

Funeral Services Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

LONG TITLE**General Description:**

This bill addresses natural organic reduction.

Highlighted Provisions:

This bill:

- defines terms;
 - allows a funeral service establishment to offer natural organic reduction;
 - requires that a funeral service director meet certain requirements if the funeral service director offers natural organic reduction;
 - grants immunity to a funeral service establishment that relies on a natural organic reduction authorization form in carrying out natural organic reduction;
 - updates a funeral service establishment's recordkeeping requirements;
 - provides requirements for accepting remains for natural organic reduction;
 - limits liability for a funeral service establishment providing natural organic reduction;
 - provides the requirements for authorizing natural organic reduction;
 - describes the procedure for natural organic reduction;
 - provides the requirements for the final disposition of remains from the natural organic reduction process;
 - categorizes the use of remains from natural organic reduction to grow food as unlawful;
- and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

26B-8-201, as last amended by Laws of Utah 2024, Chapter 240

58-9-102, as last amended by Laws of Utah 2020, Chapter 354

58-9-302, as last amended by Laws of Utah 2024, Chapter 137

58-9-501, as last amended by Laws of Utah 2007, Chapter 144

58-9-601, as last amended by Laws of Utah 2018, Chapter 326

58-9-606, as last amended by Laws of Utah 2018, Chapter 326

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

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

58-9-615, as enacted by Laws of Utah 2018, Chapter 326

58-9-618, as enacted by Laws of Utah 2018, Chapter 326

ENACTS:

58-9-613.5, Utah Code Annotated 1953

58-9-620, Utah Code Annotated 1953

58-9-621, Utah Code Annotated 1953

58-9-622, Utah Code Annotated 1953

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

Section 1. Section **26B-8-201** is amended to read:

26B-8-201 . Definitions.

As used in this part:

(1) "Dead body" means the same as that term is defined in Section 26B-8-101.

(2)(a) "Death by violence" means death that resulted by the decedent's exposure to physical, mechanical, or chemical forces.

(b) "Death by violence" includes death that appears to have been due to[-] :

(i) homicide[-] ;

(ii) death that occurred during or in an attempt to commit rape, mayhem, kidnapping, robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats of violence[-] ;

(iii) assault with a dangerous weapon[-] ;

(iv) assault with intent to commit any offense punishable by imprisonment for more than one year[-] ;

(v) arson punishable by imprisonment for more than one year[-] ; or[-]

(vi) any attempt to commit any of the [~~foregoing~~] offenses described in Subsections (2)(b)(i) through (v).

(3) "Immediate relative" means an individual's spouse, child, parent, sibling, grandparent, or grandchild.

- (4) "Health care professional" means any of the following while acting in a professional capacity:
- (a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
 - (b) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act; or
 - (c) an advance practice registered nurse licensed under Subsection 58-31b-301(2)(e).
- (5) "Medical examiner" means the state medical examiner appointed ~~[pursuant to]~~ in accordance with Section 26B-8-202 or a deputy appointed by the medical examiner.
- (6) "Medical examiner record" means:
- (a) all information that the medical examiner obtains regarding a decedent;
 - (b) reports that the medical examiner makes regarding a decedent; and
 - (c) all administrative forms and correspondence related to a decedent's case.
- (7) "Regional pathologist" means an American Board of Pathology certified pathologist licensed to practice medicine and surgery in the state, appointed by the medical examiner ~~[pursuant to]~~ in accordance with Subsection 26B-8-202(3).
- (8) "Sudden death while in apparent good health" means apparently instantaneous death without obvious natural cause, death during or following an unexplained syncope or coma, or death during an acute or unexplained rapidly fatal illness.
- (9) "Sudden unexpected infant death" means the death of a child who was thought to be in good health or whose terminal illness appeared to be so mild that the possibility of a fatal outcome was not anticipated.
- (10) "Suicide" means death caused by an intentional and voluntary act of an individual who understands the physical nature of the act and intends by such act to accomplish self-destruction.
- (11) "Unattended death" means a death that occurs more than 365 days after the day on which a health care professional examined or treated the deceased individual for any purpose, including writing a prescription.
- (12)(a) "Unavailable for postmortem investigation" means that a dead body is:
- (i) transported out of state;
 - (ii) buried at sea;
 - (iii) cremated;
 - (iv) processed by alkaline hydrolysis;~~[-or]~~
 - (v) processed by natural organic reduction; or

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

(b) "Unavailable for postmortem investigation" does not include embalming or burial of a dead body [~~pursuant to~~] in accordance with the requirements of law.

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

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

58-9-102 . Definitions.

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

(1)(a) "Alkaline hydrolysis" means a water-based dissolution process using alkaline chemicals, heat, and sometimes agitation or pressure that reduces human remains to a liquid and to dry bone residue~~[-and]~~ .

(b) "Alkaline hydrolysis" includes the disposal of the liquid and the processing and pulverization of the dry bone residue.

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

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

(a) in which human remains are transported to a funeral service establishment and placed in an alkaline hydrolysis chamber for [~~resomation~~] the alkaline hydrolysis process; and

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

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

(ii) resistant to leakage or spillage;

(iii) rigid enough for handling with ease; and

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

(4) "Authorizing agent" means a person legally entitled to authorize the cremation, natural organic reduction, or the alkaline hydrolysis process of human remains.

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

(6) "Board" means the Board of Funeral Service created in Section 58-9-201.

- 134 (7) "Body part" means:
- 135 (a) a limb or other portion of the anatomy that is removed from ~~[a person]~~ an individual
- 136 or human remains for medical purposes during treatment, surgery, biopsy, autopsy,
- 136a or
- 137 medical research; or
- 138 (b) a human body or any portion of a body that has been donated to science for medical
- 139 research purposes.
- 140 (8) "Buyer" means a person ~~[who]~~ that purchases a preneed funeral arrangement.
- 141 (9) "Calcination" means a process in which a dead human body is reduced by intense heat
- 142 to a residue that is not as substantive as the residue that follows cremation.
- 143 (10) "Cremated remains" means all the remains of a cremated body recovered after the
- 144 completion of the cremation process, including pulverization ~~[which]~~ that leaves only
- 145 bone fragments reduced to unidentifiable dimensions and may possibly include the
- 146 residue of foreign matter including casket material, bridgework, or eyeglasses that were
- 147 cremated with the human remains.
- 148 (11)(a) "Cremation" means the technical process, using direct flame and heat, or a
- 149 chemical process, that reduces human remains to bone fragments through heat and
- 150 evaporation, or a chemical process~~[-and-]~~ .
- 151 (b) "Cremation" includes the processing and usually the pulverization of the bone
- 152 fragments.
- 153 (12) "Cremation chamber" means the enclosed space within which the cremation process
- 154 takes place and which is used exclusively for the cremation of human remains.
- 155 (13) "Cremation container" means the container:
- 156 (a) in which the human remains are transported to the crematory and placed in the
- 157 cremation chamber for cremation; and
- 158 (b) that meets substantially all of the following standards:
- 159 (i) composed of readily combustible or consumable materials suitable for cremation;
- 160 (ii) able to be closed in order to provide a complete covering for the human remains;
- 161 (iii) resistant to leakage or spillage;
- 162 (iv) rigid enough for handling with ease; and
- 163 (v) able to provide protection for the health, safety, and personal integrity of
- 164 crematory personnel.
- 165 (14) "Crematory" means the building or portion of a building that houses the cremation
- 166 chamber and the holding facility.

- 167 (15) "Direct disposition" means the disposition of a dead human body:
168 (a) as quickly as law allows;
169 (b) without preparation of the body by embalming; and
170 (c) without an attendant funeral service or graveside service.
- 171 (16) "Disposition" means the final disposal of a dead human body by:
172 (a) earth interment;
173 (b) above ground burial;
174 (c) cremation;
175 (d) calcination;
176 (e) alkaline hydrolysis;
177 (f) burial at sea;
178 (g) delivery to a medical institution;[~~or~~]
179 (h) natural organic reduction; or
180 [~~h~~] (i) other lawful means.
- 181 (17) "Embalming" means replacing body fluids in a dead human body with preserving and
182 disinfecting chemicals.
- 183 (18)(a) "Funeral merchandise" means any of the following into which a dead human
184 body is placed in connection with the transportation or disposition of the body:
185 (i) a vault;
186 (ii) a casket; or
187 (iii) other personal property.
- 188 (b) "Funeral merchandise" does not include:
189 (i) a mausoleum crypt;
190 (ii) an interment receptacle preset in a cemetery; or
191 (iii) a columbarium niche.
- 192 (19) "Funeral service" means a service, rite, or ceremony performed:
193 (a) with respect to the death of a human; and
194 (b) with the body of the deceased present.
- 195 (20) "Funeral service director" means an individual licensed under this chapter who may
196 engage in all lawful professional activities regulated and defined under the practice of
197 funeral service.
- 198 (21)(a) "Funeral service establishment" means a place of business at a specific street
199 address or location licensed under this chapter that is devoted to:
200 (i) the embalming, care, custody, shelter, preparation for burial, and final disposition

- 201 of dead human bodies; and
- 202 (ii) the furnishing of services, merchandise, and products purchased from the
- 203 establishment as a preneed provider under a preneed funeral arrangement.
- 204 (b) "Funeral service establishment" includes:
- 205 (i) all portions of the business premises and all tools, instruments, and supplies used
- 206 in the preparation and embalming of dead human bodies for burial, cremation,
- 207 alkaline hydrolysis, natural organic reduction, and final disposition by other
- 208 lawful means as defined by division rule; and
- 209 (ii) a facility used by the business in which funeral services may be conducted.
- 210 (22) "Funeral service intern" means an individual licensed under this chapter who is
- 211 permitted to:
- 212 (a) assist a funeral service director in the embalming or other preparation of a dead
- 213 human body for disposition;
- 214 (b) assist a funeral service director in the cremation, calcination, alkaline hydrolysis,
- 215 natural organic reduction, or pulverization of a dead human body or [its] the body's
- 216 remains; and
- 217 (c) perform other funeral service activities under the supervision of a funeral service
- 218 director.
- 219 (23) "Graveside service" means a funeral service held at the location of disposition.
- 220 (24) "Memorial service" means a service, rite, or ceremony performed:
- 221 (a) with respect to the death of a human; and
- 222 (b) without the body of the deceased present.
- 223 (25) "Natural organic reduction" means the contained, accelerated conversion of human
- 224 remains to soil.
- 225 [(25)] (26) "Practice of funeral service" means:
- 226 (a) supervising the receipt of custody and transportation of a dead human body to
- 227 prepare the body for:
- 228 (i) disposition; or
- 229 (ii) shipment to another location;
- 230 (b) entering into a contract with a person to provide professional services regulated
- 231 under this chapter;
- 232 (c) embalming or otherwise preparing a dead human body for disposition;
- 233 (d) supervising the arrangement or conduct of:
- 234 (i) a funeral service;

- (ii) a graveside service; or
 - (iii) a memorial service;
 - (e) cremation, calcination, alkaline hydrolysis, natural organic reduction, or pulverization of a dead human body or the body's remains;
 - (f) supervising the arrangement of:
 - (i) a disposition; or
 - (ii) a direct disposition;
 - (g) facilitating:
 - (i) a disposition; or
 - (ii) a direct disposition;
 - (h) supervising the sale of funeral merchandise by a funeral establishment;
 - (i) managing or otherwise being responsible for the practice of funeral service in a licensed funeral service establishment;
 - (j) supervising the sale of a preneed funeral arrangement; and
 - (k) contracting with or employing individuals to sell a preneed funeral arrangement.
- [(26)] (27)(a) "Preneed funeral arrangement" means a written or oral agreement sold in advance of the death of the beneficiary under which a person agrees with a buyer to provide at the death of the beneficiary any of the following as are typically provided in connection with a disposition:
- (i) goods;
 - (ii) services, including:
 - (A) embalming services; and
 - (B) funeral directing services;
 - (iii) real property; or
 - (iv) personal property, including:
 - (A) a casket;
 - (B) another primary container;
 - (C) a cremation, alkaline hydrolysis, natural organic reduction, or transportation container;
 - (D) an outer burial container;
 - (E) a vault;
 - (F) a grave liner;
 - (G) funeral clothing and accessories;
 - (H) a monument;

- (I) a grave marker; and
- (J) a cremation or alkaline hydrolysis urn.
- (b) "Preneed funeral arrangement" does not include a policy or product of life insurance providing a death benefit cash payment upon the death of the beneficiary ~~[which]~~ that is not limited to providing the products or services described in Subsection ~~[(26)(a)]~~ (27)(a).
- ~~[(27)]~~ (28) "Processing" means the reduction of identifiable bone fragments after the completion of the cremation, natural organic reduction, or the alkaline hydrolysis process to unidentifiable bone fragments by manual means.
- ~~[(28)]~~ (29) "Pulverization" means the reduction of identifiable bone fragments after the completion of the cremation or alkaline hydrolysis and processing to granulated particles by manual or mechanical means.
- ~~[(29) "Resomation" means the alkaline hydrolysis process.]~~
- (30) "Sales agent" means an individual licensed under this chapter as a preneed funeral arrangement sales agent.
- (31) "Temporary container" means a receptacle for cremated or alkaline hydrolysis remains usually made of cardboard, plastic, or similar material designed to hold the cremated remains until an urn or other permanent container is acquired.
- (32) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-9-501.
- (33) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-9-502.
- (34) "Urn" means a receptacle designed to permanently encase cremated or alkaline hydrolysis remains.
- Section 3. Section **58-9-302** is amended to read:
- 58-9-302 . Qualifications for licensure.**
- (1) Each applicant for licensure as a funeral service director shall:
- (a) submit an application in a form ~~[prescribed by the division]~~ the division approves;
- (b) pay a fee as determined by the department under Section 63J-1-504;
- (c) have obtained a high school diploma or ~~[its]~~ the equivalent~~[or a higher education degree]~~;
- (d) have obtained an associate degree, or ~~[its]~~ the equivalent, in mortuary science from a school of funeral service accredited by the American Board of Funeral Service Education or other accrediting body recognized by the U.S. Department of Education;

(e) have completed not less than 2,000 hours and 50 embalmings of satisfactory performance in training as a licensed funeral service intern under the supervision of a licensed funeral service director; and

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

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

(a) submit an application in a form [~~prescribed by the division~~] the division approves;

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

(c) have obtained a high school diploma or [its] the equivalent [~~or a higher education degree~~]; and

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

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

(a) submit an application in a form [~~prescribed by the division~~] the division approves;

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

(c) have in place:

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

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

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

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

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

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

(g) if the applicant intends to offer alkaline hydrolysis or natural organic reduction in a

funeral service establishment, provide evidence that in accordance with rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

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

(ii) all operators of the alkaline hydrolysis or natural organic reduction equipment have received adequate training.

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

(a) submit an application in a form [~~prescribed by the division~~] the division approves;

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

(c) have obtained a high school diploma or [its] the equivalent[~~or a higher education degree~~];

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

(e) affiliate with a licensed funeral service establishment; and

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

Section 4. Section **58-9-501** is amended to read:

58-9-501 . Unlawful conduct.

"Unlawful conduct" includes:

(1) doing any of the following to prepare a dead human body for disposition unless licensed as a funeral service director or a funeral service intern:

(a) embalming;

(b) calcinating;

(c) pulverizing;

(d) cremating; or

(e) using any method that invades a dead human body;

(2) using the title "funeral service director," "funeral service intern," "preneed funeral service sales agent," or "funeral service establishment" unless licensed under this chapter;

(3) engaging in, providing, or agreeing to provide funeral arrangements to be provided under a preneed funeral arrangement without first obtaining a license as a funeral service

establishment under this chapter;

- (4) engaging in selling, representing for sale, or in any other way offering to sell any contract under which preneed funeral arrangements are to be provided without first obtaining a license under this chapter as:
- (a) a preneed funeral arrangement sales agent; or
 - (b) a funeral service director; ~~[-and]~~
- (5) failing to comply with Section 58-9-702~~[-]~~ ; and
- (6) in the course of a person's business, vocation, or occupation, knowingly using the soil produced by the natural organic reduction process to grow food for human consumption.

Section 5. Section **58-9-601** is amended to read:

58-9-601 . Advance directions.

- (1) ~~[A person]~~ An individual may provide written directions, acknowledged before a notary public or executed with the same formalities required of a will under Section 75-2-502, to direct the preparation, type, and place of the ~~[person's]~~ individual's disposition, including:
- (a) designating a funeral service establishment;
 - (b) providing directions for burial arrangements;
 - (c) providing directions for cremation arrangements; ~~[-or]~~
 - (d) providing directions for alkaline hydrolysis arrangements~~[-]~~ ; or
 - (e) providing directions for natural organic reduction.
- (2) A funeral service director shall carry out the written directions of the decedent prepared under this section to the extent that:
- (a) the directions are lawful; and
 - (b) the decedent has provided resources to carry out the directions.
- (3) ~~[Directions]~~ A funeral services director shall carry out the written directions for disposition contained in a will ~~[shall be carried out pursuant to]~~ in accordance with Subsection (2) regardless of:
- (a) the validity of other aspects of the will; or
 - (b) the fact that the will may not be offered or admitted to probate until a later date.
- (4) ~~[A person]~~ An individual may change or cancel written directions prepared under this section at any time ~~[prior to]~~ before the ~~[person's]~~ individual's death by providing written notice to all applicable persons, including:
- (a) if the written directions designate a funeral service establishment or funeral service director, the funeral service establishment or funeral service director designated in the

written directions; and

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

Section 6. Section **58-9-606** is amended to read:

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

- (1) A person signing a funeral service agreement, cremation authorization form, alkaline hydrolysis authorization form, natural organic reduction authorization form, or other authorization for a decedent's disposition warrants the truthfulness of the facts set forth in the document, including the identity of the decedent and the person's authority to order the disposition.
- (2) A funeral service establishment has the right to rely on a contract or authorization executed under Subsection (1) and may carry out the instructions of the person whom [its] the funeral service establishment's funeral service director reasonably believes holds the right of disposition.
- (3) A funeral service director incurs no civil or criminal liability for failure to contact or independently investigate the existence of any next-of-kin or relative of the decedent.
- (4) If there are at least two persons in the nearest class of the next-of-kin who are equal in priority and a funeral service director has no knowledge of an objection by other members of the class, the funeral service director may rely on and act according to the instructions of the first person in the class to make funeral and disposition arrangements.
- (5) A funeral service establishment or funeral service director who relies in good faith on the instructions of a person claiming the right of disposition under this part is immune from civil and criminal liability and disciplinary action in carrying out the disposition of a decedent's remains in accordance with that person's instructions.

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

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

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

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

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

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

(xi) if the alkaline hydrolysis authorization form is being executed on a preneed basis, the disclosure required for preneed programs under this chapter; and
(xii) except for a preneed alkaline hydrolysis authorization, the signature of the funeral director of the funeral service establishment that obtained the alkaline hydrolysis authorization.

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

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

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

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

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

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

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

~~[(i) with purpose to deprive another over control of the property is guilty of an offense and subject to the punishments provided in Section 76-6-404;]~~

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

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

~~[(b) The fact that residue or any unavoidable dental gold or dental silver or other~~

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

Section 8. Section **58-9-613.5** is enacted to read:

58-9-613.5 . Authorization for natural organic reduction.

- (1) Except as otherwise provided in this section, a funeral service establishment may not perform natural organic reduction on human remains until the funeral service establishment has received:
 - (a) a natural organic reduction authorization form signed by an authorizing agent;
 - (b) a completed and executed burial transit permit or similar document, as provided by state law, indicating that disposition of the human remains is to be by natural organic reduction; and
 - (c) any other documentation required by the state, county, or municipality.
- (2) Except as provided in Subsection (3), the natural organic reduction authorization form shall contain, at a minimum, the following information:
 - (a) the identity of the human remains and the time and date of death, including a signed declaration of visual identification of the deceased or refusal to visually identify the deceased;
 - (b) the name of the funeral director and funeral service establishment that obtained the natural organic reduction authorization;
 - (c) notification as to whether the death occurred from a disease declared by the Department of Health and Human Services to be infectious, contagious, communicable, or dangerous to public health;
 - (d) a representation that the death did not occur due to ebola, tuberculosis, or a prion disease;
 - (e) the name of the authorizing agent and the relationship between the authorizing agent and the decedent;
 - (f) a representation that the authorizing agent has the right to authorize the disposition of the decedent by natural organic reduction and that the authorizing agent is not aware of any living individual with a superior or equal priority right to that of the authorizing agent, except that if there is another living individual with a superior or equal priority right, the natural organic reduction authorization form shall contain a representation that the authorizing agent has:
 - (i) made reasonable efforts to contact that individual;
 - (ii) been unable to contact the individual; and

(iii) no reason to believe that the individual would object to the disposition of the decedent by natural organic reduction;

(g) authorization for the funeral service establishment to use natural organic reduction for the disposition of the human remains;

(h) the name of the individual authorized to receive the human remains from the funeral service establishment;

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

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

(k) the signature of the authorizing agent, attesting to the accuracy of all representations contained on the natural organic reduction authorization form; and

(l) the signature of the funeral director of the funeral service establishment that obtained the natural organic reduction authorization.

(3) If the natural organic reduction form is being executed as part of a preneed funeral arrangement, the natural organic reduction authorization form shall:

(a) contain the disclosure requirements for preneed programs under this chapter; and

(b) contain, at a minimum, the following information:

(i) the identity of the individual who, upon the individual's death, desires that the individual's remains undergo the natural organic reduction process;

(ii) the name of the authorizing agent and the relationship between the authorizing agent and the individual described in Subsection (3)(b)(i);

(iii) a representation that the authorizing agent has the right to authorize the disposition of the individual's remains described in Subsection (3)(b)(i) by natural organic reduction and that the individual described in Subsection (3)(b)(i) consents to the authorizing agent's disposition of the individual's remains;

(iv) authorization for the funeral service establishment to use natural organic reduction for the disposition of the human remains;

(v) the name of the individual authorized to receive the human remains from the funeral service establishment;

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

(vii) a listing of each item of value to be delivered to the funeral service

- 575 establishment along with the human remains, and instructions as to how each item
576 should be handled; and
- 577 (viii) the signature of the authorizing agent, attesting to the accuracy of all
578 representations contained on the natural organic reduction authorization form.
- 579 (4)(a) The individual referred to in Subsection (2)(1) shall execute the natural organic
580 reduction authorization form as a witness and is not responsible for any of the
581 representations made by the authorizing agent.
- 582 (b) The funeral director or the funeral service establishment shall warrant that the human
583 remains delivered to the funeral service establishment have been positively identified
584 by the authorizing agent or a designated representative of the authorizing agent as the
585 decedent listed on the natural organic reduction authorization form.
- 586 (c) The authorizing agent or the agent's designee may make the identification referred to
587 in Subsection (4)(b) in person or by photograph.
- 588 (5)(a) A funeral service establishment may not accept unidentified human remains for
589 natural organic reduction.
- 590 (b) If a funeral service establishment takes custody of a natural organic reduction
591 container after the human remains were placed within the container, the funeral
592 service establishment may rely on the identification made before the remains were
593 placed in the container.
- 594 (c) The funeral service establishment shall place appropriate identification on the
595 exterior of the natural organic reduction container based on the prior identification.
- 596 Section 9. Section **58-9-614** is amended to read:
- 597 **58-9-614 . Recordkeeping.**
- 598 (1)(a) A funeral service establishment shall furnish to the person [~~who~~] that delivers
599 human remains to the establishment for alkaline hydrolysis or natural organic
600 reduction a receipt signed by a representative of the establishment and the [~~person~~]
601 individual making the delivery, showing:
- 602 (i) the date and time of the delivery;
- 603 (ii) the type of casket or alternative container delivered;
- 604 (iii) the name of the [~~person~~] individual from whom the human remains were received;
- 605 (iv) the name of the funeral establishment or other entity with whom the person
606 making the delivery is affiliated;
- 607 (v) the name of the [~~person~~] individual who received the human remains on behalf of
608 the funeral service establishment; and

(vi) the name of the decedent.

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

(2)(a) Upon release of human remains after alkaline hydrolysis or natural organic reduction, a funeral service establishment shall furnish to the person [~~who~~] that receives the human remains a receipt signed by a representative of the funeral service establishment and the person who receives the human remains, showing:

(i) the date and time of the release;

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

(iii) if applicable:

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

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

(C) the name of the decedent.

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

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

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

(3)(a) The funeral service establishment shall maintain at the funeral service establishment's place of business a permanent record of each disposition by alkaline hydrolysis or natural organic reduction that took place at the funeral service establishment.

(b) The permanent record shall contain:

(i) the name of the decedent;

(ii) the date of disposition by alkaline hydrolysis or natural organic reduction;

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

(iv) any other document required by this chapter.

Section 10. Section **58-9-615** is amended to read:

58-9-615 . Accepting remains for alkaline hydrolysis and natural organic

reduction.

- (1) A funeral service establishment may not make or enforce a rule requiring that human remains be placed in a casket before alkaline hydrolysis or natural organic reduction.
- (2) A funeral service establishment may not refuse to accept human remains for alkaline hydrolysis or natural organic reduction because the human remains are not in a casket.
- (3) When using natural organic reduction to dispose of human remains, a funeral service establishment shall ensure that all materials in the container holding the human remains are readily reducible by natural organic reduction.

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

58-9-618 . Limitation of liability.

- (1) An authorizing agent who signs an alkaline hydrolysis or natural organic reduction authorization form warrants the truthfulness of the facts set forth on the form, including:
 - (a) the identity of the deceased whose remains are to undergo the alkaline hydrolysis or natural organic reduction process; and
 - (b) the authorizing agent's authority to order the alkaline hydrolysis or natural organic reduction process.
- (2) A funeral service establishment may rely upon the representations made by an authorizing agent under Subsection (1).
- (3) The authorizing agent is personally and individually liable for all damage resulting from a misstatement or misrepresentation made under Subsection (1).
- (4)(a) A funeral service establishment may arrange for the alkaline hydrolysis or natural organic reduction process upon receipt of an alkaline hydrolysis or natural organic reduction authorization form signed by an authorizing agent.
- (b) A funeral service establishment that arranges the alkaline hydrolysis or natural organic reduction process or releases or disposes of human remains from the alkaline hydrolysis or natural organic reduction process pursuant to an alkaline hydrolysis or natural organic reduction authorization form is not liable for an action the funeral service establishment takes pursuant to that authorization.
- (5) A funeral service establishment is not responsible or liable for any valuables delivered to the establishment with human remains.
- (6) A funeral service establishment may refuse to arrange for the alkaline hydrolysis or natural organic reduction process of a decedent, to accept human remains for the alkaline hydrolysis or natural organic reduction process, or to perform the alkaline hydrolysis or natural organic reduction process:

- (a) if the funeral service establishment is aware of a dispute concerning the disposition of the human remains and the funeral service establishment has not received a court order or other suitable confirmation that the dispute has been resolved;
- (b) if the funeral service establishment has a reasonable basis for questioning any of the representations made by an authorizing agent; or
- (c) for any other lawful reason.

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

- (i) the dispute has been resolved; or
- (ii) the funeral service establishment has received a court order authorizing the release or disposition of the remains.

(b) A funeral service establishment is not liable for [its] the funeral service establishment's refusal to release or dispose of remains from the alkaline hydrolysis or natural organic reduction process in accordance with this Subsection (7).

Section 12. Section **58-9-620** is enacted to read:

58-9-620 . Penalties for removal of items from human remains.

(1) A person who removes or possesses dental gold or silver, jewelry, or mementos from human remains:

- (a) with purpose to deprive another over control of the property is guilty of an offense described in Section 76-6-404;
- (b) with purpose to exercise unauthorized control and with intent to temporarily deprive another over control of the property is guilty of an offense described in Section 76-6-404.5; and
- (c) under circumstances that do not amount to the activities described in Subsection (1)(a) or (b), and without specific written permission of the individual who has the right to control those remains, is guilty of a class B misdemeanor.

(2) The fact that residue or any unavoidable dental gold or dental silver or other precious metal remain in alkaline hydrolysis equipment or a container used in a prior alkaline hydrolysis process is not a violation of Subsection (1).

Section 13. Section **58-9-621** is enacted to read:

58-9-621 . Procedure for natural organic reduction.

(1) A funeral service establishment may not perform natural organic reduction on human

remains unless the funeral service establishment:

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

(b) complies with the provisions of Section 26B-8-230.

(2) A funeral service establishment may not perform simultaneous natural organic reduction of the human remains of more than one individual within the same natural organic reduction container.

(3) A funeral service establishment shall:

(a) verify the identification of human remains as indicated on a natural organic reduction container immediately before performing natural organic reduction;

(b) attach an identification tag to the natural organic reduction container; and

(c) ensure that the identification tag remains on the natural organic reduction container until the natural organic reduction process is complete.

(4) Upon completion of the natural organic reduction process, the funeral service establishment shall:

(a) to the extent possible, remove all of the recoverable residue of the remains of the natural organic reduction process from the natural organic reduction container;

(b) separate all other residue from the natural organic reduction process from remaining bone fragment, to the extent possible, and process the bone fragments to reduce the bone fragments to unidentifiable particles; and

(c) remove anything other than the unidentifiable bone particles from the remains of the natural organic reduction process, to the extent possible, and dispose of that material.

(5)(a) A funeral service establishment shall pack the unidentifiable bone particles described in Subsection (4) and the identification tag described in Subsection (3) in an urn or temporary container ordered by the authorizing agent.

(b) The funeral service establishment shall pack any urn or temporary container in clean packing materials and prevent contamination with any other object, unless otherwise directed by the authorizing agent.

(c) If the remains of the natural organic reduction process cannot fit within the designated urn or temporary container, the funeral service establishment shall:

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

(ii) mark both a designated urn and a temporary container on the outside with the

name of the decedent and an indication that the remains of the named decedent are in both the designated urn and the temporary container.

(6)(a) If the remains are to be shipped, the funeral service establishment shall pack any designated urn or temporary container.

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

(i) has an available tracking system; and

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

Section 14. Section **58-9-622** is enacted to read:

58-9-622 . Disposition of remains from the natural organic reduction process.

(1) As used in this section, "remains" means the remaining soil left after the decomposition of a body through the natural organic reduction process.

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

(b) An authorizing agent shall provide the person with which natural organic reduction arrangements are made a signed statement specifying the disposition of the remains, if known.

(c) The person to which the authorizing agent provides the signed statement described in Subsection (2)(b) shall retain a copy of the statement.

(d) If the authorizing agent or the agent's representative has not specified the ultimate disposition of or claimed the remains within 60 days after the day on which the natural organic reduction process occurs, the funeral service establishment may dispose of the remains in any manner permitted by law, except scattering.

(e) The authorizing agent shall reimburse the funeral service establishment for all reasonable costs incurred in disposing of the remains under Subsection (2)(d).

(f) The person disposing of remains under this section:

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

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

(3)(a) Subject to Subsection (5), an authorizing agent may direct a funeral service establishment to dispose of or arrange for the final disposition of remains:

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

(ii) by placing the remains in uninhabited public land, the sea, or other public waterways subject to health and environmental laws and regulations; or

(iii) except as provided in Section 58-9-501, in any manner on the private property of

778 a consenting owner.

779 (b) If remains are to be disposed of on private property, other than dedicated cemetery

780 property, the authorizing agent shall provide the funeral service establishment with

781 the written consent of the property owner before disposal of the remains.

782 (4) A funeral service establishment may not release remains to the authorizing agent or the

783 agent's designated representative until the funeral service establishment:

784 (a) is given a receipt that shows the proper filing has been made with the local registrar

785 of births and deaths; or

786 (b) makes the proper filing with the local registrar of births and deaths.

787 (5) The knowing use of remains in growing food for human consumption is unlawful

788 conduct as described in Section 58-9-501.

789 **Section 15. Effective Date.**

790 This bill takes effect on May 7, 2025.