

1 **REGULATION OF ALKALINE HYDROLYSIS PROCESS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

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

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Funeral Services Licensing Act.

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

26 **58-9-302**, as last amended by Laws of Utah 2009, Chapter 183

27 **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, that
79 reduces human remains to bone fragments through heat and evaporation and includes the
80 processing and usually the pulverization of the bone fragments.

81 [~~(9)~~] (12) "Cremation chamber" means the enclosed space within which the cremation
82 process takes place and which is used exclusively for the cremation of human remains.

83 [~~(10)~~] (13) "Cremation container" means the container:

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

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

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

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

89 (iii) resistant to leakage or spillage;

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

93 ~~[(11)]~~ (14) "Crematory" means the building or portion of a building that houses the
94 cremation chamber and the holding facility.

95 ~~[(12)]~~ (15) "Direct disposition" means the disposition of a dead human body:

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

99 ~~[(13)]~~ (16) "Disposition" means the final disposal of a dead human body by:

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

108 ~~[(14)]~~ (17) "Embalming" means replacing body fluids in a dead human body with
109 preserving and disinfecting chemicals.

110 ~~[(15)]~~ (18) (a) "Funeral merchandise" means any of the following into which a dead
111 human body is placed in connection with the transportation or disposition of the body:

- 112 (i) a vault;
- 113 (ii) a casket; or
- 114 (iii) other personal property.
- 115 (b) "Funeral merchandise" does not include:
 - 116 (i) a mausoleum crypt;
 - 117 (ii) an interment receptacle preset in a cemetery; or
 - 118 (iii) a columbarium niche.

119 ~~[(16)]~~ (19) "Funeral service" means a service, rite, or ceremony performed:

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

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

122 [~~(17)~~] (20) "Funeral service director" means an individual licensed under this chapter
123 who may engage in all lawful professional activities regulated and defined under the practice of
124 funeral service.

125 [~~(18)~~] (21) (a) "Funeral service establishment" means a place of business at a specific
126 street address or location licensed under this chapter that is devoted to:

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

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

131 (b) "Funeral service establishment" includes:

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

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

136 [~~(19)~~] (22) "Funeral service intern" means an individual licensed under this chapter
137 who is permitted to:

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

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

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

144 [~~(20)~~] (23) "Graveside service" means a funeral service held at the location of
145 disposition.

146 [~~(21)~~] (24) "Memorial service" means a service, rite, or ceremony performed:

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

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

149 [~~(22)~~] (25) "Practice of funeral service" means:

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

- 152 (i) disposition; or
- 153 (ii) shipment to another location;
- 154 (b) entering into a contract with a person to provide professional services regulated
- 155 under this chapter;
- 156 (c) embalming or otherwise preparing a dead human body for disposition;
- 157 (d) supervising the arrangement or conduct of:
 - 158 (i) a funeral service;
 - 159 (ii) a graveside service; or
 - 160 (iii) a memorial service;
- 161 (e) cremation, calcination, alkaline hydrolysis, or pulverization of a dead human body
- 162 or the body's remains;
- 163 (f) supervising the arrangement of:
 - 164 (i) a disposition; or
 - 165 (ii) a direct disposition;
- 166 (g) facilitating:
 - 167 (i) a disposition; or
 - 168 (ii) a direct disposition;
- 169 (h) supervising the sale of funeral merchandise by a funeral establishment;
- 170 (i) managing or otherwise being responsible for the practice of funeral service in a
- 171 licensed funeral service establishment;
- 172 (j) supervising the sale of a preneed funeral arrangement; and
- 173 (k) contracting with or employing individuals to sell a preneed funeral arrangement.
- 174 ~~[(23)]~~ (26) (a) "Preneed funeral arrangement" means a written or oral agreement sold in
- 175 advance of the death of the beneficiary under which a person agrees with a buyer to provide at
- 176 the death of the beneficiary any of the following as are typically provided in connection with a
- 177 disposition:
 - 178 (i) goods;
 - 179 (ii) services, including:
 - 180 (A) embalming services; and
 - 181 (B) funeral directing services;
 - 182 (iii) real property; or

183 (iv) personal property, including:

184 (A) a casket;

185 (B) another primary container;

186 (C) a cremation, alkaline hydrolysis, or transportation container;

187 (D) an outer burial container;

188 (E) a vault;

189 (F) a grave liner;

190 (G) funeral clothing and accessories;

191 (H) a monument;

192 (I) a grave marker; and

193 (J) a cremation or alkaline hydrolysis urn.

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

197 [~~(24)~~] (27) "Processing" means the reduction of identifiable bone fragments after the
198 completion of the cremation or the alkaline hydrolysis process to unidentifiable bone fragments
199 by manual means.

200 [~~(25)~~] (28) "Pulverization" means the reduction of identifiable bone fragments after the
201 completion of the cremation or alkaline hydrolysis and processing to granulated particles by
202 manual or mechanical means.

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

204 [~~(26)~~] (30) "Sales agent" means an individual licensed under this chapter as a preneed
205 funeral arrangement sales agent.

206 [~~(27)~~] (31) "Temporary container" means a receptacle for cremated or alkaline
207 hydrolysis remains usually made of cardboard, plastic, or similar material designed to hold the
208 cremated remains until an urn or other permanent container is acquired.

209 [~~(28)~~] (32) "Unlawful conduct" [~~is as~~] means the same as that term is defined in
210 Sections [58-1-501](#) and [58-9-501](#).

211 [~~(29)~~] (33) "Unprofessional conduct" [~~is as~~] means the same as that term is defined in
212 Sections [58-1-501](#) and [58-9-502](#).

213 [~~(30)~~] (34) "Urn" means a receptacle designed to permanently encase [~~the~~] cremated or

214 alkaline hydrolysis remains.

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

216 **58-9-302. Qualifications for licensure.**

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

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

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

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

221 (i) a first or second degree felony;

222 (ii) a misdemeanor involving moral turpitude; or

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

224 funeral service director is considered by the division and the board to indicate that the best
225 interests of the public are not served by granting the applicant a license;

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

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

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

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

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

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

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

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

234 with the board.

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

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

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

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

239 (i) a first or second degree felony;

240 (ii) a misdemeanor involving moral turpitude; or

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

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

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

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

245 and

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

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

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

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

252 (c) have in place:

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

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

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

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

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

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

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

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

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

- 276 (4) Each applicant for licensure as a preneed funeral arrangement sales agent shall:
- 277 (a) submit an application in a form prescribed by the division;
- 278 (b) pay a fee as determined by the department under Section 63J-1-504;
- 279 (c) be of good moral character in that the applicant has not been convicted of:
- 280 (i) a first or second degree felony;
- 281 (ii) a misdemeanor involving moral turpitude; or
- 282 (iii) any other crime that when considered with the duties and responsibilities of a
- 283 preneed funeral sales agent is considered by the division and the board to indicate that the best
- 284 interests of the public are not served by granting the applicant a license;
- 285 (d) have obtained a high school diploma or its equivalent or a higher education degree;
- 286 (e) have obtained a passing score on an examination approved by the division in
- 287 collaboration with the board;
- 288 (f) affiliate with a licensed funeral service establishment; and
- 289 (g) provide evidence of appropriate licensure with the Insurance Department if the
- 290 applicant intends to engage in the sale of any preneed funeral arrangements funded in whole or
- 291 in part by an insurance policy or product.

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

293 **58-9-601. Advance directions.**

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

- 297 (a) designating a funeral service establishment;
- 298 (b) providing directions for burial arrangements; [~~or~~]
- 299 (c) providing directions for cremation arrangements[~~;~~]; or
- 300 (d) providing directions for alkaline hydrolysis arrangements.

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

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

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

- 307 (a) the validity of other aspects of the will; or
- 308 (b) the fact that the will may not be offered or admitted to probate until a later date.
- 309 (4) A person may change or cancel written directions prepared under this section at any
- 310 time prior to the person's death by providing written notice to all applicable persons, including:
- 311 (a) if the written directions designate a funeral service establishment or funeral service
- 312 director, the funeral service establishment or funeral service director designated in the written
- 313 directions; and
- 314 (b) if the written directions are contained in a will, the personal representative as
- 315 defined in Section 75-1-201.

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

317 **58-9-606. Right to rely -- Immunity.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

334 remains in accordance with that person's instructions.

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

336 **58-9-611. Disposition of cremated remains.**

337 (1) (a) An authorizing agent shall provide the person with whom cremation

338 arrangements are made with a signed statement specifying the final disposition of the cremated
339 remains, if known.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

366 (4) A funeral service establishment may not release cremated remains for scattering
367 under this section to the authorizing agent or the agent's designated representative until the
368 funeral service establishment is given a receipt that shows the proper filing has been made with

369 the local registrar of births and deaths.

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

371 **58-9-613. Authorization for alkaline hydrolysis -- Penalties for removal of items**
372 **from human remains.**

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

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

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

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

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

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

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

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

389 (iv) the name of the authorizing agent and the relationship between the authorizing
390 agent and the decedent;

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

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

397 (B) been unable to do so; and

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

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

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

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

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

408 (x) the signature of the authorizing agent, attesting to the accuracy of all
409 representations contained on the authorization form;

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

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

414 (b) (i) The individual referred to in Subsection (2)(a)(xii) shall execute the funeral
415 authorization form as a witness and is not responsible for any of the representations made by
416 the authorizing agent.

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

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

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

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

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

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

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

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

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

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

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

445 **58-9-614. Recordkeeping.**

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

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

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

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

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

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

456 (vi) the name of the decedent.

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

459 (2) (a) Upon release of human remains after alkaline hydrolysis, a funeral service
460 establishment shall furnish to the person who receives the human remains a receipt signed by a
461 representative of the funeral service establishment and the person who receives the remains,

462 showing:

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

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

465 (iii) if applicable:

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

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

470 (C) the name of the decedent.

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

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

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

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

481 (b) The permanent record shall contain:

482 (i) the name of the decedent;

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

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

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

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

487 **58-9-615. Accepting remains for alkaline hydrolysis.**

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

490 (2) A funeral service establishment may not refuse to accept human remains for
491 alkaline hydrolysis because they are not in a casket.

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

493 **58-9-616. Procedure for alkaline hydrolysis.**

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

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

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

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

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

505 (4) A funeral service establishment shall:

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

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

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

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

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

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

515 (b) insofar as possible, remove all of the recoverable residue of the alkaline hydrolysis
516 process from the alkaline hydrolysis chamber;

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

520 (d) remove anything other than the unidentifiable bone particles from the alkaline
521 hydrolysis residuals, insofar as possible, and dispose of that material.

522 (6) (a) A funeral service establishment shall pack the remains of the alkaline hydrolysis
523 process, including the identification tag described in Subsection (4), in a temporary container

524 or urn ordered by the authorizing agent.

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

527 (c) If the remains cannot fit within the designated temporary container or urn, the
528 funeral service establishment shall:

529 (i) return the excess to the authorizing agent or the agent's representative in a separate
530 container; and

531 (ii) mark both containers or urns on the outside with the name of the deceased person
532 and an indication that the remains of the named decedent are in both containers or urns.

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

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

537 (i) has an available tracking system; and

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

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

540 **58-9-617. Final disposition of remains from the alkaline hydrolysis process.**

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

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

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

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

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

554 (d) The person or entity disposing of remains from the alkaline hydrolysis process

555 under this section:

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

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

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

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

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

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

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

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

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

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

577 **58-9-618. Limitation of liability.**

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

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

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

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

585 (3) The authorizing agent is personally and individually liable for all damage resulting

586 from a misstatement or misrepresentation made under Subsection (1).

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

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

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

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

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

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

603 (c) for any other lawful reason.

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

607 (i) the dispute has been resolved; or

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

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