

CONSUMER GUIDE

TO ARIZONA

FUNERAL

INFORMATION

Bureau of Licensing for Professions & Occupations

Funeral Services Licensing

150 N 18th Avenue, Suite 410

Phoenix, Arizona 85007

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After death, funeral arrangements must be made by an "authorizing agent," even if they were prepaid. An authorizing agent may be a spouse, someone designated in a healthcare power of attorney with the authority to make disposition arrangements, next of kin, or another responsible person as identified in Arizona Revised Statutes (A.R.S.) § 36-831. If the spouse was legally separated from the decedent or if a petition for divorce or legal separation was pending at the time of death, they cannot serve as the authorizing agent.

If requested, funeral establishments must provide information regarding funeral costs by telephone, electronic means, or mail. State law requires funeral establishments to provide consumers with:

- Consumer Guide to Arizona Funeral Information – (*this brochure*).
- General Price List – before discussing funeral arrangements.
- Casket Price List – before entering a casket selection room. You may also be shown casket photographs or illustrations. Casket costs are separate from funeral service costs.
- Outer Burial Container Price List – before discussing the purchase of outer burial containers from the establishment.

If you are an authorizing agent, during the funeral arrangement process, you will be asked to sign a contract called a Statement of Funeral Goods and Services. The Statement of Funeral Goods and Services lists your selections. **Read the contract carefully before signing.** Authorizing agents are entitled to an explanation of each charge listed in the contract. You may change your selections before signing or choose to go elsewhere.

Contracts include a professional fee and other itemized charges. Total charges vary widely, so you may wish to compare prices among different establishments.

NOTE: Funeral establishment services, fees, and quality vary. You may wish to visit multiple establishments before signing a contract. Be sure to **save your completed contract** and all related documents.

Funeral establishments may require advance payment for certain items (cash advances) that they purchase from a third party on your behalf. These items may include: cemetery or crematory fees, obituary notices,

death certificates, pallbearers, transportation, flowers, clergy, motorcycle escorts, hair dressers, barbers, and/or nurses. State law prohibits funeral establishments from charging more than the actual cost of these items without informing you of any service or handling fees.

Cemetery Requirements

Costs may include cemetery plot, opening and closing of grave, grave liner or vault, and memorial or marker.

Cemeteries usually require a minimum container or casket and some sort of protection to prevent the collapse of a grave after burial.

Options include earth burial, entombment (placement of a casket in a building called a mausoleum), or placement of cremated remains in a columbarium niche (a room or space in a mausoleum).

For each option offered, cemeteries may have specific requirements concerning type of memorial or marker and minimum casket or container requirements.

Check with the cemetery of your choice to determine requirements and related costs.

Cremation Requirements

Cremation is performed by placing the deceased in a combustible casket or container, which is then placed in a cremation chamber and subjected to intense heat and flame. Bone fragments and dust are brushed from the chamber after cremation; however, it is impossible to remove all of the cremated remains. Because some dust and residue always remain in the chamber, there may be inadvertent or incidental commingling of residue from previous cremations. This may also occur as a result of mechanically processing the cremated remains.

Cremations must be authorized by the County Medical Examiner to ensure that any evidence of criminal activity is not destroyed. State law requires the authorizing agent to sign a form authorizing cremation within 15 days.

A legally competent adult may prepare a written statement directing the cremation or other lawful disposition of their remains. This written statement may, but is not required to, be part of the adult's will. The legally competent adult must sign and date the document.

The document must be notarized or witnessed in writing by at least one adult who affirms that they were present when the competent adult signed and dated the document. The witness must also confirm that the competent adult

appeared to be of sound mind and free from duress at the time of signing.

A document which meets the requirements listed above authorizes a crematory, cemetery, or funeral establishment to carry out the wishes of a competent adult. It is not necessary for these entities to obtain the consent or agreement of any other person when cremating or lawfully disposing of a deceased person's body.

The legally competent adult **must make financial arrangements** to ensure the crematory, cemetery, and funeral establishment can fulfill their wishes as expressed in the document.

If a dispute arises within a family and more than one person is legally entitled to make the disposition decision, a majority of those with the authority must consent to the cremation (e.g., a majority of children or a majority of siblings).

Unless arrangements are made with the funeral establishment, the authorizing agent is solely responsible for the disposition of the cremated remains.

Cremated remains should be collected upon notice of availability. If not claimed, the crematory may legally dispose of the remains 120 days after the cremation or after the agreed-upon pick-up date.

Cremated remains may be buried, entombed, placed in a niche, scattered over private land (with permission of owner), over public property (a permit maybe required), or kept in the family's possession, typically in an urn made of wood, marble, or metal.

Filing Complaints

Before filing a complaint, you may want to attempt to resolve any concerns by first contacting the responsible funeral director at the funeral establishment.

Individuals who wish to file a complaint against a facility, funeral director, embalmer, or any other person regulated by Funeral Services Licensing should visit our website at www.azdhs.gov/blpoo to complete an online complaint form. Please be sure to include the name of the decedent and the date of death in your documentation.

AZ Care Check is a searchable database of providers and facilities, including licensing history, inspection information, and/or enforcement actions. To access the database please visit the website at www.azcarecheck.com.

Autopsies

Autopsies may be elective or required, depending on the circumstances. Hospitals may request permission to perform an autopsy, whereas County Medical Examiners do not require permission. Autopsies may result in an increased embalming fee. You may request an autopsy to be performed, but the establishment may charge a fee for the use of the facility. If an autopsy is requested, the family is responsible for obtaining a medical examiner to perform the autopsy.

Donation of the Body

Arrangements for donating a body to a medical school or nontransplant procurement organization are usually made by an individual prior to death.

Caskets / Containers

State law does not require a casket or container for burial. However, a rigid, combustible container is required for cremation. Crematories and cemeteries often have their own minimum requirements. A casket **will not** prevent the natural decomposition of a body.

Embalming

Embalming involves reconstructive procedures and the process of disinfecting and preserving a dead human body to slow decomposition by reducing the presence and growth of organisms.

State law **does not** require embalming if the remains are refrigerated, cremated, or buried within 24 hours, provided the individual did not die from certain communicable diseases. If you choose any of these options, you are not required to pay for embalming unless you have authorized it. *Note:* Funeral establishments are not required to have refrigeration on-site.

You may be required to pay for embalming if:

- It is mandated by law.
- Included in the funeral establishment’s policy.
- A service such as a public viewing was selected.
- Embalming was authorized.
- Special circumstances require embalming.

Some cemeteries or mausoleums may require embalming for burial or entombment (placing a casket in a mausoleum), but you can choose a cemetery that does not have this requirement. Embalming is usually required if the body is being transported.

Prearranged Funeral Plans

Plan Type:	Description of Prearranged Funeral Plan:	Cancellation:
Fixed Price Funeral Trust	You may plan and purchase a funeral in advance at today's prices. The funds for the prearranged funeral are placed in a trust account within a federally insured financial institution and are combined with funds from other prearranged funerals. However, each contract remains individually identified. The interest earned on the account stays with the funds and helps offset inflation. The funeral establishment managing the trust may retain up to 15% of the contract price for the administration of funds, as well as 10% of the interest earned each year for account maintenance. The sale of this type of funeral plan requires licensing and regulation by the Arizona Department of Health Services and is subject to audits by the Arizona Department of Insurance and Financial Institutions. Additionally, taxes on the plan may not be prepaid, and any interest earned must be reported on the purchaser's income tax form.	You may cancel the agreement at any time. If cancellation occurs within three days of signing the contract, all funds will be fully refunded. If cancellation occurs after three days, the funeral establishment may retain no more than 15% of the contract price. For contracts paid in installments, no more than half of the payments may be applied toward service charges. If the contract is canceled before full payment is made, any remaining unpaid service fees are no longer due. Additionally, all accrued interest, minus a small administrative fee, must be returned to the purchaser.
Non-Fixed Price Funeral Trust	You may plan and purchase a funeral in advance, but prices are not guaranteed. Funds are placed in a trust account, and at the time of death, services and merchandise will be charged at current prices . If the trust funds are insufficient to cover the costs, the surviving family members must either pay the difference or select alternative options. If there are excess funds remaining in the trust after all expenses are paid, the balance will be returned to the estate of the deceased. The sale of this plan requires licensing and regulation by the Arizona Department of Health Services. Taxes on the plan may not be prepaid, and any accrued interest must be reported on the purchaser's income tax form.	The cancellation policy for a Non-Fixed Price Funeral Trust is the same for a Fixed Price Funeral Trust (see description above).
Insurance- Funded Funeral Plan	You may plan a funeral in advance and purchase a life insurance policy (not a trust plan) or annuity to cover funeral costs. The contract may or may not include a fixed price funeral with specific funeral establishment(s). The funeral establishment is the policy's beneficiary. This type of plan can only be sold by individuals licensed by the State Department of Insurance. There are no income taxes payable on this type of plan. Funeral establishments may charge an additional "assignment fee" when accepting insurance-funded plans.	If you cancel within ten days of receiving the policy, you will receive a full refund of all monies paid. If you cancel after ten days, you will only receive the cash value of the insurance policy. If you fail to pay the policy premium, you may forfeit all funds and receive no refund. This cancellation policy does not apply to single-payment annuities.
Payable- On-Death (POD) Account	You may plan a funeral in advance with a funeral establishment, which will keep a record of your wishes. To cover the anticipated costs, you have the option to set up a savings account or an individual trust account at a financial institution. This plan does not guarantee a fixed price, meaning funeral costs will be charged at current rates at the time of need. The interest earned remains in your account. The funeral establishment is designated as the account's beneficiary, with funds payable to them upon your death.	A POD account remains fully within your control. You may withdraw all funds at any time. To ensure your funeral wishes are carried out, it is important to keep the funeral establishment and your survivors informed about the account's status.

Agency Contact Information & Responsibilities

Agency Contact Information:	Responsible For:
<i>Bureau of Licensing for Professions & Occupations, Funeral Services Licensing</i> Arizona Department of Health Services 150 North 18th Avenue, Suite 410 Phoenix, Arizona 85007 Phone: 602-364-2079 Website: www.azdhs.gov/blpo	Regulation of funeral establishments, crematories (all types), licensed funeral industry professionals and prearranged funeral trusts.
<i>Bureau of Vital Records</i> Arizona Department of Health Services 150 North 18th Avenue, Suite 120 Phoenix, Arizona 85007 Phone: 602-364-1300 Website: www.azdhs.gov	Certified copies of death certificates and disposition/transit permits.
<i>Department of Real Estate</i> 100 North 15 th Avenue, Suite 201 Phoenix, Arizona 85007 Phone: 602-771-7799 Website: www.aztre.gov	Regulation regarding the sale of cemetery plots.
<i>Department of Insurance and Financial Institutions</i> 100 North 15 th Avenue, Suite 261 Phoenix, Arizona 85007 Phone: 602-364-3100 Website: www.difi.az.gov	Prearranged funerals funded by insurance.
<i>National Memorial Cemetery of Arizona</i> 23029 North Cave Creek Road Phoenix, Arizona 85024 Phone: 480-513-3600 Website: www.cem.va.gov/cems/nchp.nmca.asp	Burials for veterans.