

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: S3/31/25

A Bill

SENATE BILL 440

By: Senator D. Wallace

By: Representative Rye

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING EMBALMERS AND FUNERAL DIRECTORS; TO REGULATE THE USE OF ALKALINE HYDROLYSIS; TO REGULATE ALKALINE HYDROLYSIS FACILITIES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING EMBALMERS AND FUNERAL DIRECTORS; TO REGULATE THE USE OF ALKALINE HYDROLYSIS; AND TO REGULATE ALKALINE HYDROLYSIS FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-29-304(b)(1)(A), concerning the requirements for a full-time manager of a funeral establishment, is amended to read as follows:

(b)(1)(A) Except as provided in subdivision (b)(2) of this section, the board shall not issue a license to operate a full-service funeral establishment unless the establishment has employed a full-time manager who:

- (i) Is a licensed funeral director in good standing;
- (ii) Actively supervises the staff of the

establishment; ~~and~~

- (iii) Is not employed by a nonaffiliated funeral

establishment;

- (iv) Is responsible for reports and documents

prescribed by the board;

- (v) Is responsible to report any changes of



information to the board;

(vi) Conspicuously displays all current and valid licenses for the funeral establishment and current registered apprentices;

(vii) Is responsible for ensuring all licenses are renewed timely; and

(viii) Resides within fifty (50) miles of the funeral establishment.

SECTION 2. Arkansas Code § 17-29-311(a), concerning the prohibited conduct of licensees for the practice of embalming or funeral directing, is amended to read as follows:

(a) The State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services may issue letters of reprimand or caution, refuse to issue or renew a license, suspend or revoke any license for the practice of embalming, ~~or~~ funeral directing, or operating a crematory retort, or may place the holder thereof on a term of probation after proper hearing upon finding the holder of the license to be guilty of acts of commission or omission, including the following:

- (1) Conviction of a felony listed under § 17-3-102;
- (2) Misrepresentations made or fraud committed as a holder of a license;
- (3) False or misleading advertising;
- (4) Solicitation of dead human bodies by the licensee, his or her agents, assistants, or employees, whether the solicitation occurs after death or while death is impending, provided that this prohibition shall not be deemed to prohibit general advertising;
- (5) Employment directly or indirectly of an apprentice, agent, assistant, employee, or other person on a part-time or full-time basis or on a commission for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral establishment;
- (6) The direct or indirect payment or offer of payment of a commission by the licensee, his or her agents, assistants, or employees for the purpose of securing business;
- (7) Allowing a person who is not licensed under this subchapter to execute a contract for funeral arrangements;

- (8) Aiding or abetting an unlicensed person to practice embalming or funeral directing;
- (9) Violation of any provision of this subchapter ~~and § 17-29-201 et seq. [repealed]~~;
- (10) Violation of any state law or rule or of any municipal or county ordinance or regulation affecting the handling, custody, care, transportation, or final disposition of dead human bodies;
- (11) Fraud or misrepresentation in obtaining or renewing a license;
- (12) Refusing to properly release a dead human body to the custody of the person or entity having the legal right to effect such a release if all other applicable laws and rules have been followed by the holder of the license;
- (13) Willful failure to secure a permit for the removal or burial or other disposition of a dead human body;
- (14) Knowingly making a false statement on a certificate of death;
- (15) Violations of applicable law or rules with regard to prearranged or prepaid funeral services or funeral merchandise. However, the proper regulatory agency for prearranged or prepaid funeral services or funeral merchandise shall have determined that such a violation has occurred;
- (16) Discriminating in services because of race, creed, color, or national origin;
- (17) Failure to meet continuing education requirements; or
- (18) Failure to answer a complaint within the fifteen-day time period.

SECTION 3. Arkansas Code § 17-29-311(e), concerning unlicensed activities as transacting or practicing embalming or funeral directing or operating or maintaining a funeral establishment, is amended to read as follows:

(e) It shall be unlawful for any person, partnership, corporation, or association that has not been licensed or registered as specified in this subchapter to transact, practice, or hold himself or herself or itself out as transacting or practicing embalming or funeral directing or operating or maintaining a funeral establishment, alkaline hydrolysis facility, or

crematory within this state.

SECTION 4. Arkansas Code § 17-29-311(f), concerning the requirements for storage of a dead human body, is amended to read as follows:

(f)(1) A dead human body that is not buried or otherwise disposed of within an allotted time as determined by rule of the board shall be embalmed or stored under refrigeration as determined by the Department of Health or its successor or successors concerning the preservation of bodies.

(2)(A) When taking custody of the dead human body under this subchapter or § 23-61-1101 et seq. or when the dead human body is stored under refrigeration as determined by the department, a funeral establishment, alkaline hydrolysis facility, or crematory shall maintain the dead human body in a manner that provides for complete coverage of the dead human body and prevents leakage or spillage by properly storing the dead human body in a refrigeration or preparation room at all times except during:

(i) Identification, embalming, or preparation of an unembalmed dead human body for final disposition;

(ii) Restoration and dressing of a dead human body in preparation for final disposition; or

(iii) Viewing during a visitation or funeral service.

(B) The funeral establishment, alkaline hydrolysis facility, or crematory shall treat the dead human body with dignity and respect as determined by rule of the board.

(3)(A) If a funeral establishment, alkaline hydrolysis facility, or crematory is unable to secure or store a dead human body as required under subdivision (f)(1) of this section due to an unforeseen circumstance, the funeral establishment, alkaline hydrolysis facility, or crematory shall transfer the dead human body and notify the board and the person or entity having the legal right to arrange for the final disposition of the dead human body.

(B) The notice required under subdivision (f)(3)(A) of this section shall:

(i) Be provided within twenty-four (24) hours after the occurrence of the unforeseen circumstance; and

(ii) Include the:

(a) Name and location of the facility where the dead human body is being transferred;

(b) Reason for the transfer; and

(c) Method of storage.

(4) A dead human body shall not be embalmed or artificially preserved without:

(A) The express permission of a person or entity with the legal right to arrange for the final disposition of the dead human body under the Arkansas Final Disposition Rights Act of 2009, § 20-17-102; or

(B) A court order.

(5) A funeral establishment, alkaline hydrolysis facility, or crematory shall not store a dead human body until final disposition at a funeral establishment, alkaline hydrolysis facility, or crematory without a license under this subchapter or § 23-61-1101 et seq.

(6) A funeral establishment, alkaline hydrolysis facility, crematory, or transport service of human remains licensed under this subchapter shall not transport or store a dead human body together with animal remains in the same confined space.

SECTION 5. Arkansas Code § 17-29-313 is amended to read as follows:

17-29-313. Permit required – Crematorium construction – Operation of crematorium.

(a)(1) A crematorium shall not be constructed in this state without a permit issued by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services.

(2) In order to receive a permit to construct a crematorium, a person shall:

(A)(i) Publish a notice in a local newspaper, or a state-wide newspaper if a local newspaper is not published weekly, of general circulation in the county where the crematorium is proposed to be constructed stating that the applicant intends to construct a crematorium at a designated location.

(ii) The notice shall:

(a)(1) Be published on the Sunday and Wednesday no more than ~~fifteen (15) days nor less than seven (7) days~~ two (2) weeks before submitting an application to the board.

(2) Publication as described in subdivision (a)(2)(A)(ii)(a)(1) of this section is sufficient if the notice is published in the newspaper's print edition or digital edition, or both; and

(b) ~~Invite~~ Inform members of the public ~~to~~ that:

(1) The public has ten (10) business days from the date of the notice to submit written protest to regarding the construction of the proposed crematorium to the board at the address designated by the board; and

(2) A written protest may include a request that the board hold a public hearing regarding the construction of the proposed crematorium; and

(B)(i) Submit an application to the board for a permit to construct a crematorium.

(ii) The application for a permit to construct a crematorium shall include:

(a) Proof of publication of the notice required under subdivision (a)(2)(A) of this section; and

(b) A copy of the permit issued by the Division of Environmental Quality under § 8-4-203 to construct the crematorium; ~~and~~

~~(c) The fee as prescribed in § 17-29-208 [repealed].~~

(b)(1) Upon receiving a written protest ~~to an application for the construction of a crematorium~~ requesting a public hearing, the board, in its discretion, shall ~~+~~

~~(A) review the written protest and decide if a public hearing is warranted.~~

(2) If the board decides a public hearing is warranted under subdivision (b)(1) of this section, the board shall:

(A) Schedule a public hearing on the application; and

(B)(i) Direct the applicant to publish in a local newspaper, or a state-wide newspaper if a local newspaper is not published weekly, having general circulation within the county where the crematorium is proposed to be constructed a notice of the date and time of a public hearing

on the application.

(ii) The notice shall be published ~~on the Sunday and Wednesday no more than fifteen (15) days nor less than seven (7)~~ at least ten (10) calendar days before the public hearing.

(2) The public hearing shall be held in the city or county in which the proposed crematorium is to be located.

(c)(1) A crematorium shall not be operated in this state without a license issued by the board.

(2) A person who desires to operate a crematorium in this state shall:

(A) Make application to the board on forms furnished by the board;

(B) Provide the necessary information as determined by the board;

(C) Attach the fee as prescribed by the board;

(D) Satisfy the requirements of the board for the safe and sanitary operation of a crematorium as determined by the board; and

(E)(i) Provide to the board proof of liability insurance.

(ii) The board shall develop and promulgate rules to establish minimum levels of general liability insurance coverage for licensed crematoriums.

(3) The board shall grant the application if the board finds that the proposed crematorium:

(A) Complies with all state and federal laws concerning environmental and public health; and

(B) Will serve the public interest.

SECTION 6. Arkansas Code § 17-29-401 is amended to read as follows:

17-29-401. Criminal penalties.

~~A person who practices the science of embalming, engages in the business of funeral directing, operates a funeral establishment, operates a crematorium, conducts cremations, transports human remains, or operates a transport service without a license under § 23-61-1101 et seq. and § 17-29-301 et seq. is guilty of a Class D felony and subject to the punishment prescribed for Class D felonies in the Arkansas Criminal Code~~ A violation of this chapter is a Class D felony.

SECTION 7. Arkansas Code Title 17, Chapter 29, is amended to add an additional subchapter to read as follows:

Subchapter 8 – Alkaline Hydrolysis Facilities

17-29-801. Definitions.

As used in this subchapter:

(1)(A) "Alkaline hydrolysis" means a water-based dissolution process that uses alkaline chemicals and heat that may involve agitation or pressure to accelerate the natural decomposition that results in effluent.

(B) "Alkaline hydrolysis" includes the disposal of the liquid and the processing and pulverization to dry bone residue;

(2) "Alkaline hydrolysis chamber" means an enclosed space:

(A) Within which the alkaline hydrolysis process takes place; and

(B) That is exclusively used for the alkaline hydrolysis of human remains;

(3) "Alkaline hydrolysis facility" means a funeral establishment licensed under this subchapter;

(4) "Authorized person" means:

(A) A licensed embalmer or funeral director;

(B) A registered apprentice or mortuary student;

(C) A public official or representative in the discharge of his or her official duties;

(D) Licensed medical personnel;

(E) A trained alkaline hydrolysis facility operator; and

(F) A person with the right to control the disposition of the remains of a deceased person under § 20-17-102 and his or her designee;

(5)(A) "Body part" means a limb or other portions of the human body that are removed from a living person for medical purposes during biopsy, treatment, or surgery.

(B) "Body part" includes a dead human body that has been donated to science for purposes of medical education or research and parts of the dead human body that were removed for those purposes;

(6) "Effluent" means bone fragments and neutral liquid resulting

from the alkaline hydrolysis process;

(7) "Operator" means a crematory retort operator licensed under § 17-29-314;

(8) "Political subdivision" means:

(A) A county;

(B) A city of the first class or city of the second class;

or

(C) An incorporated town;

(9) "Processing" means the reduction of an identifiable bone fragment after the completion of the alkaline hydrolysis process into an unidentifiable bone fragment by manual means;

(10) "Pulverization" means the reduction of identifiable bone fragments after the completion of the alkaline hydrolysis and processing the bone fragments into granulated particles by manual or mechanical means;

(11) "Resomation" means the alkaline hydrolysis process that is used to break down a dead human body into ashes;

(12) "Temporary container" means a receptable for resomated remains that is:

(A) Composed of cardboard, plastic, metal, or another material that can be closed in a manner that prevents leakage or spillage of resomated remains and prevents the entrance of foreign material; and

(B) Sufficient in size to hold the resomated remains until the resomated remains are placed in an urn or scattered; and

(13) "Urn" means a receptable designed to permanently encase the resomated remains.

17-29-802. License required – General requirements.

(a)(1) An alkaline hydrolysis facility is required to be licensed by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services.

(2) A dead human body may only be hydrolyzed in this state at a alkaline hydrolysis facility that is licensed under this subchapter.

(b)(1) A building that is to be used as an alkaline hydrolysis facility shall comply with all applicable building codes, zoning laws and ordinances, wastewater management regulations, and environmental statutes, rules, and standards of a political subdivision and the state.

(2) An alkaline hydrolysis facility shall have:

(A) A purpose built human alkaline hydrolysis system on site that is approved for human alkaline hydrolysis;

(B) A system for drying the hydrolyzed remains;

(C) A motorized mechanical device for processing hydrolyzed remains; and

(D)(i) A holding facility approved for human resomation by the board for the retention of dead human bodies awaiting alkaline hydrolysis.

(ii) The holding facility described in subdivision (b)(2)(D)(i) of this section shall:

(a) Be secure to prevent access by anyone except the authorized personnel of the alkaline hydrolysis facility;

(b) Preserve the dignity of the remains; and

(c) Protect the health and safety of the personnel of the alkaline hydrolysis facility.

17-29-803. Flooring, walls, ceiling, doors, and windows – Equipment and supplies.

(a)(1)(A) Any room where an alkaline hydrolysis chamber is located and the room that is used for the storage of chemicals used for the alkaline hydrolysis process shall:

(i) Have nonporous flooring to ensure sanitary conditions;

(ii) Be private and have no general passageway through it; and

(iii) Display in a conspicuous place a sign that indicates that the room is private and access is limited.

(B) The room shall be secure at all times from the entrance of unauthorized persons.

(2) The walls and ceiling of any room where an alkaline hydrolysis chamber is located and any room that is used for the storage of chemicals used for the alkaline hydrolysis process shall run from floor to ceiling and be covered with tile, plaster, or sheetrock painted with washable paint or other appropriate material to ensure sanitary conditions.

(3) Any door, wall, ceiling, and window of a room where an

alkaline hydrolysis chamber is located and a room that is used for the storage of chemicals used for the alkaline hydrolysis process shall be constructed to prevent odors from entering any other part of the building.

(4)(A) A window or other opening to the outside of any room where an alkaline hydrolysis chamber is located and any room that is used for the storage of chemicals used for the alkaline hydrolysis process shall be screened.

(B)(i) A window shall be treated in a manner that prevents viewing into any room where the alkaline hydrolysis chamber is located.

(ii) A viewing window for an authorized family member or a designee of an authorized family member is not a violation of subdivision (a)(4)(B)(i) of this section.

(b) An alkaline hydrolysis facility shall have a functional emergency eye wash and quick drench shower.

(c) An authorized person who is present in or enters any room where the alkaline hydrolysis chamber is located while a body is being prepared for final disposition shall be attired according to all applicable state laws and rules and federal regulations regarding the control of infectious disease and occupational and workplace health and safety.

17-29-804. Application procedure – Documentation – Initial inspection.

(a) An application to license and operate an alkaline hydrolysis facility shall be submitted to the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services.

(b) An application described in subsection (a) of this section shall include:

(1) A completed application form, as provided by the board;

(2) Proof of liability insurance coverage that demonstrates an applicant's ability to respond to damages for liability arising from the ownership, maintenance, management, or operation of an alkaline hydrolysis facility; and

(3) Copies of wastewater and other environmental regulatory permits and environmental regulatory licenses necessary to conduct operations of an alkaline hydrolysis facility.

17-29-805. Alkaline hydrolysis facility operator – Duties.

(a)(1) An operator may schedule the time of the resomation of a dead human body to occur at the operator's own convenience at any time after the operator receives the following:

(A)(i) The identity of the human remains.

(ii) Permissible methods of identifying the remains include:

(a) Verifying the name on the hospital bracelet or anklet with the fact sheet;

(b) Verifying the name on the funeral home bracelet;

(c) Using a photo of the decedent;

(d) Confirmation of the decedent's identity by an authorized person; or

(e) Proof of identity as submitted to the crematory authority directly by law enforcement or by any other appropriate legal or governmental authority;

(B) The name of the authorized person and the relationship between the authorized person and the decedent;

(C) An authorization for the alkaline hydrolysis facility to resomate the human remains;

(D) A resomation final disposition rights form or a representation that the authorized person is unaware of any objection to the human remains being resomated by a person who has a right to control the disposition of the human remains;

(E) The name of the person authorized to claim the human remains from the alkaline hydrolysis facility;

(F) A completed and executed burial transit permit or other disposition authorization signed by the authority having jurisdiction to authorize final disposition of a dead human body, as provided in the laws of the state or territory where death occurred, indicating that the human remains are to be resomated;

(G) A death certificate, fetal death certificate, or other disposition authorization signed by the authority having jurisdiction to authorize final disposition of a dead human body in the state, territory, or country where death occurred; and

(H) Any other documentation required by a political

subdivision.

(2) The operator is responsible for a dead human body or a body part when the dead human body or body part has been delivered to or accepted by the alkaline hydrolysis facility or an employee or agent of the alkaline hydrolysis facility.

(b)(1) An operator of an alkaline hydrolysis facility shall do the following:

(A) Upon receipt of a dead human body at the alkaline hydrolysis facility that has not been embalmed, the body may be placed in a holding facility within the first twenty-four (24) to forty-eight (48) hours after death unless ordered by the Department of Health to embalm or refrigerate for the control of infectious disease and the protection of the public;

(B) The body shall be held in a refrigerated facility forty-eight (48) hours after death, if not embalmed;

(C) The body shall remain in the holding facility until near the time of the resomation process commences within the first twenty-four (24) to forty-eight (48) hours after death; and

(D) The body shall remain in the refrigerated facility until near the time of the resomation process commences after the first forty-eight (48) hours, if not embalmed.

(2) Upon receipt of a dead human body that has been embalmed, the operator shall place the body in the holding facility at the alkaline hydrolysis facility and keep the body in the holding facility until the resomation process commences.

(c)(1) An operator shall remove the dead human body from the container, if any, in which the body was delivered or accepted by the alkaline hydrolysis facility.

(2) An authorized person shall be informed about a casket or an alternative container, unless biodegradable, that is to be removed from encasing the dead human body before resomation.

(3) The alkaline hydrolysis facility shall not be held liable for removing a dead human body from a casket or an alternative container for the purpose of preventing damage to the alkaline hydrolysis chamber.

(4) If the alkaline hydrolysis facility has to remove a dead human body from a casket or an alternative container, the funeral

establishment in charge of the at-need arrangements shall pick up the casket or the alternative container with the human remains.

(d) An operator shall not:

(1)(A) Simultaneously resomate more than one (1) dead human body or body parts removed from more than one (1) dead human body or living person in the same alkaline hydrolysis chamber without permission from the authorized person.

(B) Subdivision (d)(1)(A) of this section does not prohibit the use of alkaline hydrolysis equipment that contains more than one (1) alkaline hydrolysis chamber; or

(2) Permit a person other than an employee of the alkaline hydrolysis facility, a licensed embalmer, or a person authorized pursuant to the instructions of the decedent, or the decedent's legal next of kin, if any, to be present in the holding facility or resomation room while:

(A) A dead human body or body parts are being held in the holding facility or resomation room;

(B) A dead human body or body parts are being resomated;

or

(C) Resomated remains are being removed from the resomation chamber.

(e)(1) An operator shall not remove dental gold or silver, body parts, organs, or other items of value from a dead human body before the resomation or from the resomated remains after resomation unless the operator was acting under instructions of the decedent or the decedent's legal next of kin that specifically authorize the removal of dental gold or silver, body parts, organs, or other items of value.

(2) An operator who removes dental gold or silver, body parts, organs, or other items of value from a dead human body, or assists in the removal of dental gold or silver, body parts, organs, or other items of value from a dead human body shall not charge a fee for doing so that exceeds the actual cost to the alkaline hydrolysis facility for performing or assisting in the removal of dental gold or silver, body parts, organs, or other items of value from a dead human body.

17-29-806. Recoverable remains.

(a) Upon completion of the resomation process, the operator of an

alkaline hydrolysis facility shall remove from the resomation chamber all resomation residue that is practicably recoverable.

(b)(1) If the recovered resomated remains do not fit in the urn selected or in the temporary container, the operator shall place the remainder in a separate temporary container.

(2) Resomated remains placed in a separate temporary container shall be delivered, released, or disposed of together with those in the urn or other temporary container.

(c) Subdivision (b)(1) of this section does not require an operator to recover a specified quantity or quality of resomated remains upon the completion of a resomation.

(d)(1) An operator shall not knowingly represent that an urn or temporary container contains the recovered resomated remains of a specific dead human body or of body parts removed from a specific dead human body or living person if the urn or container does not contain the recovered resomated remains of the specific dead human body or of body parts removed from a specific dead human body or living person.

(2) Subdivision (d)(1) of this section does not prohibit the making of a representation because of the presence in the recovered resomated remains of de minimis amounts of the resomated remains of another dead human body or of body parts.

(e) An operator or a funeral director shall ship or cause to be shipped any resomated remains by a class or method of mail, common carrier service, or delivery service that has an internal system for tracing the location of the resomated remains during shipment and that requires a signed receipt from the individual who accepts delivery of the resomated remains.

(f) An operator shall establish and maintain a system for:

(1) Accurately identifying a dead human body in possession of the alkaline hydrolysis facility; and

(2) Identifying a dead human body or living person from whom body parts in the possession of the alkaline hydrolysis facility were removed throughout all phases of the holding and resomation process.

(g) An operator shall not knowingly use or allow the use of the same alkaline hydrolysis chamber for the resomation of a dead human body or body parts and a body or body parts of an animal.

17-29-807. Final Disposition of remains – Unclaimed resomated remains.

(a) Except as provided in subsection (b) of this section, an operator shall not:

(1) Dispose of the resomated remains of a dead human body or body parts in a manner or in a location that the resomated remains are commingled with those of another dead human body or body parts removed from another dead human body or living person; or

(2) Place the resomated remains of more than one (1) dead human body, or of body parts removed from more than one (1) dead human body or living person, in the same urn or temporary container.

(b) Notwithstanding subsection (a) of this section, an operator may:

(1) If complying with specific instructions from the decedent or decedents or an heir or personal representative designated by the decedent or decedents:

(A) Scatter resomated remains at sea, by air, or in a dedicated area at a cemetery used exclusively for the scattering on the ground of the resomated remains of a dead human body or body parts;

(B) Commingle resomated remains of more than one (1) dead human body or of body parts removed from more than one (1) dead human body or living person; or

(C) Place in the same urn or temporary container of the resomated remains of more than one (1) dead human body, or of body parts removed from more than one (1) dead human body or living person; and

(2) If the operator is operating under the decedent's instructions, commingle the resomated remains or body parts removed from another dead human body or living person, after receipt of the resomated remains or the body parts, with those of another dead human body or body parts removed from another dead human body or living person.

(c)(1) Unless otherwise specified by written agreement between the operator or funeral establishment and the person or entity requesting the resomation of human remains, resomated human remains unclaimed ninety (90) calendar days from the date of resomation may be interred, entombed, or inurned by the operator.

(2) The operator or funeral establishment shall make a record of the disposition of the unclaimed resomated human remains available for inspection on weekdays between the hours of 8:00 a.m. and 4:30 p.m.

17-29-808. Written receipt for remains – Records.

(a) An operator shall provide a written receipt to an individual who delivers a dead human body or body parts to the alkaline hydrolysis facility for resomation.

(b)(1) If a dead human body was not donated to science for the purpose of medical education or research, the written receipt shall be signed by both a representative of the alkaline hydrolysis facility and the individual who delivered the dead human body to the alkaline hydrolysis facility.

(2) The written receipt under subdivision (b)(1) of this section shall include:

(A) The name of the decedent;

(B) The date and time of delivery;

(C) The type of casket or container, if any, in which the dead human body was delivered to the alkaline hydrolysis facility;

(D) The name of the individual who delivered the dead human body to the facility, if applicable;

(E) The name of the funeral home or other establishment with whom the individual delivering the dead human body is affiliated; and

(F) The name of the individual who received the dead human body on behalf of the alkaline hydrolysis facility.

(c) If a dead human body was donated to science for purposes of medical education or research, then the written receipt described under subsection (a) of this section shall indicate the name of the individual who received the dead human body on behalf of the alkaline hydrolysis facility.

(d)(1)(A) At the time of releasing resomated remains, an operator shall ensure that a written receipt signed by both a representative of the alkaline hydrolysis facility and the individual who received the resomated remains is provided to the individual who received the resomated remains.

(B) Except for the resomated remains of a dead human body that was donated to science for the purpose of medical education or research or body parts of a dead human body that was donated to science for the purpose of medical education or research, the written receipt under subdivision (d)(1)(A) of this section shall indicate:

(i) The name of the decedent;

(ii) The date and time of the release of the

resomated remains;

(iii) The name of the individual who received the released resomated remains;

(iv) If applicable, the name of the funeral home, cemetery, or other entity to whom the resomated remains were released; and

(v) The name of the individual who released the resomated remains on behalf of the alkaline hydrolysis facility.

(2)(A) If the resomated remains are of a dead human body that was donated to science for purposes of medical education or research or are those of body parts of a dead human body that was donated to science for purposes of medical education or research, then the written receipt under subdivision (d)(1)(A) of this section shall:

(i) Be signed by both a representative of the alkaline hydrolysis facility and the individual who received the resomated remains; and

(ii) Indicate the date and time of the release of the resomated remains.

(B) For other resomated remains, the written receipt shall accompany the resomated remains.

(C) The signature of the individual whose name is on the delivery receipt to accept delivery of the resomated remains satisfies the requirement of this section that the person receiving the resomated remains sign the written receipt provided by the alkaline hydrolysis facility.

(e)(1) An alkaline hydrolysis facility engaged in the business of resomating a dead human body or body parts shall keep the following for a period of at least seven (7) years after each resomation to which the information applies:

(A) A copy of each written receipt issued upon acceptance by or delivery to the alkaline hydrolysis facility of a dead human body;

(B) A record of each resomation conducted at the alkaline hydrolysis facility, containing at least:

(i) The name of the decedent or, in the case of body parts, the name of the decedent or living person from whom the body parts were removed;

(ii) The date and time of the resomation; and

(iii) The final disposition made of the resomated

remains;

(C) A copy of each delivery receipt issued under this section; and

(D) A separate record of the resomated remains of each dead human body or the body parts removed from each dead human body or living person that were disposed of containing:

(i) The name of the decedent;

(ii) The date and time of the resomation; and

(iii) The location, date, and manner of final disposition of the resomated remains; and

(2) Following the period described under subdivision (e)(1) of this section and subject to any other laws requiring retention of records, the alkaline hydrolysis facility may:

(A) Place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original records; or

(B) Transfer the records to the Arkansas State Archives or the Division of Arkansas Heritage for permanent storage.

(f) A record required to be maintained under this section is subject to inspection by the board, or an authorized representative of the board, upon reasonable notice and at a reasonable time.

17-29-809. Alkaline hydrolysis facility operator liability.

(a) Unless an action or omission by an operator was made with malicious purpose, in bad faith, or in a wanton or reckless manner, the operator is not liable for damages in a civil action for:

(1) Having performed the resomation of a dead human body or having released or disposed of the resomated remains according to the instructions of the decedent or an heir or personal representative of the decedent;

(2) Having performed the resomation of the dead human body or body parts removed from the dead human body or living person or having released or disposed of the resomated remains according to the instructions of the decedent or an heir or personal representative of the decedent;

(3) Failing to correctly identify a dead human body before resomation;

(4) Having actual knowledge that there is a dispute between those sharing the same right of final disposition regarding the resomation of the dead human body or body parts, and the operator has not received confirmation that the dispute is resolved or an order of the court having jurisdiction ordering the resomation of the dead human body or body parts;

(5) Having a reasonable basis for questioning the accuracy of the information or statements provided to the operator with respect to the resomation of the dead human body or body parts; or

(6) Having any other lawful reason for refusing to accept the dead human body or body parts or to perform the resomation.

(b) An operator is not liable for damages in a civil action in connection with the resomation of or disposition of the resomated remains of dental gold or silver, jewelry, or other items of value delivered to the facility with a dead human body or body parts unless the actions or omissions of the operator were made with malicious purpose, in bad faith, or in a wanton or reckless manner.

(c) This section does not:

(1) Create a new cause of action or substantive legal right against the operator; or

(2) Affect an immunity from civil liability or a defense established by law to which the operator may be entitled.

17-29-810. Delay of resomation.

(a) If a death comes under the authority of the coroner or medical examiner, the dead human body or body parts shall not be received by the alkaline hydrolysis facility until the alkaline hydrolysis facility receives authorization for resomation from the coroner of the county in which death occurred or the medical examiner.

(b) If the alkaline hydrolysis facility is authorized to perform a funeral in addition to a resomation, the restriction under subsection (a) of this section for the receipt of human remains is applicable, but resomation shall not take place until authorization is given by the coroner or medical examiner to the alkaline hydrolysis facility.

(c)(1) This subchapter does not permit the resomation of body parts from a dead human body or a living person at the request of a hospital or other institution.

(2) Only an individual from whose body the body parts were removed or the individual's appointed representative may make arrangements with an alkaline hydrolysis facility for the resomation of a body part.

SECTION 8. Arkansas Code § 23-61-1103(a)(3)(D), concerning the rules promulgated by the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services, is amended to read as follows:

- (D) To establish qualifications necessary to:
 - (i) Practice the science of embalming;
 - (ii) Engage in the business of funeral directing;
 - (iii) Practice cremation;
 - (iv) Practice alkaline hydrolysis;
 - (v) Transport human remains; and
 - ~~(v)~~(vi) Operate a funeral establishment, mortuary service, crematorium, retort, alkaline hydrolysis facility, or transport service firm to transport human remains;

/s/D. Wallace