

1 **REGULATION OF ALKALINE HYDROLYSIS PROCESS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stephen G. Handy**

5 Senate Sponsor: Evan J. Vickers

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Funeral Services Licensing Act and related provisions.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms, including "alkaline hydrolysis";
- 13 ▶ authorizes the use of the alkaline hydrolysis process for the disposition of human
- 14 remains;
- 15 ▶ describes licensing and other requirements for a licensed funeral service
- 16 establishment to use the alkaline hydrolysis process for the disposition of human
- 17 remains; and
- 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **26-4-2**, as last amended by Laws of Utah 2011, Chapter 297

26 **58-9-102**, as last amended by Laws of Utah 2013, Chapter 278

27 **58-9-302**, as last amended by Laws of Utah 2009, Chapter 183

28 **58-9-601**, as last amended by Laws of Utah 2013, Chapter 364

29 **58-9-606**, as enacted by Laws of Utah 2007, Chapter 144

30 58-9-611, as enacted by Laws of Utah 2008, Chapter 353

31 ENACTS:

32 58-9-613, Utah Code Annotated 1953

33 58-9-614, Utah Code Annotated 1953

34 58-9-615, Utah Code Annotated 1953

35 58-9-616, Utah Code Annotated 1953

36 58-9-617, Utah Code Annotated 1953

37 58-9-618, Utah Code Annotated 1953

38

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

40 Section 1. Section 26-4-2 is amended to read:

41 **26-4-2. Definitions.**

42 As used in this chapter:

43 (1) "Dead body" is as defined in Section 26-2-2.

44 (2) "Death by violence" means death that resulted by the decedent's exposure to
45 physical, mechanical, or chemical forces, and includes death which appears to have been due to
46 homicide, death which occurred during or in an attempt to commit rape, mayhem, kidnapping,
47 robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats of violence,
48 assault with a dangerous weapon, assault with intent to commit any offense punishable by
49 imprisonment for more than one year, arson punishable by imprisonment for more than one
50 year, or any attempt to commit any of the foregoing offenses.

51 (3) "Medical examiner" means the state medical examiner appointed pursuant to
52 Section 26-4-4 or a deputy appointed by the medical examiner.

53 (4) "Regional pathologist" means a trained pathologist licensed to practice medicine
54 and surgery in the state, appointed by the medical examiner pursuant to Subsection 26-4-4(3).

55 (5) "Sudden death while in apparent good health" means apparently instantaneous
56 death without obvious natural cause, death during or following an unexplained syncope or
57 coma, or death during an acute or unexplained rapidly fatal illness.

58 (6) "Sudden infant death syndrome" means the death of a child who was thought to be
59 in good health or whose terminal illness appeared to be so mild that the possibility of a fatal
60 outcome was not anticipated.

61 (7) "Suicide" means death caused by an intentional and voluntary act of a person who
62 understands the physical nature of the act and intends by such act to accomplish
63 self-destruction.

64 (8) "Unattended death" means the death of a person who has not been seen by a
65 physician within the scope of the physician's professional capacity within 30 days immediately
66 prior to the date of death. This definition does not require an investigation, autopsy, or inquest
67 in any case where death occurred without medical attendance solely because the deceased was
68 under treatment by prayer or spiritual means alone in accordance with the tenets and practices
69 of a well-recognized church or religious denomination.

70 (9) (a) "Unavailable for postmortem investigation" means that a dead body is:

71 (i) transported out of state;

72 (ii) buried at sea;

73 (iii) cremated; [or]

74 (iv) processed by alkaline hydrolysis; or

75 [~~(iv)~~] (v) otherwise made unavailable to the medical examiner for postmortem
76 investigation or autopsy.

77 (b) "Unavailable for postmortem investigation" does not include embalming or burial
78 of a dead body pursuant to the requirements of law.

79 (10) "Within the scope of the decedent's employment" means all acts reasonably
80 necessary or incident to the performance of work, including matters of personal convenience
81 and comfort not in conflict with specific instructions.

82 Section 2. Section **58-9-102** is amended to read:

83 **58-9-102. Definitions.**

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

85 (1) "Alkaline hydrolysis" means a water-based dissolution process using alkaline

86 chemicals, heat, and sometimes agitation or pressure that reduces human remains to a liquid
87 and to dry bone residue and includes the disposal of the liquid and the processing and
88 pulverization of the dry bone residue.

89 (2) "Alkaline hydrolysis chamber" means the enclosed space within which the alkaline
90 hydrolysis process takes place and that is used exclusively for alkaline hydrolysis of human
91 remains.

92 (3) "Alkaline hydrolysis container" means a container:

93 (a) in which human remains are transported to a funeral service establishment and
94 placed in an alkaline hydrolysis chamber for resomation; and

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

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

97 (ii) resistant to leakage or spillage;

98 (iii) rigid enough for handling with ease; and

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

101 ~~[(1)]~~ (4) "Authorizing agent" means a person legally entitled to authorize the cremation
102 or the alkaline hydrolysis process of human remains.

103 ~~[(2)]~~ (5) "Beneficiary" means the individual who, at the time of the individual's death,
104 is to receive the benefit of the property and services purchased under a preneed funeral
105 arrangement.

106 ~~[(3)]~~ (6) "Board" means the Board of Funeral Service created in Section 58-9-201.

107 ~~[(4)]~~ (7) "Body part" means:

108 (a) a limb or other portion of the anatomy that is removed from a person or human
109 remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research;
110 or

111 (b) a human body or any portion of a body that has been donated to science for medical
112 research purposes.

113 ~~[(5)]~~ (8) "Buyer" means a person who purchases a preneed funeral arrangement.

114 [~~(6)~~] (9) "Calcination" means a process in which a dead human body is reduced by
115 intense heat to a residue that is not as substantive as the residue that follows cremation.

116 [~~(7)~~] (10) "Cremated remains" means all the remains of a cremated body recovered
117 after the completion of the cremation process, including pulverization which leaves only bone
118 fragments reduced to unidentifiable dimensions and may possibly include the residue of foreign
119 matter including casket material, bridgework, or eyeglasses that were cremated with the human
120 remains.

121 [~~(8)~~] (11) "Cremation" means the technical process, using direct flame and heat, or a
122 chemical process, that reduces human remains to bone fragments through heat and evaporation,
123 or a chemical process, and includes the processing and usually the pulverization of the bone
124 fragments.

125 [~~(9)~~] (12) "Cremation chamber" means the enclosed space within which the cremation
126 process takes place and which is used exclusively for the cremation of human remains.

127 [~~(10)~~] (13) "Cremation container" means the container:

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

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

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

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

133 (iii) resistant to leakage or spillage;

134 (iv) rigid enough for handling with ease; and

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

137 [~~(11)~~] (14) "Crematory" means the building or portion of a building that houses the
138 cremation chamber and the holding facility.

139 [~~(12)~~] (15) "Direct disposition" means the disposition of a dead human body:

140 (a) as quickly as law allows;

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

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

143 [~~(13)~~] (16) "Disposition" means the final disposal of a dead human body by:

144 (a) earth interment;

145 (b) above ground burial;

146 (c) cremation;

147 (d) calcination;

148 (e) alkaline hydrolysis;

149 [~~(e)~~] (f) burial at sea;

150 [~~(f)~~] (g) delivery to a medical institution; or

151 [~~(g)~~] (h) other lawful means.

152 [~~(14)~~] (17) "Embalming" means replacing body fluids in a dead human body with
153 preserving and disinfecting chemicals.

154 [~~(15)~~] (18) (a) "Funeral merchandise" means any of the following into which a dead
155 human body is placed in connection with the transportation or disposition of the body:

156 (i) a vault;

157 (ii) a casket; or

158 (iii) other personal property.

159 (b) "Funeral merchandise" does not include:

160 (i) a mausoleum crypt;

161 (ii) an interment receptacle preset in a cemetery; or

162 (iii) a columbarium niche.

163 [~~(16)~~] (19) "Funeral service" means a service, rite, or ceremony performed:

164 (a) with respect to the death of a human; and

165 (b) with the body of the deceased present.

166 [~~(17)~~] (20) "Funeral service director" means an individual licensed under this chapter
167 who may engage in all lawful professional activities regulated and defined under the practice of
168 funeral service.

169 [~~(18)~~] (21) (a) "Funeral service establishment" means a place of business at a specific

170 street address or location licensed under this chapter that is devoted to:

171 (i) the embalming, care, custody, shelter, preparation for burial, and final disposition of
172 dead human bodies; and

173 (ii) the furnishing of services, merchandise, and products purchased from the
174 establishment as a preneed provider under a preneed funeral arrangement.

175 (b) "Funeral service establishment" includes:

176 (i) all portions of the business premises and all tools, instruments, and supplies used in
177 the preparation and embalming of dead human bodies for burial, cremation, alkaline
178 hydrolysis, and final disposition as defined by division rule; and

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

180 [~~19~~] (22) "Funeral service intern" means an individual licensed under this chapter
181 who is permitted to:

182 (a) assist a funeral service director in the embalming or other preparation of a dead
183 human body for disposition;

184 (b) assist a funeral service director in the cremation, calcination, alkaline hydrolysis, or
185 pulverization of a dead human body or its remains; and

186 (c) perform other funeral service activities under the supervision of a funeral service
187 director.

188 [~~20~~] (23) "Graveside service" means a funeral service held at the location of
189 disposition.

190 [~~21~~] (24) "Memorial service" means a service, rite, or ceremony performed:

191 (a) with respect to the death of a human; and

192 (b) without the body of the deceased present.

193 [~~22~~] (25) "Practice of funeral service" means:

194 (a) supervising the receipt of custody and transportation of a dead human body to
195 prepare the body for:

196 (i) disposition; or

197 (ii) shipment to another location;

198 (b) entering into a contract with a person to provide professional services regulated
199 under this chapter;

200 (c) embalming or otherwise preparing a dead human body for disposition;

201 (d) supervising the arrangement or conduct of:

202 (i) a funeral service;

203 (ii) a graveside service; or

204 (iii) a memorial service;

205 (e) cremation, calcination, alkaline hydrolysis, or pulverization of a dead human body
206 or the body's remains;

207 (f) supervising the arrangement of:

208 (i) a disposition; or

209 (ii) a direct disposition;

210 (g) facilitating:

211 (i) a disposition; or

212 (ii) a direct disposition;

213 (h) supervising the sale of funeral merchandise by a funeral establishment;

214 (i) managing or otherwise being responsible for the practice of funeral service in a
215 licensed funeral service establishment;

216 (j) supervising the sale of a preneed funeral arrangement; and

217 (k) contracting with or employing individuals to sell a preneed funeral arrangement.

218 [~~23~~] (26) (a) "Preneed funeral arrangement" means a written or oral agreement sold in
219 advance of the death of the beneficiary under which a person agrees with a buyer to provide at
220 the death of the beneficiary any of the following as are typically provided in connection with a
221 disposition:

222 (i) goods;

223 (ii) services, including:

224 (A) embalming services; and

225 (B) funeral directing services;

- 226 (iii) real property; or
- 227 (iv) personal property, including:
- 228 (A) a casket;
- 229 (B) another primary container;
- 230 (C) a cremation, alkaline hydrolysis, or transportation container;
- 231 (D) an outer burial container;
- 232 (E) a vault;
- 233 (F) a grave liner;
- 234 (G) funeral clothing and accessories;
- 235 (H) a monument;
- 236 (I) a grave marker; and
- 237 (J) a cremation or alkaline hydrolysis urn.

238 (b) "Preneed funeral arrangement" does not include a policy or product of life
239 insurance providing a death benefit cash payment upon the death of the beneficiary which is
240 not limited to providing the products or services described in Subsection (23)(a).

241 [~~(24)~~] (27) "Processing" means the reduction of identifiable bone fragments after the
242 completion of the cremation or the alkaline hydrolysis process to unidentifiable bone fragments
243 by manual means.

244 [~~(25)~~] (28) "Pulverization" means the reduction of identifiable bone fragments after the
245 completion of the cremation or alkaline hydrolysis and processing to granulated particles by
246 manual or mechanical means.

247 (29) "Resomation" means the alkaline hydrolysis process.

248 [~~(26)~~] (30) "Sales agent" means an individual licensed under this chapter as a preneed
249 funeral arrangement sales agent.

250 [~~(27)~~] (31) "Temporary container" means a receptacle for cremated or alkaline
251 hydrolysis remains usually made of cardboard, plastic, or similar material designed to hold the
252 cremated remains until an urn or other permanent container is acquired.

253 [~~(28)~~] (32) "Unlawful conduct" [~~is as~~] means the same as that term is defined in

254 Sections 58-1-501 and 58-9-501.

255 [~~(29)~~] (33) "Unprofessional conduct" [~~is as~~] means the same as that term is defined in
256 Sections 58-1-501 and 58-9-502.

257 [~~(30)~~] (34) "Urn" means a receptacle designed to permanently encase [~~the~~] cremated or
258 alkaline hydrolysis remains.

259 Section 3. Section 58-9-302 is amended to read:

260 **58-9-302. Qualifications for licensure.**

261 (1) Each applicant for licensure as a funeral service director shall:

262 (a) submit an application in a form prescribed by the division;

263 (b) pay a fee as determined by the department under Section 63J-1-504;

264 (c) be of good moral character in that the applicant has not been convicted of:

265 (i) a first or second degree felony;

266 (ii) a misdemeanor involving moral turpitude; or

267 (iii) any other crime that when considered with the duties and responsibilities of a

268 funeral service director is considered by the division and the board to indicate that the best

269 interests of the public are not served by granting the applicant a license;

270 (d) have obtained a high school diploma or its equivalent or a higher education degree;

271 (e) have obtained an associate degree, or its equivalent, in mortuary science from a

272 school of funeral service accredited by the American Board of Funeral Service Education or

273 other accrediting body recognized by the U.S. Department of Education;

274 (f) have completed not less than 2,000 hours and 50 embalmings, over a period of not

275 less than one year, of satisfactory performance in training as a licensed funeral service intern

276 under the supervision of a licensed funeral service director; and

277 (g) obtain a passing score on examinations approved by the division in collaboration

278 with the board.

279 (2) Each applicant for licensure as a funeral service intern shall:

280 (a) submit an application in a form prescribed by the division;

281 (b) pay a fee as determined by the department under Section 63J-1-504;

- 282 (c) be of good moral character in that the applicant has not been convicted of:
- 283 (i) a first or second degree felony;
- 284 (ii) a misdemeanor involving moral turpitude; or
- 285 (iii) any other crime that when considered with the duties and responsibilities of a
- 286 funeral service intern is considered by the division and the board to indicate that the best
- 287 interests of the public are not served by granting the applicant a license;
- 288 (d) have obtained a high school diploma or its equivalent or a higher education degree;
- 289 and
- 290 (e) obtain a passing score on an examination approved by the division in collaboration
- 291 with the board.
- 292 (3) Each applicant for licensure as a funeral service establishment and each funeral
- 293 service establishment licensee shall:
- 294 (a) submit an application in a form prescribed by the division;
- 295 (b) pay a fee as determined by the department under Section [63J-1-504](#);
- 296 (c) have in place:
- 297 (i) an embalming room for preparing dead human bodies for burial or final disposition,
- 298 which may serve one or more facilities operated by the applicant;
- 299 (ii) a refrigeration room that maintains a temperature of not more than 40 degrees
- 300 fahrenheit for preserving dead human bodies prior to burial or final disposition, which may
- 301 serve one or more facilities operated by the applicant; and
- 302 (iii) maintain at all times a licensed funeral service director who is responsible for the
- 303 day-to-day operation of the funeral service establishment and who is personally available to
- 304 perform the services for which the license is required;
- 305 (d) affiliate with a licensed preneed funeral arrangement sales agent or funeral service
- 306 director if the funeral service establishment sells preneed funeral arrangements;
- 307 (e) file with the completed application a copy of each form of contract or agreement the
- 308 applicant will use in the sale of preneed funeral arrangements; ~~and~~
- 309 (f) provide evidence of appropriate licensure with the Insurance Department if the

310 applicant intends to engage in the sale of any preneed funeral arrangements funded in whole or
311 in part by an insurance policy or product to be sold by the provider or the provider's sales
312 agent[-]; and

313 (g) if the applicant intends to offer alkaline hydrolysis in a funeral service
314 establishment, provide evidence that in accordance with rules made by the division in
315 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

316 (i) the funeral service establishment meets the minimum standards for the handling,
317 holding, and processing of deceased human remains in a safe, clean, private, and respectful
318 manner; and

319 (ii) all operators of the alkaline hydrolysis equipment have received adequate training.

320 (4) Each applicant for licensure as a preneed funeral arrangement sales agent shall:

321 (a) submit an application in a form prescribed by the division;

322 (b) pay a fee as determined by the department under Section 63J-1-504;

323 (c) be of good moral character in that the applicant has not been convicted of:

324 (i) a first or second degree felony;

325 (ii) a misdemeanor involving moral turpitude; or

326 (iii) any other crime that when considered with the duties and responsibilities of a
327 preneed funeral sales agent is considered by the division and the board to indicate that the best
328 interests of the public are not served by granting the applicant a license;

329 (d) have obtained a high school diploma or its equivalent or a higher education degree;

330 (e) have obtained a passing score on an examination approved by the division in
331 collaboration with the board;

332 (f) affiliate with a licensed funeral service establishment; and

333 (g) provide evidence of appropriate licensure with the Insurance Department if the
334 applicant intends to engage in the sale of any preneed funeral arrangements funded in whole or
335 in part by an insurance policy or product.

336 Section 4. Section 58-9-601 is amended to read:

337 **58-9-601. Advance directions.**

338 (1) A person may provide written directions, acknowledged before a notary public or
339 executed with the same formalities required of a will under Section 75-2-502, to direct the
340 preparation, type, and place of the person's disposition, including:

- 341 (a) designating a funeral service establishment;
- 342 (b) providing directions for burial arrangements; [or]
- 343 (c) providing directions for cremation arrangements[:]; or
- 344 (d) providing directions for alkaline hydrolysis arrangements.

345 (2) A funeral service director shall carry out the written directions of the decedent
346 prepared under this section to the extent that:

- 347 (a) the directions are lawful; and
- 348 (b) the decedent has provided resources to carry out the directions.

349 (3) Directions for disposition contained in a will shall be carried out pursuant to
350 Subsection (2) regardless of:

- 351 (a) the validity of other aspects of the will; or
- 352 (b) the fact that the will may not be offered or admitted to probate until a later date.

353 (4) A person may change or cancel written directions prepared under this section at any
354 time prior to the person's death by providing written notice to all applicable persons, including:

355 (a) if the written directions designate a funeral service establishment or funeral service
356 director, the funeral service establishment or funeral service director designated in the written
357 directions; and

358 (b) if the written directions are contained in a will, the personal representative as
359 defined in Section 75-1-201.

360 Section 5. Section 58-9-606 is amended to read:

361 **58-9-606. Right to rely -- Immunity.**

362 (1) A person signing a funeral service agreement, cremation authorization form,
363 alkaline hydrolysis authorization form, or other authorization for a decedent's disposition
364 warrants the truthfulness of the facts set forth in the document, including the identity of the
365 decedent and the person's authority to order the disposition.

366 (2) A funeral service establishment has the right to rely on a contract or authorization
367 executed under Subsection (1) and may carry out the instructions of the person whom its
368 funeral service director reasonably believes holds the right of disposition.

369 (3) A funeral service director incurs no civil or criminal liability for failure to contact
370 or independently investigate the existence of any next-of-kin or relative of the decedent.

371 (4) If there are at least two persons in the nearest class of the next-of-kin who are equal
372 in priority and a funeral service director has no knowledge of an objection by other members of
373 the class, the funeral service director may rely on and act according to the instructions of the
374 first person in the class to make funeral and disposition arrangements.

375 (5) A funeral service establishment or funeral service director who relies in good faith
376 on the instructions of a person claiming the right of disposition under this part is immune from
377 civil and criminal liability and disciplinary action in carrying out the disposition of a decedent's
378 remains in accordance with that person's instructions.

379 Section 6. Section **58-9-611** is amended to read:

380 **58-9-611. Disposition of cremated remains.**

381 (1) (a) An authorizing agent shall provide the person with whom cremation
382 arrangements are made with a signed statement specifying the final disposition of the cremated
383 remains, if known.

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

385 (2) (a) The authorizing agent is responsible for the disposition of the cremated remains.

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

390 (c) The authorizing agent shall reimburse the funeral services establishment for all
391 reasonable costs incurred in disposing of the cremated remains under Subsection (2)(b).

392 (d) The person or entity disposing of cremated remains under this section:

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

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

396 (e) Subsection (2)(d)(ii) applies to cremated remains in the possession of a funeral
397 services establishment or other responsible party as of May 5, 2008, or any time after that date.

398 (3) (a) An authorizing agent may direct a funeral service establishment to dispose of or
399 arrange for the disposition of cremated remains:

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

401 (ii) by scattering ~~[them over inhabited]~~ the cremated remains over uninhabited public
402 land, the sea, or other public waterways subject to health and environmental laws and
403 regulations; or

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

405 (b) If cremated remains are to be disposed of on private property, other than dedicated
406 cemetery property, the authorizing agent shall provide the funeral service establishment with
407 the written consent of the property owner prior to disposal of the remains.

408 (c) In order to scatter cremated remains under Subsection (3)(a)(ii) or (iii), the remains
409 must be reduced to a particle size of one-eighth inch or less and removed from their closed
410 container.

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

415 Section 7. Section **58-9-613** is enacted to read:

416 **58-9-613. Authorization for alkaline hydrolysis -- Penalties for removal of items**
417 **from human remains.**

418 (1) Except as otherwise provided in this section, a funeral service establishment may
419 not perform alkaline hydrolysis on human remains until the funeral service establishment has
420 received:

421 (a) an alkaline hydrolysis authorization form signed by an authorizing agent;

422 (b) a completed and executed burial transit permit or similar document, as provided by
423 state law, indicating that disposition of the human remains is to be by alkaline hydrolysis; and

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

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

427 (i) the identity of the human remains and the time and date of death, including a signed
428 declaration of visual identification of the deceased or refusal to visually identify the deceased;

429 (ii) the name of the funeral director and funeral service establishment that obtained the
430 alkaline hydrolysis authorization;

431 (iii) notification as to whether the death occurred from a disease declared by the
432 Department of Health to be infectious, contagious, communicable, or dangerous to the public
433 health;

434 (iv) the name of the authorizing agent and the relationship between the authorizing
435 agent and the decedent;

436 (v) a representation that the authorizing agent has the right to authorize the disposition
437 of the decedent by alkaline hydrolysis and that the authorizing agent is not aware of any living
438 person with a superior or equal priority right to that of the authorizing agent, except that if
439 there is another living person with a superior or equal priority right, the alkaline hydrolysis
440 authorization form shall contain a representation that the authorizing agent has:

441 (A) made reasonable efforts to contact that person;

442 (B) been unable to do so; and

443 (C) no reason to believe that the person would object to the disposition of the decedent
444 by alkaline hydrolysis;

445 (vi) authorization for the funeral service establishment to use alkaline hydrolysis for
446 the disposition of the human remains;

447 (vii) the name of the person authorized to receive the human remains from the funeral
448 service establishment;

449 (viii) the manner in which the final disposition of the human remains is to take place, if

450 known;

451 (ix) a listing of each item of value to be delivered to the funeral service establishment
452 along with the human remains, and instructions as to how each item should be handled;

453 (x) the signature of the authorizing agent, attesting to the accuracy of all
454 representations contained on the alkaline hydrolysis authorization form;

455 (xi) if the alkaline hydrolysis authorization form is being executed on a preneed basis,
456 the disclosure required for preneed programs under this chapter; and

457 (xii) except for a preneed alkaline hydrolysis authorization, the signature of the funeral
458 director of the funeral service establishment that obtained the alkaline hydrolysis authorization.

459 (b) (i) The person referred to in Subsection (2)(a)(xii) shall execute the alkaline
460 hydrolysis authorization form as a witness and is not responsible for any of the representations
461 made by the authorizing agent.

462 (ii) The funeral director or the funeral service establishment shall warrant that the
463 human remains delivered to the funeral service establishment have been positively identified by
464 the authorizing agent or a designated representative of the authorizing agent as the decedent
465 listed on the alkaline hydrolysis authorization form.

466 (iii) The authorizing agent or the agent's designee may make the identification referred
467 to in Subsection (2)(b)(ii) in person or by photograph.

468 (3) (a) A funeral service establishment may not accept unidentified human remains for
469 alkaline hydrolysis.

470 (b) If a funeral service establishment takes custody of an alkaline hydrolysis container
471 subsequent to the human remains being placed within the container, the funeral service
472 establishment can rely on the identification made before the remains were placed in the
473 container.

474 (c) The funeral service establishment shall place appropriate identification on the
475 exterior of the alkaline hydrolysis container based on the prior identification.

476 (4) (a) A person who removes or possesses dental gold or silver, jewelry, or mementos
477 from human remains;

478 (i) with purpose to deprive another over control of the property is guilty of an offense
479 and subject to the punishments provided in Section 76-6-412;

480 (ii) with purpose to exercise unauthorized control and with intent to temporarily
481 deprive another of control over the property is guilty of an offense and subject to the
482 punishments provided in Section 76-6-404.5; and

483 (iii) under circumstances not amounting to Subsection (4)(a)(i) or (ii) and without
484 specific written permission of the individual who has the right to control those remains is guilty
485 of a class B misdemeanor.

486 (b) The fact that residue or any unavoidable dental gold or dental silver or other
487 precious metals remain in alkaline hydrolysis equipment or a container used in a prior alkaline
488 hydrolysis process is not a violation of Subsection (4)(a).

489 Section 8. Section **58-9-614** is enacted to read:

490 **58-9-614. Recordkeeping.**

491 (1) (a) A funeral service establishment shall furnish to the person who delivers human
492 remains to the establishment for alkaline hydrolysis a receipt signed by a representative of the
493 establishment and the person making the delivery, showing:

494 (i) the date and time of the delivery;

495 (ii) the type of casket or alternative container delivered;

496 (iii) the name of the person from whom the human remains were received;

497 (iv) the name of the funeral establishment or other entity with whom the person making
498 the delivery is affiliated;

499 (v) the name of the person who received the human remains on behalf of the funeral
500 service establishment; and

501 (vi) the name of the decedent.

502 (b) The funeral service establishment shall keep a copy of the receipt in the funeral
503 service establishment's permanent records for a period of seven years.

504 (2) (a) Upon release of human remains after alkaline hydrolysis, a funeral service
505 establishment shall furnish to the person who receives the human remains a receipt signed by a

506 representative of the funeral service establishment and the person who receives the human
507 remains, showing:

508 (i) the date and time of the release;

509 (ii) the name of the person to whom the human remains were released; and

510 (iii) if applicable:

511 (A) the name of the funeral establishment, cemetery, or other entity with whom the
512 person receiving the human remains is affiliated;

513 (B) the name of the person who released the human remains on behalf of the funeral
514 service establishment; and

515 (C) the name of the decedent.

516 (b) (i) The receipt shall contain a representation from the person receiving the human
517 remains confirming that the remains will not be used for any improper purpose.

518 (ii) Upon release of the human remains, the person to whom the human remains were
519 released may transport the human remains in any manner in the state, without a permit, and
520 dispose of the human remains in accordance with this chapter.

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

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

526 (b) The permanent record shall contain:

527 (i) the name of the decedent;

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

529 (iii) the final disposition of the human remains; and

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

531 Section 9. Section **58-9-615** is enacted to read:

532 **58-9-615. Accepting remains for alkaline hydrolysis.**

533 (1) A funeral service establishment may not make or enforce a rule requiring that

534 human remains be placed in a casket before alkaline hydrolysis.

535 (2) A funeral service establishment may not refuse to accept human remains for
536 alkaline hydrolysis because the human remains are not in a casket.

537 Section 10. Section **58-9-616** is enacted to read:

538 **58-9-616. Procedure for alkaline hydrolysis.**

539 (1) A funeral service establishment may not perform alkaline hydrolysis on human
540 remains until the funeral service establishment:

541 (a) completes and files a death certificate with the Office of Vital Statistics and the
542 county health department as indicated on the regular medical certificate of death or the
543 coroner's certificate; and

544 (b) complies with the provisions of Section [26-4-29](#).

545 (2) While human remains are in the area where alkaline hydrolysis takes place, both
546 before and during the alkaline hydrolysis process and while being removed from the alkaline
547 hydrolysis chamber, only authorized persons are permitted in the area.

548 (3) Simultaneous alkaline hydrolysis of the human remains of more than one person
549 within the same alkaline hydrolysis chamber is not allowed.

550 (4) A funeral service establishment shall:

551 (a) verify the identification of human remains as indicated on an alkaline hydrolysis
552 container immediately before performing alkaline hydrolysis;

553 (b) attach an identification tag to the alkaline hydrolysis container;

554 (c) remove the identification tag from the alkaline hydrolysis container; and

555 (d) place the identification tag near the alkaline hydrolysis chamber where the
556 identification tag shall remain until the alkaline hydrolysis process is complete.

557 (5) Upon completion of the alkaline hydrolysis process, the funeral service
558 establishment shall:

559 (a) dispose of liquid remains in accordance with state and local requirements;

560 (b) to the extent possible, remove all of the recoverable residue of the remains of the
561 alkaline hydrolysis process from the alkaline hydrolysis chamber;

562 (c) separate all other residue from the alkaline hydrolysis process from remaining bone
563 fragments, to the extent possible, and process the bone fragments so as to reduce them to
564 unidentifiable particles; and

565 (d) remove anything other than the unidentifiable bone particles from the remains of
566 the alkaline hydrolysis process, to the extent possible, and dispose of that material.

567 (6) (a) A funeral service establishment shall pack the remains of the alkaline hydrolysis
568 process, which consist of the unidentifiable bone particles and the identification tag described
569 in Subsection (4), in an urn or temporary container ordered by the authorizing agent.

570 (b) The urn or temporary container shall be packed in clean packing materials and not
571 be contaminated with any other object, unless otherwise directed by the authorizing agent.

572 (c) If the remains of the alkaline hydrolysis process cannot fit within the designated urn
573 or temporary container, the funeral service establishment shall:

574 (i) return the excess remains to the authorizing agent or the agent's representative in a
575 separate urn or temporary container; and

576 (ii) mark both urns or temporary containers on the outside with the name of the
577 decedent and an indication that the remains of the named decedent are in both urns or
578 temporary containers.

579 (7) (a) If the remains are to be shipped, the funeral service establishment shall pack the
580 designated temporary container or urn in a suitable, sturdy container.

581 (b) The funeral service establishment shall have the remains shipped only by a method
582 that:

583 (i) has an available tracking system; and

584 (ii) provides a receipt signed by the person accepting delivery.

585 Section 11. Section **58-9-617** is enacted to read:

586 **58-9-617. Final disposition of remains from the alkaline hydrolysis process.**

587 (1) (a) An authorizing agent shall provide the person with whom alkaline hydrolysis
588 arrangements are made with a signed statement specifying the final disposition of the remains
589 from the alkaline hydrolysis process, if known.

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

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

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

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

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

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

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

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

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

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

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

611 (b) If remains from the alkaline hydrolysis process are to be disposed of on private
612 property, other than dedicated cemetery property, the authorizing agent shall provide the
613 funeral service establishment with the written consent of the property owner before disposal of
614 the remains.

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

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

622 Section 12. Section **58-9-618** is enacted to read:

623 **58-9-618. Limitation of liability.**

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

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

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

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

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

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

635 (b) A funeral service establishment that arranges the alkaline hydrolysis process or
636 releases or disposes of human remains from the alkaline hydrolysis process pursuant to an
637 alkaline hydrolysis authorization form is not liable for an action the funeral service
638 establishment takes pursuant to that authorization.

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

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

644 (a) if the establishment is aware of a dispute concerning the disposition of the human
645 remains and the funeral service establishment has not received a court order or other suitable

646 confirmation that the dispute has been resolved;

647 (b) if the establishment has a reasonable basis for questioning any of the

648 representations made by an authorizing agent; or

649 (c) for any other lawful reason.

650 (7) (a) If a funeral service establishment is aware of a dispute concerning the release or

651 disposition of remains from the alkaline hydrolysis process in the funeral service

652 establishment's possession, the establishment may refuse to release the remains until:

653 (i) the dispute has been resolved; or

654 (ii) the funeral service establishment has received a court order authorizing the release

655 or disposition of the remains.

656 (b) A funeral service establishment is not liable for its refusal to release or dispose of

657 remains from the alkaline hydrolysis process in accordance with this Subsection (7).