CLARIFICATION OF THE TERM "RESPONSIBLE PERSON"

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes Section 41-1033 for a review of the statement.

The purpose of this substantive policy statement is to notify the public of the Department's interpretation of the term "responsible person" as it applies to the completion and submission of a death certificate for registration when the authority to provide final disposition of human remains is assigned to an organ procurement agency according to Arizona Revised Statutes (A.R.S.) § 36-843 or 36-848.

A.R.S. § 36-301 (29) defines a responsible person as "a person listed in A.R.S. § 36-831."

The "duty of burying the body of or providing other funeral and disposition arrangement for a dead person" devolves to the persons listed in A.R.S. § 36-831 and includes:
- If the dead person was married, the surviving spouse;
- If the dead person was a minor, the parents;
- If the dead person has no surviving spouse, the adult children, parents, adult siblings, or adult grandchildren of the dead person; and
- Any other person who has the authority to dispose of the dead person's body.

A.R.S. § 36-831 also contains provisions regarding fraternal, charitable, or religious organizations taking responsibility, as well as county responsibility and financial responsibility for the disposal of human remains.

A.R.S. § 36-325(A) requires a funeral establishment or a "responsible person" who takes possession of human remains to complete and submit a death certificate for registration within seven calendar days after receiving possession of the human remains.

Currently, human remains may be donated to an organ procurement agency. This may be done before or after the death of an individual. Before death, an individual may assign the authority for the final disposition of the individual's remains to another person, such as an organ procurement agency, by executing a document of gift or informed consent consistent with A.R.S. § 36-844. If a deceased person has not signed a document of gift before death, then the surviving spouse, parent, adult child, or other third person listed in A.R.S. § 36-848, who is a member of the highest priority class, may assign, with a written consent, the authority for the final disposition of human remains to another person, such as an organ procurement agency.

In these instances, when an organ procurement agency has been given authority to receive an anatomical gift and the authority to act as the responsible person in the final disposition of the human remains, the organ procurement agency shall complete and submit a death certificate for registration within seven calendar days after receiving the human remains.

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