

Jen Plumb proposes the following substitute bill:

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:

- amends provisions relating to the final placement of remains;
- 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

58-9-613, as last amended by Laws of Utah 2023, Chapter 111

58-9-614, as enacted by Laws of Utah 2018, Chapter 326

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

58-9-618, 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) "Final placement of remains" means, if a disposition yields any remaining residual matter as a direct result of the disposition, the final storage, placement, or other manner of disposing of the remaining residual matter.

~~[(18)]~~ (19)(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)]~~ (20) "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)]~~ (21) "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)]~~ (22)(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 or final placement of remains 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]~~ disposition; and

(ii) a facility used by the business in which funeral services may be conducted.

~~[(22)]~~ (23) "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)]~~ (24) "Graveside service" means a funeral service held at the location of ~~[disposition]~~ an earth interment.

~~[(24)]~~ (25) "Memorial service" means a service, rite, or ceremony performed:

- (a) with respect to the death of a human; and
- (b) without the body of the deceased present.

~~[(25)]~~ (26) "Practice of funeral service" means:

- (a) supervising the receipt of custody and transportation of a dead human body to prepare the body for:
 - (i) disposition; or
 - (ii) shipment to another location;
- (b) entering into a contract with a person to provide professional services regulated under this chapter;
- (c) embalming or otherwise preparing a dead human body for disposition;
- (d) supervising the arrangement or conduct of:
 - (i) a funeral service;
 - (ii) a graveside service; or
 - (iii) a memorial service;
- (e) cremation, calcination, alkaline hydrolysis, or pulverization of a dead human body or the body's remains;
- (f) supervising the arrangement of:
 - (i) a disposition; or
 - (ii) a direct disposition;
- (g) facilitating:
 - (i) a disposition; or
 - (ii) a direct disposition;

- (h) supervising the sale of funeral merchandise by a funeral establishment;
- (i) managing or otherwise being responsible for the practice of funeral service in a licensed funeral service establishment;
- (j) supervising the sale of a preneed funeral arrangement; and
- (k) contracting with or employing individuals to sell a preneed funeral arrangement.

[(26)] (27)(a) "Preneed funeral arrangement" means a written [~~or oral~~] agreement sold in advance of the death of the beneficiary under which a person agrees with a buyer to provide at the death of the beneficiary any of the following as are typically provided in connection with a disposition:

- (i) goods;
- (ii) services, including:
 - (A) embalming services; and
 - (B) funeral directing services;
- (iii) real property; or
- (iv) personal property, including:
 - (A) a casket;
 - (B) another primary container;
 - (C) a cremation, alkaline hydrolysis, or transportation container;
 - (D) an outer burial container;
 - (E) a vault;
 - (F) a grave liner;
 - (G) funeral clothing and accessories;
 - (H) a monument;
 - (I) a grave marker; and
 - (J) a cremation or alkaline hydrolysis urn.

- (b) "Preneed funeral arrangement" does not include a policy or product of life insurance providing a death benefit cash payment upon the death of the beneficiary [~~which~~] that is not limited to providing the products or services described in Subsection [(26)](a) (27)(a).

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

[(28)] (29) "Pulverization" means the reduction of identifiable bone fragments after the completion of the cremation or alkaline hydrolysis and processing to granulated particles

by manual or mechanical means.

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

(30) "Sales agent" means an individual licensed under this chapter as a preneed funeral arrangement sales agent.

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

(32) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-9-501.

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

(34) "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 . Final placement of remains from cremation.

(1)(a) An authorizing agent shall provide the person with whom cremation arrangements are made with a signed statement specifying the final ~~[disposition]~~ placement of the ~~remains from cremation~~~~[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]~~ final placement of remains from cremation.

(b) If the authorizing agent or the agent's representative has not specified the ~~[ultimate disposition]~~ final placement of remains from cremation or claimed the cremated remains within 60 days ~~[from the date of the cremation]~~ after the day on which the cremation occurs, the funeral service establishment may ~~[dispose of the remains]~~ conduct the final placement of 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]~~ conducting the final placement of remains from cremation under this section:

(i) shall make and keep a record of the ~~[disposition of the remains]~~ final placement of remains; and

- 233 (ii) is discharged from any legal obligation or liability concerning the remains once
234 the ~~[disposition has been made]~~ person conducts the final placement of remains.
- 235 (e) Subsection (2)(d)(ii) applies to cremated remains in the possession of a funeral
236 services establishment or other responsible party as of May 5, 2008, or any time after
237 that date.
- 238 (3)(a) An authorizing agent may direct a funeral service establishment to ~~[dispose of]~~
239 conduct the final placement of remains or arrange for the ~~[-disposition of cremated~~
240 ~~remains]~~ final placement of remains from cremation:
- 241 (i) in a crypt, niche, grave, or scattering garden located in a dedicated cemetery;
242 (ii) by scattering the cremated remains over uninhabited public land, the sea, or other
243 public waterways subject to health and environmental laws and regulations; or
244 (iii) in any manner on the private property of a consenting owner.
- 245 (b) If ~~[cremated remains are to be disposed of]~~ the authorizing agent intends to conduct
246 the final placement of remains on private property, other than dedicated cemetery
247 property, the authorizing agent shall provide the funeral service establishment with
248 the written consent of the property owner ~~[prior to disposal of the remains]~~ before the
249 final placement of remains.
- 250 (c) In order to scatter cremated remains under Subsection (3)(a)(ii) or (iii), the remains
251 must be reduced to a particle size of one-eighth inch or less and removed from ~~[their]~~
252 the remains' closed container.
- 253 ~~[(4) A funeral service establishment may not release cremated remains for scattering under~~
254 ~~this section to the authorizing agent or the agent's designated representative until the~~
255 ~~funeral service establishment is given a receipt that shows the proper filing has been~~
256 ~~made with the local registrar of births and deaths.]~~

257 Section 3. Section **58-9-613** is amended to read:

258 **58-9-613 . Authorization for alkaline hydrolysis -- Penalties for removal of items**
259 **from human remains.**

- 260 (1) Except as otherwise provided in this section, a funeral service establishment may not
261 perform alkaline hydrolysis on human remains until the funeral service establishment
262 has received:
- 263 (a) an alkaline hydrolysis authorization form signed by an authorizing agent;
264 (b) a completed and executed burial transit permit or similar document, as provided by
265 state law, indicating that disposition of the human remains is to be by alkaline
266 hydrolysis; and

(c) any other documentation required by the state, county, or municipality.

(2)(a) The alkaline hydrolysis authorization form shall contain, at a minimum, the following information:

- (i) the identity of the human remains and the time and date of death, including a signed declaration of visual identification of the deceased or refusal to visually identify the deceased;
- (ii) the name of the funeral director and funeral service establishment that obtained the alkaline hydrolysis authorization;
- (iii) notification as to whether the death occurred from a disease declared by the Department of Health and Human Services to be infectious, contagious, communicable, or dangerous to the public health;
- (iv) the name of the authorizing agent and the relationship between the authorizing agent and the decedent;
- (v) a representation that the authorizing agent has the right to authorize the disposition of the decedent by alkaline hydrolysis and that the authorizing agent is not aware of any living ~~[person]~~ individual with a superior or equal priority right to that of the authorizing agent, except that if there is another living ~~[person]~~ individual with a superior or equal priority right, the alkaline hydrolysis authorization form shall contain a representation that the authorizing agent has:
 - (A) made reasonable efforts to contact that ~~[person]~~ individual;
 - (B) been unable to do so; and
 - (C) no reason to believe that the ~~[person]~~ individual would object to the disposition of the decedent by alkaline hydrolysis;
- (vi) authorization for the funeral service establishment to use alkaline hydrolysis for the disposition of the human remains;
- (vii) the name of the person authorized to receive the human remains from the funeral service establishment;
- (viii) the manner in which the final ~~[disposition of the human remains]~~ placement of remains is to take place, if known;
- (ix) a listing of each item of value to be delivered to the funeral service establishment along with the human remains, and instructions as to how each item should be handled;
- (x) the signature of the authorizing agent, attesting to the accuracy of all representations contained on the alkaline hydrolysis authorization form;

- (xi) if the alkaline hydrolysis authorization form is being executed on a preneed basis, the disclosure required for preneed programs under this chapter; and
- (xii) except for a preneed alkaline hydrolysis authorization, the signature of the funeral director of the funeral service establishment that obtained the alkaline hydrolysis authorization.
- (b)(i) The [person] individual referred to in Subsection (2)(a)(xii) shall execute the alkaline hydrolysis authorization form as a witness and is not responsible for any of the representations made by the authorizing agent.
- (ii) The funeral director or the funeral service establishment shall warrant that the human remains delivered to the funeral service establishment have been positively identified by the authorizing agent or a designated representative of the authorizing agent as the decedent listed on the alkaline hydrolysis authorization form.
- (iii) The authorizing agent or the agent's designee may make the identification referred to in Subsection (2)(b)(ii) in person or by photograph.
- (3)(a) A funeral service establishment may not accept unidentified human remains for alkaline hydrolysis.
- (b) If a funeral service establishment takes custody of an alkaline hydrolysis container [~~subsequent to~~] after the human remains [~~being~~] were placed within the container, the funeral service establishment can rely on the identification made before the remains were placed in the container.
- (c) The funeral service establishment shall place appropriate identification on the exterior of the alkaline hydrolysis container based on the prior identification.
- (4)(a) A person who removes or possesses dental gold or silver, jewelry, or mementos from human remains:
- (i) with purpose to deprive another over control of the property is guilty of an offense and subject to the punishments provided in Section 76-6-404;
- (ii) with purpose to exercise unauthorized control and with intent to temporarily deprive another of control over the property is guilty of an offense and subject to the punishments provided in Section 76-6-404.5; and
- (iii) under circumstances not amounting to Subsection (4)(a)(i) or (ii) and without specific written permission of the individual who has the right to control those remains is guilty of a class B misdemeanor.
- (b) The fact that residue or any unavoidable dental gold or dental silver or other precious

metals remain in alkaline hydrolysis equipment or a container used in a prior alkaline hydrolysis process is not a violation of Subsection (4)(a).

Section 4. Section **58-9-614** is amended to read:

58-9-614 . Recordkeeping.

- (1)(a) A funeral service establishment shall furnish to the ~~[person]~~ individual who delivers human remains to the establishment for alkaline hydrolysis a receipt signed by a representative of the establishment and the ~~[person]~~ individual making the delivery, showing:
- (i) the date and time of the delivery;
 - (ii) the type of casket or alternative container delivered;
 - (iii) the name of the ~~[person]~~ individual from whom the human remains were received;
 - (iv) the name of the funeral establishment or other entity with whom the person making the delivery is affiliated;
 - (v) the name of the ~~[person]~~ individual who received the human remains on behalf of the funeral service establishment; and
 - (vi) the name of the decedent.
- (b) The funeral service establishment shall keep a copy of the receipt in the funeral service establishment's permanent records for a period of seven years.
- (2)(a) Upon release of human remains after alkaline hydrolysis, a funeral service establishment shall furnish to the ~~[person]~~ individual who receives the human remains a receipt signed by a representative of the funeral service establishment and the ~~[person]~~ individual who receives the human remains, showing:
- (i) the date and time of the release;
 - (ii) the name of the person to whom the human remains were released; and
 - (iii) if applicable:
 - (A) the name of the funeral establishment, cemetery, or other entity with whom the person receiving the human remains is affiliated;
 - (B) the name of the person who released the human remains on behalf of the funeral service establishment; and
 - (C) the name of the decedent.
- (b)(i) The receipt shall contain a representation from the person receiving the human remains confirming that the remains will not be used for any improper purpose.
- (ii) Upon release of the human remains, the person to whom the human remains were released may transport the human remains in any manner in the state, without a

369 permit, and ~~[dispose of the human remains]~~ conduct the final placement of remains
370 in accordance with this chapter.

371 (c) The funeral service establishment shall retain a copy of the receipt in the funeral
372 service establishment's permanent records for a period of seven years.

373 (3)(a) The funeral service establishment shall maintain at the funeral service
374 establishment's place of business a permanent record of each disposition by alkaline
375 hydrolysis that took place at the funeral service establishment.

376 (b) The permanent record shall contain:

377 (i) the name of the decedent;

378 (ii) the date of disposition by alkaline hydrolysis;

379 (iii) the ~~[final disposition of the human remains]~~ final placement of remains; and

380 (iv) any other document required by this chapter.

381 Section 5. Section **58-9-617** is amended to read:

382 **58-9-617 . Final placement of remains from the alkaline hydrolysis process.**

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

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

388 (2)(a) The authorizing agent is responsible for the final ~~[disposition]~~ placement of ~~[the]~~
389 remains from the alkaline hydrolysis process.

390 (b) If the authorizing agent or the agent's representative has not specified the ~~[ultimate~~
391 ~~disposition of]~~ final placement of remains or claimed the remains from the alkaline
392 hydrolysis process within 60 days ~~[from the date of the alkaline hydrolysis process]~~
393 after the day on which the alkaline hydrolysis process occurs, the funeral service
394 establishment may ~~[dispose of the remains]~~ conduct the final placement of remains in
395 any manner permitted by law, except scattering.

396 (c) The authorizing agent shall reimburse the funeral service establishment for all
397 reasonable costs incurred in ~~[disposing of the remains]~~ conducting the final placement
398 of remains from the alkaline hydrolysis process under Subsection (2)(b).

399 (d) The person or entity ~~[disposing of remains]~~ conducting the final placement from the
400 alkaline hydrolysis process under this section:

401 (i) shall make and keep a record of the final ~~[disposition]~~ placement of ~~[the]~~ remains;
402 and

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

(3)(a) An authorizing agent may direct a funeral service establishment to ~~[dispose of]~~ conduct the final placement of remains or arrange for the final ~~[disposition]~~ placement 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 conduct the final placement of remains from the alkaline hydrolysis process ~~[are to be disposed of]~~ 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 before ~~[disposal]~~ the final placement of ~~[the]~~ remains.

(c) In order to scatter remains from the alkaline hydrolysis process 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 the remains' closed container.

~~[(4) Under this section, a funeral service establishment may not release remains from the alkaline hydrolysis process to the authorizing agent or the agent's designated representative for scattering 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 6. Section **58-9-618** is amended to read:

58-9-618 . Limitation of liability.

(1) An authorizing agent who signs an alkaline hydrolysis authorization form warrants the truthfulness of the facts set forth on the form, including:

(a) the identity of the deceased whose remains are to undergo the alkaline hydrolysis process; and

(b) the authorizing agent's authority to order the alkaline hydrolysis process.

(2) A funeral service establishment may rely upon the representations made by an authorizing agent under Subsection (1).

(3) The authorizing agent is personally and individually liable for all damage resulting from a misstatement or misrepresentation made under Subsection (1).

(4)(a) A funeral service establishment may arrange for the alkaline hydrolysis process upon receipt of an alkaline hydrolysis authorization form signed by an authorizing

437 agent.

438 (b) A funeral service establishment that arranges the alkaline hydrolysis process or
439 releases or ~~[disposes of human]~~ conducts the final placement of remains from the
440 alkaline hydrolysis process pursuant to an alkaline hydrolysis authorization form is
441 not liable for an action the funeral service establishment takes ~~[pursuant to]~~ in
442 accordance with that authorization.

443 (5) A funeral service establishment is not responsible or liable for any valuables delivered
444 to the establishment with human remains.

445 (6) A funeral service establishment may refuse to arrange for the alkaline hydrolysis
446 process of a decedent, to accept human remains for the alkaline hydrolysis process, or to
447 perform the alkaline hydrolysis process:

448 (a) if the funeral service establishment is aware of a dispute concerning the disposition
449 of the human remains and the funeral service establishment has not received a court
450 order or other suitable confirmation that the dispute has been resolved;

451 (b) if the funeral service establishment has a reasonable basis for questioning any of the
452 representations made by an authorizing agent; or

453 (c) for any other lawful reason.

454 (7)(a) If a funeral service establishment is aware of a dispute concerning the release or
455 disposition of remains from the alkaline hydrolysis process in the funeral service
456 establishment's possession, the establishment may refuse to release the remains until:

457 (i) the dispute has been resolved; or

458 (ii) the funeral service establishment has received a court order authorizing the
459 release or disposition of the remains.

460 (b) A funeral service establishment is not liable for its refusal to release or ~~[dispose of~~
461 ~~remains]~~ conduct the final placement of remains from the alkaline hydrolysis process
462 in accordance with this Subsection (7).

463 **Section 7. Effective Date.**

464 This bill takes effect on May 6, 2026.