

Senator Jen Plumb proposes the following substitute bill:

FUNERAL SERVICES AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: _____

LONG TITLE

General Description:

This bill deals with natural organic reduction.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ updates the licensure requirements for a funeral director offering 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; and
- ▶ makes technical changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **26B-8-201**, as renumbered and amended by Laws of Utah 2023, Chapter 306

33 **58-9-102**, as last amended by Laws of Utah 2020, Chapter 354

34 **58-9-302**, as last amended by Laws of Utah 2022, Chapter 415

35 **58-9-601**, as last amended by Laws of Utah 2018, Chapter 326

36 **58-9-606**, as last amended by Laws of Utah 2018, Chapter 326

37 **58-9-613**, as last amended by Laws of Utah 2023, Chapter 111

38 **58-9-614**, as enacted by Laws of Utah 2018, Chapter 326

39 **58-9-615**, as enacted by Laws of Utah 2018, Chapter 326

40 **58-9-618**, as enacted by Laws of Utah 2018, Chapter 326

41 ENACTS:

42 **58-9-613.5**, Utah Code Annotated 1953

43 **58-9-620**, Utah Code Annotated 1953

44 **58-9-621**, Utah Code Annotated 1953

45 **58-9-622**, Utah Code Annotated 1953



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

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

49 **26B-8-201. Definitions.**

50 As used in this part:

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

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

54 (b) "Death by violence" includes death that appears to have been due to homicide,
55 death that occurred during or in an attempt to commit rape, mayhem, kidnapping, robbery,
56 burglary, housebreaking, extortion, or blackmail accompanied by threats of violence, assault

57 with a dangerous weapon, assault with intent to commit any offense punishable by
58 imprisonment for more than one year, arson punishable by imprisonment for more than one
59 year, or any attempt to commit any of the foregoing offenses.

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

62 (4) "Health care professional" means any of the following while acting in a
63 professional capacity:

64 (a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
65 58, Chapter 68, Utah Osteopathic Medical Practice Act;

66 (b) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
67 Act; or

68 (c) an advance practice registered nurse licensed under Subsection 58-31b-301(2)(e).

69 (5) "Medical examiner" means the state medical examiner appointed pursuant to
70 Section 26B-8-202 or a deputy appointed by the medical examiner.

71 (6) "Medical examiner record" means:

72 (a) all information that the medical examiner obtains regarding a decedent; and

73 (b) reports that the medical examiner makes regarding a decedent.

74 (7) "Regional pathologist" means a trained pathologist licensed to practice medicine
75 and surgery in the state, appointed by the medical examiner pursuant to Subsection
76 26B-8-202(3).

77 (8) "Sudden death while in apparent good health" means apparently instantaneous
78 death without obvious natural cause, death during or following an unexplained syncope or
79 coma, or death during an acute or unexplained rapidly fatal illness.

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

83 (10) "Suicide" means death caused by an intentional and voluntary act of an individual
84 who understands the physical nature of the act and intends by such act to accomplish
85 self-destruction.

86 (11) "Unattended death" means a death that occurs more than 365 days after the day on
87 which a health care professional examined or treated the deceased individual for any purpose,

88 including writing a prescription.

89 (12) (a) "Unavailable for postmortem investigation" means that a dead body is:

90 (i) transported out of state;

91 (ii) buried at sea;

92 (iii) cremated;

93 (iv) processed by alkaline hydrolysis; [~~or~~]

94 (v) processed by natural organic reduction; or

95 [~~(v)~~] (vi) otherwise made unavailable to the medical examiner for postmortem

96 investigation or autopsy.

97 (b) "Unavailable for postmortem investigation" does not include embalming or burial

98 of a dead body pursuant to the requirements of law.

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

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

103 **58-9-102. Definitions.**

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

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

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

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

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

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

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

117 (ii) resistant to leakage or spillage;

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

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

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

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

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

126 (7) "Body part" means:

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

129 or

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

132 (8) "Buyer" means a person who purchases a preneed funeral arrangement.

133 (9) "Calcination" means a process in which a dead human body is reduced by intense
134 heat to a residue that is not as substantive as the residue that follows cremation.

135 (10) "Cremated remains" means all the remains of a cremated body recovered after the
136 completion of the cremation process, including pulverization which leaves only bone fragments
137 reduced to unidentifiable dimensions and may possibly include the residue of foreign matter
138 including casket material, bridgework, or eyeglasses that were cremated with the human
139 remains.

140 (11) "Cremation" means the technical process, using direct flame and heat, or a
141 chemical process, that reduces human remains to bone fragments through heat and evaporation,
142 or a chemical process, and includes the processing and usually the pulverization of the bone
143 fragments.

144 (12) "Cremation chamber" means the enclosed space within which the cremation
145 process takes place and which is used exclusively for the cremation of human remains.

146 (13) "Cremation container" means the container:

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

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

- 150 (i) composed of readily combustible or consumable materials suitable for cremation;
- 151 (ii) able to be closed in order to provide a complete covering for the human remains;
- 152 (iii) resistant to leakage or spillage;
- 153 (iv) rigid enough for handling with ease; and
- 154 (v) able to provide protection for the health, safety, and personal integrity of crematory
- 155 personnel.

156 (14) "Crematory" means the building or portion of a building that houses the cremation
157 chamber and the holding facility.

158 (15) "Direct disposition" means the disposition of a dead human body:

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

162 (16) "Disposition" means the final disposal of a dead human body by:

- 163 (a) earth interment;
- 164 (b) above ground burial;
- 165 (c) cremation;
- 166 (d) calcination;
- 167 (e) alkaline hydrolysis;
- 168 (f) natural organic reduction;
- 169 [~~f~~] (g) burial at sea;
- 170 [~~g~~] (h) delivery to a medical institution; or
- 171 [~~h~~] (i) other lawful means.

172 (17) "Embalming" means replacing body fluids in a dead human body with preserving
173 and disinfecting chemicals.

174 (18) (a) "Funeral merchandise" means any of the following into which a dead human
175 body is placed in connection with the transportation or disposition of the body:

- 176 (i) a vault;
 - 177 (ii) a casket; or
 - 178 (iii) other personal property.
- 179 (b) "Funeral merchandise" does not include:
- 180 (i) a mausoleum crypt;

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

182 (iii) a columbarium niche.

183 (19) "Funeral service" means a service, rite, or ceremony performed:

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

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

186 (20) "Funeral service director" means an individual licensed under this chapter who
187 may engage in all lawful professional activities regulated and defined under the practice of
188 funeral service.

189 (21) (a) "Funeral service establishment" means a place of business at a specific street
190 address or location licensed under this chapter that is devoted to:

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

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

195 (b) "Funeral service establishment" includes:

196 (i) all portions of the business premises and all tools, instruments, and supplies used in
197 the preparation and embalming of dead human bodies for burial, cremation, alkaline
198 hydrolysis, natural organic reduction, and final disposition as defined by division rule; and

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

200 (22) "Funeral service intern" means an individual licensed under this chapter who is
201 permitted to:

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

204 (b) assist a funeral service director in the cremation, calcination, alkaline hydrolysis,
205 natural organic reduction, or pulverization of a dead human body or its remains; and

206 (c) perform other funeral service activities under the supervision of a funeral service
207 director.

208 (23) "Graveside service" means a funeral service held at the location of disposition.

209 (24) "Memorial service" means a service, rite, or ceremony performed:

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

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

212 (25) "Natural organic reduction" means the contained, accelerated conversion of
213 human remains to soil.

214 [~~25~~] (26) "Practice of funeral service" means:

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

217 (i) disposition; or

218 (ii) shipment to another location;

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

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

222 (d) supervising the arrangement or conduct of:

223 (i) a funeral service;

224 (ii) a graveside service; or

225 (iii) a memorial service;

226 (e) cremation, calcination, alkaline hydrolysis, natural organic reduction, or
227 pulverization of a dead human body or the body's remains;

228 (f) supervising the arrangement of:

229 (i) a disposition; or

230 (ii) a direct disposition;

231 (g) facilitating:

232 (i) a disposition; or

233 (ii) a direct disposition;

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

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

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

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

239 [~~26~~] (27) (a) "Preneed funeral arrangement" means a written or oral agreement sold in
240 advance of the death of the beneficiary under which a person agrees with a buyer to provide at
241 the death of the beneficiary any of the following as are typically provided in connection with a
242 disposition:

- 243 (i) goods;
- 244 (ii) services, including:
- 245 (A) embalming services; and
- 246 (B) funeral directing services;
- 247 (iii) real property; or
- 248 (iv) personal property, including:
- 249 (A) a casket;
- 250 (B) another primary container;
- 251 (C) a cremation, alkaline hydrolysis, natural organic reduction, or transportation
- 252 container;
- 253 (D) an outer burial container;
- 254 (E) a vault;
- 255 (F) a grave liner;
- 256 (G) funeral clothing and accessories;
- 257 (H) a monument;
- 258 (I) a grave marker; and
- 259 (J) a cremation or alkaline hydrolysis urn.

260 (b) "Preneed funeral arrangement" does not include a policy or product of life
 261 insurance providing a death benefit cash payment upon the death of the beneficiary which is
 262 not limited to providing the products or services described in Subsection [~~(26)(a)~~] (27)(a).

263 [~~(27)~~] (28) "Processing" means the reduction of identifiable bone fragments after the
 264 completion of the cremation, natural organic reduction, or the alkaline hydrolysis process to
 265 unidentifiable bone fragments by manual means.

266 [~~(28)~~] (29) "Pulverization" means the reduction of identifiable bone fragments after the
 267 completion of the cremation, natural organic reduction, or alkaline hydrolysis and processing to
 268 granulated particles by manual or mechanical means.

269 [~~(29)~~] (30) "Resomation" means the alkaline hydrolysis process.

270 [~~(30)~~] (31) "Sales agent" means an individual licensed under this chapter as a preneed
 271 funeral arrangement sales agent.

272 [~~(31)~~] (32) "Temporary container" means a receptacle for cremated, natural organic
 273 reduction, or alkaline hydrolysis remains usually made of cardboard, plastic, or similar material

274 designed to hold the cremated remains until an urn or other permanent container is acquired.

275 ~~[(32)]~~ (33) "Unlawful conduct" means the same as that term is defined in Sections
276 58-1-501 and 58-9-501.

277 ~~[(33)]~~ (34) "Unprofessional conduct" means the same as that term is defined in
278 Sections 58-1-501 and 58-9-502.

279 ~~[(34)]~~ (35) "Urn" means a receptacle designed to permanently encase cremated or
280 alkaline hydrolysis remains.

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

282 **58-9-302. Qualifications for licensure.**

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

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

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

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

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

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

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

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

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

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

293 (f) obtain a passing score on examinations approved by the division in collaboration

294 with the board.

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

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

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

298 (c) have obtained a high school diploma or its equivalent or a higher education degree;

299 and

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

301 with the board.

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

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

- 305 (b) pay a fee as determined by the department under Section 63J-1-504;
- 306 (c) have in place:
- 307 (i) an embalming room for preparing dead human bodies for burial or final disposition,
- 308 which may serve one or more facilities operated by the applicant;
- 309 (ii) a refrigeration room that maintains a temperature of not more than 40 degrees
- 310 fahrenheit for preserving dead human bodies prior to burial or final disposition, which may
- 311 serve one or more facilities operated by the applicant; and
- 312 (iii) maintain at all times a licensed funeral service director who is responsible for the
- 313 day-to-day operation of the funeral service establishment and who is personally available to
- 314 perform the services for which the license is required;
- 315 (d) affiliate with a licensed preneed funeral arrangement sales agent or funeral service
- 316 director if the funeral service establishment sells preneed funeral arrangements;
- 317 (e) file with the completed application a copy of each form of contract or agreement the
- 318 applicant will use in the sale of preneed funeral arrangements;
- 319 (f) provide evidence of appropriate licensure with the Insurance Department if the
- 320 applicant intends to engage in the sale of any preneed funeral arrangements funded in whole or
- 321 in part by an insurance policy or product to be sold by the provider or the provider's sales
- 322 agent; and
- 323 (g) if the applicant intends to offer alkaline hydrolysis or natural organic reduction in a
- 324 funeral service establishment, provide evidence that in accordance with rules made by the
- 325 division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 326 (i) the funeral service establishment meets the minimum standards for the handling,
- 327 holding, and processing of deceased human remains in a safe, clean, private, and respectful
- 328 manner; and
- 329 (ii) all operators of the alkaline hydrolysis or natural organic reduction equipment have
- 330 received adequate training.
- 331 (4) Each applicant for licensure as a preneed funeral arrangement sales agent shall:
- 332 (a) submit an application in a form prescribed by the division;
- 333 (b) pay a fee as determined by the department under Section 63J-1-504;
- 334 (c) have obtained a high school diploma or its equivalent or a higher education degree;
- 335 (d) have obtained a passing score on an examination approved by the division in

336 collaboration with the board;

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

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

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

342 **58-9-601. Advance directions.**

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

346 (a) designating a funeral service establishment;

347 (b) providing directions for burial arrangements;

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

349 (d) providing directions for alkaline hydrolysis arrangements[-]; or

350 (e) providing directions for natural organic reduction.

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

353 (a) the directions are lawful; and

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

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

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

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

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

361 (a) if the written directions designate a funeral service establishment or funeral service
362 director, the funeral service establishment or funeral service director designated in the written
363 directions; and

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

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

367 **58-9-606. Right to rely -- Immunity.**

368 (1) A person signing a funeral service agreement, cremation authorization form,
369 alkaline hydrolysis authorization form, natural organic reduction authorization form, or other
370 authorization for a decedent's disposition warrants the truthfulness of the facts set forth in the
371 document, including the identity of the decedent and the person's authority to order the
372 disposition.

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

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

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

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

386 Section 6. Section **58-9-613** is amended to read:

387 **58-9-613. Authorization for alkaline hydrolysis .**

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

- 391 (a) an alkaline hydrolysis authorization form signed by an authorizing agent;
392 (b) a completed and executed burial transit permit or similar document, as provided by
393 state law, indicating that disposition of the human remains is to be by alkaline hydrolysis; and
394 (c) any other documentation required by the state, county, or municipality.

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

- 397 (i) the identity of the human remains and the time and date of death, including a signed

398 declaration of visual identification of the deceased or refusal to visually identify the deceased;

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

401 (iii) notification as to whether the death occurred from a disease declared by the
402 Department of Health and Human Services to be infectious, contagious, communicable, or
403 dangerous to the public health;

404 (iv) the name of the authorizing agent and the relationship between the authorizing
405 agent and the decedent;

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

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

412 (B) been unable to do so; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

448 ~~[(i) with purpose to deprive another over control of the property is guilty of an offense
449 and subject to the punishments provided in Section 76-6-404.5;]~~

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

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

456 ~~[(b) The fact that residue or any unavoidable dental gold or dental silver or other
457 precious metals remain in alkaline hydrolysis equipment or a container used in a prior alkaline
458 hydrolysis process is not a violation of Subsection (4)(a).]~~

459 Section 7. Section 58-9-613.5 is enacted to read:

460 **58-9-613.5. Authorization for natural organic reduction.**

461 (1) Except as otherwise provided in this section, a funeral service establishment may
462 not perform natural organic reduction on human remains until the funeral service establishment
463 has received:

464 (a) a natural organic reduction authorization form signed by an authorizing agent;

465 (b) a completed and executed burial transit permit or similar document, as provided by
466 state law, indicating that disposition of the human remains is to be by natural organic
467 reduction; and

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

469 (2) The natural organic reduction authorization form shall contain, at a minimum, the
470 following information:

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

473 (b) the name of the funeral director and funeral service establishment that obtained the
474 natural organic reduction authorization;

475 (c) notification as to whether the death occurred from a disease declared by the
476 Department of Health and Human Services to be infectious, contagious, communicable, or
477 dangerous to public health;

478 (d) a representation that the death did not occur due to Ebola, tuberculosis, or a prion
479 disease;

480 (e) the name of the authorizing agent and the relationship between the authorizing
481 agent and the decedent;

482 (f) a representation that the authorizing agent has the right to authorize the disposition
483 of the decedent by natural organic reduction and that the authorizing agent is not aware of any
484 living person with a superior or equal priority right to that of the authorizing agent, except that
485 if there is another living person with a superior or equal priority right, the natural organic
486 reduction authorization form shall contain a representation that the authorizing agent has:

487 (i) made reasonable efforts to contact that person;

488 (ii) been unable to contact the person; and

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

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

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

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

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

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

501 (l) if the natural organic reduction authorization form is being executed on a preneed
502 basis, the disclosure required for preneed programs under this chapter; and

503 (m) except for a preneed natural organic reduction authorization, the signature of the
504 funeral director of the funeral service establishment that obtained the natural organic reduction
505 authorization.

506 (3) (a) The person referred to in Subsection (2)(m) shall execute the natural organic
507 reduction authorization form as a witness and is not responsible for any of the representations
508 made by the authorizing agent.

509 (b) The funeral director or the funeral service establishment shall warrant that the
510 human remains delivered to the funeral service establishment have been positively identified by
511 the authorizing agent or a designated representative of the authorizing agent as the decedent
512 listed on the natural organic reduction authorization form.

513 (c) The authorizing agent or the agent's designee may make the identification referred
514 to in Subsection (3)(b) in person or by photograph.

515 (4) (a) A funeral service establishment may not accept unidentified human remains for
516 natural organic reduction.

517 (b) If a funeral service establishment takes custody of a natural organic reduction
518 container subsequent to the human remains being placed within the container, the funeral
519 service establishment can rely on the identification made before the remains were placed in the
520 container.

521 (c) The funeral service establishment shall place appropriate identification on the

522 exterior of the natural organic reduction container based on the prior identification.

523 Section 8. Section **58-9-614** is amended to read:

524 **58-9-614. Recordkeeping.**

525 (1) (a) A funeral service establishment shall furnish to the person who delivers human
526 remains to the establishment for alkaline hydrolysis or natural organic reduction a receipt
527 signed by a representative of the establishment and the person making the delivery, showing:

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

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

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

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

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

535 (vi) the name of the decedent.

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

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

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

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

544 (iii) if applicable:

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

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

549 (C) the name of the decedent.

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

552 (ii) Upon release of the human remains, the person to whom the human remains were

553 released may transport the human remains in any manner in the state, without a permit, and
554 dispose of the human remains in accordance with this chapter.

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

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

560 (b) The permanent record shall contain:

561 (i) the name of the decedent;

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

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

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

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

566 **58-9-615. Accepting remains for alkaline hydrolysis and natural organic**
567 **reduction.**

568 (1) A funeral service establishment may not make or enforce a rule requiring that
569 human remains be placed in a casket before alkaline hydrolysis or natural organic reduction.

570 (2) A funeral service establishment may not refuse to accept human remains for
571 alkaline hydrolysis or natural organic reduction because the human remains are not in a casket.

572 (3) When using natural organic reduction to dispose of human remains, a funeral
573 service establishment shall ensure that all materials in the container holding the human remains
574 are readily reducible by natural organic reduction.

575 Section 10. Section **58-9-618** is amended to read:

576 **58-9-618. Limitation of liability.**

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

579 (a) the identity of the deceased whose remains are to undergo the alkaline hydrolysis or
580 natural organic reduction process; and

581 (b) the authorizing agent's authority to order the alkaline hydrolysis or natural organic
582 reduction 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 or
588 natural organic reduction process upon receipt of an alkaline hydrolysis or natural organic
589 reduction authorization form signed by an authorizing agent.

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

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

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

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

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

606 (c) for any other lawful reason.

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

611 (i) the dispute has been resolved; or

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

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

615 remains from the alkaline hydrolysis or natural organic reduction process in accordance with
616 this Subsection (7).

617 Section 11. Section **58-9-620** is enacted to read:

618 **58-9-620. Penalties for removal of items from human remains.**

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

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

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

626 (c) under circumstances not amounting to Subsection (1)(a) or (b) and without specific
627 written permission of the individual who has the right to control those remains, is guilty of a
628 class B misdemeanor.

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

632 Section 12. Section **58-9-621** is enacted to read:

633 **58-9-621. Procedure for natural organic reduction.**

634 (1) A funeral service establishment may not perform natural organic reduction on
635 human remains until the funeral service establishment:

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

639 (b) complies with the provisions of Section [26B-8-230](#).

640 (2) Simultaneous natural organic reduction of the human remains of more than one
641 person within the same natural organic reduction container is not allowed.

642 (3) A funeral service establishment shall:

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

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

646 (c) remove the identification tag from the natural organic reduction container; and

647 (d) place the identification tag near the natural organic reduction container where the
648 identification tag shall remain until the natural organic reduction process is complete.

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

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

653 (b) separate all other residue from the natural organic reduction process from
654 remaining bone fragments, to the extent possible, and process the bone fragments so as to
655 reduce them to unidentifiable particles; and

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

658 (5) (a) A funeral service establishment shall pack the remains of the natural organic
659 reduction process, which consist of the unidentifiable bone particles described in Subsection
660 (4) and the identification tag described in Subsection (3), in an urn or temporary container
661 ordered by the authorizing agent.

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

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

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

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

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

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

675 (i) has an available tracking system; and

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

677 Section 13. Section **58-9-622** is enacted to read:

678 **58-9-622. Final disposition of remains from the natural organic reduction process.**

679 (1) (a) An authorizing agent shall provide the person with whom natural organic
680 reduction arrangements are made with a signed statement specifying the final disposition of the
681 remains from the natural organic reduction process, if known.

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

683 (2) (a) The authorizing agent is responsible for the final disposition of the remains
684 from the natural organic reduction process.

685 (b) If the authorizing agent or the agent's representative has not specified the ultimate
686 disposition of or claimed the remains from the natural organic reduction process within 60 days
687 from the date of the natural organic reduction process, the funeral service establishment may
688 dispose of the remains in any manner permitted by law, except scattering.

689 (c) The authorizing agent shall reimburse the funeral service establishment for all
690 reasonable costs incurred in disposing of the remains from the natural organic reduction
691 process under Subsection (2)(b).

692 (d) The person or entity disposing of remains from the natural organic reduction
693 process under this section:

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

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

697 (3) (a) An authorizing agent may direct a funeral service establishment to dispose of or
698 arrange for the final disposition of remains from the natural organic reduction process:

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

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

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

703 (b) If remains from the natural organic reduction process are to be disposed of on
704 private property, other than dedicated cemetery property, the authorizing agent shall provide
705 the funeral service establishment with the written consent of the property owner before disposal
706 of the remains.

707 (4) Under this section, a funeral service establishment may not release remains from

708 the natural organic reduction process to the authorizing agent or the agent's designated
709 representative for scattering until the funeral service establishment is given a receipt that shows
710 the proper filing has been made with the local registrar of births and deaths.

711 Section 14. **Effective date.**

712 This bill takes effect on May 1, 2024.