manner on the private property of a consenting owner.

(b) If the authorizing agent intends to dispose of the remains from the alkaline

269 hydrolysis process ~~[are to be disposed of]~~ on private property, other than dedicated
270 cemetery property, the authorizing agent shall provide the funeral service
271 establishment with the written consent of the property owner before disposal of the
272 remains.

273 (c) In order to scatter remains from the alkaline hydrolysis process under Subsection
274 (3)(a)(ii) or (iii), the remains must be reduced to a particle size of one-eighth inch or
275 less and removed from the remains' closed container.

276 ~~[(4) Under this section, a funeral service establishment may not release remains from the~~
277 ~~alkaline hydrolysis process to the authorizing agent or the agent's designated~~
278 ~~representative for scattering until the funeral service establishment is given a receipt that~~
279 ~~shows the proper filing has been made with the local registrar of births and deaths.]~~

280 **Section 4. Effective Date.**

281 This bill takes effect on May 6, 2026.