

## CONSUMER GUIDE TO ARIZONA FUNERALS INFORMATION

Arizona Department of Health Services  
Bureau of Special Licensing – Funeral Services Licensing  
150 North 18th Avenue  
Phoenix, Arizona 85007

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### 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/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 its requirements and related costs.

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### Cremation Requirements

Cremation is performed by placing the deceased in a combustible casket or container, that in turn, is placed in a cremation chamber and subjected to intense heat/flame. Bone fragments and dust are brushed from the chamber after cremation; however, it is impossible to remove all of the cremated remains. Since some dust and residue always remain in the chamber, there may be an inadvertent or incidental commingling of residue from previous cremations. This also may occur as a result of mechanically processing 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 that within 15 days the authorizing agent sign a form authorizing cremation.

A legally competent adult may prepare a written statement directing the cremation or other lawful disposition of the legally competent adult's remains. This written statement may but need not be part of the competent adult's will.

The legally competent adult shall sign and date the document. The document shall be notarized or witnessed in writing by at least one adult affirming that the notary or witness was present when the competent adult signed and dated the document and that the competent adult appeared to be of sound mind and free from duress at the time of execution of the document.

The document of immunity authorizes a crematory, cemetery, or funeral establishment to carry out the wishes of a competent adult. It is not necessary for a crematory, cemetery, or funeral establishment to obtain the consent or concurrence of any other person when it cremates or provides for the lawful disposition of a dead human body.

The legally competent adult must provide financial arrangements so a crematory, cemetery and funeral establishment can execute the adult's wishes as expressed in the document.

If a dispute arises in 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 (example: majority of children or majority of siblings).

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

Cremated remains should be collected upon notice of availability. The crematory authority may dispose of the remains in a legal manner 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 or over public property (may require permit), or remain in family's possession, usually in an urn (wood, marble, or metal container).

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### Filing Complaints

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

People who wish to file a complaint against an establishment, funeral director, embalmer or other persons regulated by Funeral Services Licensing should visit our website at [www.azdhs.gov](http://www.azdhs.gov) to complete an online complaint form. Please make sure to include the name of the decedent and the date of death in your documentation.

A searchable database listing licensing history, which may include deficiencies and/or enforcement actions can be found on our website at [www.azdhs.gov](http://www.azdhs.gov)

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### Funeral Arrangements

After death, funeral arrangements must be made by an "authorizing agent," even if prepaid.

Authorizing agents could be a spouse, someone identified in a healthcare power of attorney as having authority to make disposition arrangements, next of kin, or another responsible person as identified in A.R.S. § 36-831. Importantly, if a spouse was legally separated from the decedent or if a petition for divorce or legal separation was pending at the time of death, the spouse cannot be the authorizing agent.

If requested, funeral establishments must provide information regarding funeral costs by telephone, electronic means or by mail.

State law requires the funeral establishment to provide you 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 also may be shown casket photographs or illustrations. Casket costs are separate from funeral service costs.

-Outer Burial Container Price List before discussing purchase of outer burial containers from the establishment.

If you are an authorizing agent, you will be asked at the funeral arrangement to sign a contract called a *Statement of Funeral Goods and Services*, which lists your selections. Read the contract before signing.

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

NOTE: Funeral establishment services, fees, and quality vary so you may wish to visit several establishments before you sign the contract. Please make sure to SAVE YOUR CONTRACT and related documents!

Authorizing agents are entitled to an explanation of each charge on the contract. You may change your selections before you sign the contract, or you may go elsewhere.

Funeral establishments may charge in advance for certain items (cash advances) that they purchase from a third party on your behalf. These items may include cemetery or crematory charges, obituary notices, death certificates, flowers, clergy, musician honorarium, and funeral escorts. State law prohibits charging more than the actual cost for these items without informing you that there is a service or handling fee.

### Autopsies

Can be elective or not depending on circumstances.

Hospitals may ask permission; County Medical Examiners do not need permission.

May result in an increased embalming fee.

### Donation of the Body

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

### Embalming

Embalming is the implementation of reconstructive procedures and the process of disinfecting and preserving a dead human body to retard organic decomposition by treating the body to reduce the presence and growth of organisms.

Not required by state law if remains are refrigerated, cremated, or buried within 24 hours and the person has not died due to certain communicable diseases. If you select any of these services, you do not have to pay for embalming you did not approve. Note that funeral establishments are not required to have refrigeration.

You may have to pay for embalming if: it is required by law or provided for in the funeral establishment's policy. For example, you may have to pay if you select a service such as a viewing; you authorize it; or there are special circumstances.

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

### Caskets / Containers

Not required by state law for burial. A rigid, combustible container is required for cremation.

Crematories and cemeteries usually have their own minimum requirements.

A casket will not prevent the natural decomposition of a body.

### Prearranged Funeral Plans

Plan Type	Description of Prearranged Funeral Plan	Cancellation
Fixed Price Funeral Trust	Plan and purchase funeral in advance at today's prices. Funds are placed in trust account in federally-insured financial institution and are combined with funds from other prearranged funerals. Contract remains individually-identified. Interest stays with account and offsets inflation. The funeral establishment may keep up to 15% of contract price for administration of funds and 10% of the interest each year for account maintenance. Sale of this plan requires licensing and regulation by the Arizona Department of Health Services, and is audited by the Arizona Department of Insurance and Financial Institutions. Taxes on plan may not be prepaid; interest must be reported on purchaser's income tax form.	Cancel at any time. If within 3 days of arrangement execution, all monies returned. If after 3 days, funeral establishment may keep no more than 15% of contract price. If payment is in installments, no more than half may be applied to service charge. If cancelled before full payment, unpaid service fees are no longer due. All interest less a small administrative fee must be returned to purchaser.
Non-Fixed Price Funeral Trust	Plan and purchase funeral in advance, but prices are not fixed. Funds are placed in trust account. At death, services/merchandise are charged for at current prices. If not enough funds are in account, survivors must add to amount or make different choices. Any excess of trust funds are given to estate of deceased. Sale of this plan requires licensing and regulation by the Arizona Department of Health Services. Taxes on plan may not be prepaid; interest must be reported on purchaser's income tax form.	Cancellation policy is the same for a Fixed Price Funeral Trust (see description above)
Insurance- Funded Funeral Plan	Plan funeral in advance and purchase life insurance policy (not a trust plan) or annuity to cover funeral costs. Plan contract may or may not be fixed price funeral with specific funeral establishment(s). Funeral establishment is the policy's beneficiary. This type of plan may be sold only by persons licensed by the State Department of Insurance. There are no income taxes payable on this type of plan. Note that funeral establishments may charge an additional "assignment fee" when accepting insurance-funded plans.	This cancellation policy does not apply to single payment annuities. If you cancel within ten days of receipt of policy, all monies are returned. If cancel after 10 days, you receive only cash value of insurance policy. If you fail to pay premium, you may receive no money back.
Payable- On-Death (POD) Account	Plan funeral with a funeral establishment, and they keep record of your wishes. You have the option to set up a savings account or individual trust account at a financial institution to cover predicted funeral costs. No fixed price. Interest stays in your account. Funeral establishment is the account's beneficiary, payable at your death.	Account is entirely within your control. You may withdraw all monies at any time. Funeral establishment and survivors should be kept informed of account status, so that your wishes may be fulfilled upon your death.

### Agencies That Can Assist You

Agency Contact Information	Responsible For
Bureau of Special Licensing, Funeral Services Arizona Department of Health Services 150 North 18th Avenue, Suite 410 Phoenix, Arizona 85007 Phone: 602-364-2079 Website: <a href="http://www.azdhs.gov">www.azdhs.gov</a>	Regulation of funeral establishments, crematories, alkaline hydrolysis facilities, licensed funeral industry professionals and prearranged funeral trusts.
Bureau of Vital Records Arizona Department of Health Services 150 North 18th Avenue, Suite 120 Phoenix, Arizona 85007 Phone: 602-364-1300 Website: <a href="http://www.azdhs.gov">www.azdhs.gov</a>	Certified copies of death certificates and disposal/transit permits.
Department of Real Estate 100 North 15 <sup>th</sup> Avenue, Suite 201 Phoenix, Arizona 85007 Phone: 602-771-7799 Website: <a href="http://www.azre.gov">www.azre.gov</a>	The regulation regarding the sale of cemetery plots.
Department of Insurance and Financial Institutions 100 North 15 <sup>th</sup> Avenue, Suite 102 Phoenix, Arizona 85007 Phone: 602-364-3100 Website: <a href="http://www.difi.az.gov">www.difi.az.gov</a>	Prearranged funerals funded by insurance.
National Memorial Cemetery of Arizona 23029 North Cave Creek Phoenix, Arizona 85024 Phone: 480-513-3600 Website: <a href="http://www.cem.va.gov/cems/nchp.nmca.asp">www.cem.va.gov/cems/nchp.nmca.asp</a>	Burials for veterans.