

**Superseded 5/8/2018**

**58-9-102 Definitions.**

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

- (1) "Authorizing agent" means a person legally entitled to authorize the cremation of human remains.
- (2) "Beneficiary" means the individual who, at the time of the individual's death, is to receive the benefit of the property and services purchased under a preneed funeral arrangement.
- (3) "Board" means the Board of Funeral Service created in Section 58-9-201.
- (4) "Body part" means:
  - (a) a limb or other portion of the anatomy that is removed from a person 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.
- (5) "Buyer" means a person who purchases a preneed funeral arrangement.
- (6) "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.
- (7) "Cremated remains" means all the remains of a cremated body recovered after the completion of the cremation process, including pulverization which 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.
- (8) "Cremation" means the technical process, using direct flame and heat, that reduces human remains to bone fragments through heat and evaporation and includes the processing and usually the pulverization of the bone fragments.
- (9) "Cremation chamber" means the enclosed space within which the cremation process takes place and which is used exclusively for the cremation of human remains.
- (10) "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 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.
- (11) "Crematory" means the building or portion of a building that houses the cremation chamber and the holding facility.
- (12) "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.
- (13) "Disposition" means the final disposal of a dead human body by:
  - (a) earth interment;
  - (b) above ground burial;
  - (c) cremation;
  - (d) calcination;
  - (e) burial at sea;
  - (f) delivery to a medical institution; or

- (g) other lawful means.
- (14) "Embalming" means replacing body fluids in a dead human body with preserving and disinfecting chemicals.
- (15)
  - (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.
- (16) "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.
- (17) "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.
- (18)
  - (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, and final disposition as defined by division rule; and
    - (ii) a facility used by the business in which funeral services may be conducted.
- (19) "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, or pulverization of a dead human body or its remains; and
  - (c) perform other funeral service activities under the supervision of a funeral service director.
- (20) "Graveside service" means a funeral service held at the location of disposition.
- (21) "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.
- (22) "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, 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.

(23)

- (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 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 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 is not limited to providing the products or services described in Subsection (23)(a).
- (24) "Processing" means the reduction of identifiable bone fragments after the completion of the cremation process to unidentifiable bone fragments by manual means.
- (25) "Pulverization" means the reduction of identifiable bone fragments after the completion of the cremation and processing to granulated particles by manual or mechanical means.
- (26) "Sales agent" means an individual licensed under this chapter as a preneed funeral arrangement sales agent.
- (27) "Temporary container" means a receptacle for cremated remains usually made of cardboard, plastic, or similar material designed to hold the cremated remains until an urn or other permanent container is acquired.

- (28) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-9-501.
- (29) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-9-502.
- (30) "Urn" means a receptacle designed to permanently encase the cremated remains.