

**REGULATION OF ALKALINE HYDROLYSIS PROCESS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen G. Handy**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Funeral Services Licensing Act.

**Highlighted Provisions:**

This bill:

- ▶ defines terms, including "alkaline hydrolysis";
- ▶ authorizes the use of the alkaline hydrolysis process for the disposition of human remains;
- ▶ describes licensing and other requirements for a licensed funeral service establishment to use the alkaline hydrolysis process for the disposition of human remains; 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 2013, Chapter 278
- 58-9-302**, as last amended by Laws of Utah 2009, Chapter 183
- 58-9-601**, as last amended by Laws of Utah 2013, Chapter 364



28 58-9-606, as enacted by Laws of Utah 2007, Chapter 144

29 58-9-611, as enacted by Laws of Utah 2008, Chapter 353

30 ENACTS:

31 58-9-613, Utah Code Annotated 1953

32 58-9-614, Utah Code Annotated 1953

33 58-9-615, Utah Code Annotated 1953

34 58-9-616, Utah Code Annotated 1953

35 58-9-617, Utah Code Annotated 1953

36 58-9-618, Utah Code Annotated 1953



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

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

40 **58-9-102. Definitions.**

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

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

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

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

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

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

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

54 (ii) resistant to leakage or spillage;

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

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

58 ~~[(+)]~~ (4) "Authorizing agent" means a person legally entitled to authorize the cremation

59 or the alkaline hydrolysis process of human remains.

60 [~~(2)~~] (5) "Beneficiary" means the individual who, at the time of the individual's death,  
61 is to receive the benefit of the property and services purchased under a preneed funeral  
62 arrangement.

63 [~~(3)~~] (6) "Board" means the Board of Funeral Service created in Section 58-9-201.

64 [~~(4)~~] (7) "Body part" means:

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

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

70 [~~(5)~~] (8) "Buyer" means a person who purchases a preneed funeral arrangement.

71 [~~(6)~~] (9) "Calcination" means a process in which a dead human body is reduced by  
72 intense heat to a residue that is not as substantive as the residue that follows cremation.

73 [~~(7)~~] (10) "Cremated remains" means all the remains of a cremated body recovered  
74 after the completion of the cremation process, including pulverization which leaves only bone  
75 fragments reduced to unidentifiable dimensions and may possibly include the residue of foreign  
76 matter including casket material, bridgework, or eyeglasses that were cremated with the human  
77 remains.

78 [~~(8)~~] (11) "Cremation" means the technical process, using direct flame and heat, or a  
79 chemical process, that reduces human remains to bone fragments through heat and evaporation,  
80 or a chemical process, and includes the processing and usually the pulverization of the bone  
81 fragments.

82 [~~(9)~~] (12) "Cremation chamber" means the enclosed space within which the cremation  
83 process takes place and which is used exclusively for the cremation of human remains.

84 [~~(10)~~] (13) "Cremation container" means the container:

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

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

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

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

- 90 (iii) resistant to leakage or spillage;
- 91 (iv) rigid enough for handling with ease; and
- 92 (v) able to provide protection for the health, safety, and personal integrity of crematory
- 93 personnel.

94 [~~(11)~~] (14) "Crematory" means the building or portion of a building that houses the

95 cremation chamber and the holding facility.

96 [~~(12)~~] (15) "Direct disposition" means the disposition of a dead human body:

- 97 (a) as quickly as law allows;
- 98 (b) without preparation of the body by embalming; and
- 99 (c) without an attendant funeral service or graveside service.

100 [~~(13)~~] (16) "Disposition" means the final disposal of a dead human body by:

- 101 (a) earth interment;
- 102 (b) above ground burial;
- 103 (c) cremation;
- 104 (d) calcination;
- 105 (e) alkaline hydrolysis;
- 106 [~~(e)~~] (f) burial at sea;
- 107 [~~(f)~~] (g) delivery to a medical institution; or
- 108 [~~(g)~~] (h) other lawful means.

109 [~~(14)~~] (17) "Embalming" means replacing body fluids in a dead human body with

110 preserving and disinfecting chemicals.

111 [~~(15)~~] (18) (a) "Funeral merchandise" means any of the following into which a dead

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

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

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

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

120 [~~(16)~~] (19) "Funeral service" means a service, rite, or ceremony performed:

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

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

123 ~~[(17)]~~ (20) "Funeral service director" means an individual licensed under this chapter  
124 who may engage in all lawful professional activities regulated and defined under the practice of  
125 funeral service.

126 ~~[(18)]~~ (21) (a) "Funeral service establishment" means a place of business at a specific  
127 street address or location licensed under this chapter that is devoted to:

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

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

132 (b) "Funeral service establishment" includes:

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

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

137 ~~[(19)]~~ (22) "Funeral service intern" means an individual licensed under this chapter  
138 who is permitted to:

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

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

143 (c) perform other funeral service activities under the supervision of a funeral service  
144 director.

145 ~~[(20)]~~ (23) "Graveside service" means a funeral service held at the location of  
146 disposition.

147 ~~[(21)]~~ (24) "Memorial service" means a service, rite, or ceremony performed:

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

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

150 ~~[(22)]~~ (25) "Practice of funeral service" means:

151 (a) supervising the receipt of custody and transportation of a dead human body to

- 152 prepare the body for:
- 153 (i) disposition; or
  - 154 (ii) shipment to another location;
  - 155 (b) entering into a contract with a person to provide professional services regulated
  - 156 under this chapter;
  - 157 (c) embalming or otherwise preparing a dead human body for disposition;
  - 158 (d) supervising the arrangement or conduct of:
    - 159 (i) a funeral service;
    - 160 (ii) a graveside service; or
    - 161 (iii) a memorial service;
  - 162 (e) cremation, calcination, alkaline hydrolysis, or pulverization of a dead human body
  - 163 or the body's remains;
  - 164 (f) supervising the arrangement of:
    - 165 (i) a disposition; or
    - 166 (ii) a direct disposition;
  - 167 (g) facilitating:
    - 168 (i) a disposition; or
    - 169 (ii) a direct disposition;
  - 170 (h) supervising the sale of funeral merchandise by a funeral establishment;
  - 171 (i) managing or otherwise being responsible for the practice of funeral service in a
  - 172 licensed funeral service establishment;
  - 173 (j) supervising the sale of a preneed funeral arrangement; and
  - 174 (k) contracting with or employing individuals to sell a preneed funeral arrangement.

175 [~~23~~] (26) (a) "Preneed funeral arrangement" means a written or oral agreement sold in  
176 advance of the death of the beneficiary under which a person agrees with a buyer to provide at  
177 the death of the beneficiary any of the following as are typically provided in connection with a  
178 disposition:

- 179 (i) goods;
- 180 (ii) services, including:
  - 181 (A) embalming services; and
  - 182 (B) funeral directing services;

- 183 (iii) real property; or  
184 (iv) personal property, including:  
185 (A) a casket;  
186 (B) another primary container;  
187 (C) a cremation, alkaline hydrolysis, or transportation container;  
188 (D) an outer burial container;  
189 (E) a vault;  
190 (F) a grave liner;  
191 (G) funeral clothing and accessories;  
192 (H) a monument;  
193 (I) a grave marker; and  
194 (J) a cremation or alkaline hydrolysis urn.

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

198 ~~[(24)]~~ (27) "Processing" means the reduction of identifiable bone fragments after the  
199 completion of the cremation or the alkaline hydrolysis process to unidentifiable bone fragments  
200 by manual means.

201 ~~[(25)]~~ (28) "Pulverization" means the reduction of identifiable bone fragments after the  
202 completion of the cremation or alkaline hydrolysis and processing to granulated particles by  
203 manual or mechanical means.

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

205 ~~[(26)]~~ (30) "Sales agent" means an individual licensed under this chapter as a preneed  
206 funeral arrangement sales agent.

207 ~~[(27)]~~ (31) "Temporary container" means a receptacle for cremated or alkaline  
208 hydrolysis remains usually made of cardboard, plastic, or similar material designed to hold the  
209 cremated remains until an urn or other permanent container is acquired.

210 ~~[(28)]~~ (32) "Unlawful conduct" ~~[is as]~~ means the same as that term is defined in  
211 Sections [58-1-501](#) and [58-9-501](#).

212 ~~[(29)]~~ (33) "Unprofessional conduct" ~~[is as]~~ means the same as that term is defined in  
213 Sections [58-1-501](#) and [58-9-502](#).

214            [~~(30)~~] (34) "Urn" means a receptacle designed to permanently encase ~~[the]~~ cremated or  
215 alkaline hydrolysis remains.

216            Section 2. Section **58-9-302** is amended to read:

217            **58-9-302. Qualifications for licensure.**

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

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

220            (b) pay a fee as determined by the department under Section [63J-1-504](#);

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

222            (i) a first or second degree felony;

223            (ii) a misdemeanor involving moral turpitude; or

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

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

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

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

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

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

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

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

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

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

234            (g) obtain a passing score on examinations approved by the division in collaboration  
235 with the board.

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

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

238            (b) pay a fee as determined by the department under Section [63J-1-504](#);

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

240            (i) a first or second degree felony;

241            (ii) a misdemeanor involving moral turpitude; or

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

243 funeral service intern is considered by the division and the board to indicate that the best

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



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

247 (e) obtain a passing score on an examination approved by the division in collaboration  
248 with the board.

249 (3) Each applicant for licensure as a funeral service establishment and each funeral  
250 service establishment licensee shall:

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

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

253 (c) have in place:

254 (i) an embalming room for preparing dead human bodies for burial or final disposition,  
255 which may serve one or more facilities operated by the applicant;

256 (ii) a refrigeration room that maintains a temperature of not more than 40 degrees  
257 fahrenheit for preserving dead human bodies prior to burial or final disposition, which may  
258 serve one or more facilities operated by the applicant; and

259 (iii) maintain at all times a licensed funeral service director who is responsible for the  
260 day-to-day operation of the funeral service establishment and who is personally available to  
261 perform the services for which the license is required;

262 (d) affiliate with a licensed preneed funeral arrangement sales agent or funeral service  
263 director if the funeral service establishment sells preneed funeral arrangements;

264 (e) file with the completed application a copy of each form of contract or agreement the  
265 applicant will use in the sale of preneed funeral arrangements; ~~and~~

266 (f) provide evidence of appropriate licensure with the Insurance Department if the  
267 applicant intends to engage in the sale of any preneed funeral arrangements funded in whole or  
268 in part by an insurance policy or product to be sold by the provider or the provider's sales  
269 agent[-]; and

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

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

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

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

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

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

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

281 (i) a first or second degree felony;

282 (ii) a misdemeanor involving moral turpitude; or

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

284 preneed funeral sales agent is considered by the division and the board to indicate that the best  
285 interests of the public are not served by granting the applicant a license;

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

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

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

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

293 Section 3. Section 58-9-601 is amended to read:

294 **58-9-601. Advance directions.**

295 (1) A person may provide written directions, acknowledged before a Notary Public or  
296 executed with the same formalities required of a will under Section 75-2-502, to direct the  
297 preparation, type, and place of the person's disposition, including:

298 (a) designating a funeral service establishment;

299 (b) providing directions for burial arrangements; [~~or~~]

300 (c) providing directions for cremation arrangements[~~-~~]; or

301 (d) providing directions for alkaline hydrolysis arrangements.

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

304 (a) the directions are lawful; and

305 (b) the decedent has provided resources to carry out the directions.

306 (3) Directions for disposition contained in a will shall be carried out pursuant to

307 Subsection (2) regardless of:

308 (a) the validity of other aspects of the will; or

309 (b) the fact that the will may not be offered or admitted to probate until a later date.

310 (4) A person may change or cancel written directions prepared under this section at any

311 time prior to the person's death by providing written notice to all applicable persons, including:

312 (a) if the written directions designate a funeral service establishment or funeral service

313 director, the funeral service establishment or funeral service director designated in the written

314 directions; and

315 (b) if the written directions are contained in a will, the personal representative as

316 defined in Section 75-1-201.

317 Section 4. Section 58-9-606 is amended to read:

318 **58-9-606. Right to rely -- Immunity.**

319 (1) A person signing a funeral service agreement, cremation authorization form,

320 alkaline hydrolysis authorization form, or other authorization for a decedent's disposition

321 warrants the truthfulness of the facts set forth in the document, including the identity of the

322 decedent and the person's authority to order the disposition.

323 (2) A funeral service establishment has the right to rely on a contract or authorization

324 executed under Subsection (1) and may carry out the instructions of the person whom its

325 funeral service director reasonably believes holds the right of disposition.

326 (3) A funeral service director incurs no civil or criminal liability for failure to contact

327 or independently investigate the existence of any next-of-kin or relative of the decedent.

328 (4) If there are at least two persons in the nearest class of the next-of-kin who are equal

329 in priority and a funeral service director has no knowledge of an objection by other members of

330 the class, the funeral service director may rely on and act according to the instructions of the

331 first person in the class to make funeral and disposition arrangements.

332 (5) A funeral service establishment or funeral service director who relies in good faith

333 on the instructions of a person claiming the right of disposition under this part is immune from

334 civil and criminal liability and disciplinary action in carrying out the disposition of a decedent's

335 remains in accordance with that person's instructions.

336 Section 5. Section 58-9-611 is amended to read:

337 **58-9-611. Disposition of cremated remains.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

368 (4) A funeral service establishment may not release cremated remains for scattering

369 under this section to the authorizing agent or the agent's designated representative until the  
370 funeral service establishment is given a receipt that shows the proper filing has been made with  
371 the local registrar of births and deaths.

372 Section 6. Section **58-9-613** is enacted to read:

373 **58-9-613. Authorization for alkaline hydrolysis -- Penalties for removal of items**  
374 **from human remains.**

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

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

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

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

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

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

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

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

391 (iv) the name of the authorizing agent and the relationship between the authorizing  
392 agent and the decedent;

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

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

399 (B) been unable to do so; and

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

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

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

406 (viii) the manner in which the final disposition of the human remains is to take place, if  
407 known;

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

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

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

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

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

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

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

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

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

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

433 (4) (a) A person who removes or possesses dental gold or silver, jewelry, or mementos  
434 from human remains:

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

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

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

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

446 Section 7. Section **58-9-614** is enacted to read:

447 **58-9-614. Recordkeeping.**

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

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

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

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

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

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

458 (vi) the name of the decedent.

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

461 (2) (a) Upon release of human remains after alkaline hydrolysis, a funeral service

462 establishment shall furnish to the person who receives the human remains a receipt signed by a  
463 representative of the funeral service establishment and the person who receives the human  
464 remains, showing:

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

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

467 (iii) if applicable:

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

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

472 (C) the name of the decedent.

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

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

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

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

483 (b) The permanent record shall contain:

484 (i) the name of the decedent;

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

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

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

488 Section 8. Section **58-9-615** is enacted to read:

489 **58-9-615. Accepting remains for alkaline hydrolysis.**

490 (1) A funeral service establishment may not make or enforce a rule requiring that  
491 human remains be placed in a casket before alkaline hydrolysis.

492 (2) A funeral service establishment may not refuse to accept human remains for



493 alkaline hydrolysis because the human remains are not in a casket.

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

495 **58-9-616. Procedure for alkaline hydrolysis.**

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

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

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

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

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

507 (4) A funeral service establishment shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

540 (i) has an available tracking system; and

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

542 Section 10. Section **58-9-617** is enacted to read:

543 **58-9-617. Final disposition of remains from the alkaline hydrolysis process.**

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

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

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

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

554 (c) The authorizing agent shall reimburse the funeral service establishment for all

555 reasonable costs incurred in disposing of the remains from the alkaline hydrolysis process  
556 under Subsection (2)(b).

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

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

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

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

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

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

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

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

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

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

579 Section 11. Section **58-9-618** is enacted to read:

580 **58-9-618. Limitation of liability.**

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

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

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

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

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

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

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

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

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

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

604 (b) if the establishment has a reasonable basis for questioning any of the  
605 representations made by an authorizing agent; or

606 (c) for any other lawful reason.

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

610 (i) the dispute has been resolved; or

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

613 (b) A funeral service establishment is not liable for its refusal to release or dispose of  
614 remains from the alkaline hydrolysis process in accordance with this Subsection (7).

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**