

January 2026: Changes and additions highlighted in blue

State:	Arizona
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Inquiry 1: How long can I keep the body at home after death and under what conditions?

There are no statutes or regulations that address this question.

Inquiry 2: Does my state require the body to be embalmed? Refrigerated?

Ariz. Rev. Stat. Ann. § 32-1399(3)

Human remains that are not embalmed shall be held by the crematory in a refrigerated holding facility that maintains human remains at or below thirty-eight degrees fahrenheit or in compliance with applicable public health laws.

Ariz. Admin. Code R4-12-303

It is a deceptive practice for a funeral establishment or funeral director to “Represent that state or local law requires that a deceased person be embalmed when such is not the case, or fail to disclose that embalming is not required by law except where burial or cremation will not occur within 24 hours or where the body is not refrigerated immediately after death.”

Inquiry 3: What methods of disposition are legal in my state?

Arizona statutes mention cremation, burial, entombment, alkaline hydrolysis, and removal from the state.

Inquiry 4: What do I need to do to get a death certificate?

Ariz. Rev. Stat. § 36-325

A. Within seven calendar days after receiving possession of human remains, a funeral establishment or responsible person who takes possession of the human remains shall:

1. Obtain and complete the information, including the social security number of the decedent, on the death certificate required pursuant to this chapter and rules adopted pursuant to this chapter.
2. Provide on the death certificate the name and address of the person completing the death certificate.
3. Submit the death certificate for registration to a local registrar, a deputy local registrar or the state registrar. The funeral establishment or responsible person may submit the death certificate by electronic means in the format prescribed by the state registrar.

B. Within seventy-two hours after receiving a death certificate pursuant to this section, a local registrar, a deputy local registrar or the state registrar shall register a death certificate if it is accurate and complete and submitted pursuant to

this chapter and rules adopted pursuant to this chapter.

C. If a county medical examiner or alternate medical examiner determines that the circumstances of a death provide jurisdiction pursuant to section 11-593, subsection B, the medical examiner or alternate medical examiner shall complete and sign the medical certification of death on a death certificate within seventy-two hours after the examination, excluding weekends and holidays. If the medical examiner or alternate medical examiner cannot determine the cause of death within that time, the medical examiner or alternate medical examiner shall enter "pending" for the cause of death and sign the medical certification of death within seventy-two hours after the examination, excluding weekends and holidays.

D. A local registrar, a deputy local registrar or the state registrar shall register a death certificate if there is a medical certification of death signed by the medical examiner or alternate medical examiner with a pending cause of death.

E. Final disposition of human remains with a pending cause of death shall not occur until the medical examiner or alternate medical examiner releases the human remains for final disposition.

F. When the medical examiner or alternate medical examiner determines the cause of death, the medical examiner or alternate medical examiner shall submit the information to the local registrar, deputy local registrar or state registrar.

G. If a person under the current care of a health care provider for an acute or chronic medical condition dies of that condition, or complications associated with that condition, the health care provider or a health care provider designated by that provider shall complete and sign the medical certification of death on a death certificate within seventy-two hours. If current care has not been provided, the medical examiner or alternate medical examiner shall complete and sign the medical certification of death on a death certificate within seventy-two hours after the examination, excluding weekends and holidays.

H. If a person dies in a hospital, nursing care institution or hospice inpatient facility of natural causes, the hospital, nursing care institution or facility shall designate a health care provider to complete and sign the medical certification of death within seventy-two hours.

I. If a person dies on an Indian reservation in this state and a county medical examiner or alternate medical examiner is not available, the tribal law enforcement authority, acting in an official investigative capacity, may complete and sign the medical certification of death.

J. If the place of death is unknown, the death is considered to have occurred in the place where the human remains were found.

K. If a person dies in a moving conveyance, the death is considered to have occurred in the place where the human remains were initially removed from the conveyance. In all other cases, the place where death is pronounced is considered the place where the death occurred.

L. The state registrar shall create and register a death certificate when the state registrar receives a court order of a presumptive death. The court order shall contain the following information, if known:

1. The decedent's name, social security number, date of birth, date of death, cause of death and location of death.
2. Any other information necessary to complete a death certificate for a presumptive death.

M. If a murder victim's body is not recovered, a conviction for the murder is proof of death. The court shall forward a record of the conviction to the state registrar. The state registrar shall obtain the personal data regarding the murder victim from information provided by the court, a family member of the murder victim or another reliable source and create and register the death certificate.

N. A health care provider who completes and signs a medical certification of death in good faith pursuant to this section is not subject to civil liability or professional disciplinary action.

Inquiry 5: What do I need to do to get a burial-transit permit? Is there a wait period before I can receive a burial-transit permit?

Ariz. Rev. Stat. § 36-326

A. A funeral establishment or responsible person who takes possession of human remains shall obtain a disposition-transit permit from a local registrar, a deputy local registrar or the state registrar before doing either of the following:

1. Providing final disposition of the human remains.
2. Moving the human remains out of this state.

B. Human remains that are moved from a hospital, nursing care institution or hospice inpatient facility must be accompanied by a form provided by the hospital, nursing care institution or hospice inpatient facility authorizing the release of the human remains. The form shall contain the information required in rules adopted pursuant to this chapter.

C. A funeral establishment or responsible person may move human remains from a hospital, nursing care institution or hospice inpatient facility where death occurred without obtaining a disposition-transit permit if the funeral establishment or responsible person does not remove the human remains from this state and provides notice to the local registrar or deputy local registrar in the registration district where the death occurred within twenty-four hours after moving the human remains.

D. A funeral establishment or responsible person may move human remains from a place other than a hospital, nursing care institution or hospice inpatient facility where death occurred without obtaining a disposition-transit permit if the funeral establishment or responsible person does not remove the human remains from this state and provides notice to the local registrar or deputy local registrar in the registration district where death occurred within seventy-two hours after moving the human remains.

E. Embalmed human remains, disinterred human remains and human remains that are not embalmed that are shipped by common carrier inside or outside of this state for the purposes of burial, cremation or funeral services shall be placed in a suitable shipping container that is designed for transporting human remains. Human remains that are not embalmed and that are shipped inside or outside of this state are not required to be transported within twenty-four hours after death.

F. A hospital or abortion clinic is not required to obtain a disposition-transit permit if an unborn child is expelled or extracted at the hospital or abortion clinic and all the following apply:

1. The gestation period of the unborn child is less than twenty weeks or, if the gestation period is unknown, the weight of the unborn child is less than three hundred fifty grams.
2. A county medical examiner's investigation is not required.
3. The woman on whom the abortion was performed has authorized the hospital or abortion clinic to dispose of the unborn child.

G. To obtain a disposition-transit permit, a funeral establishment or responsible person must submit the information required pursuant to this chapter and rules adopted pursuant to this chapter to the state registrar or to the local registrar or deputy local registrar of the registration district where the death occurred.

H. A local registrar, a deputy local registrar or the state registrar shall provide a disposition-transit permit to a funeral establishment or other responsible person if the information provided pursuant to subsection B of this section complies with this chapter and rules adopted pursuant to this chapter.

I. A local registrar, a deputy local registrar or the state registrar shall provide a disposition-transit permit for interment of human remains in a cemetery only if the location of the cemetery has been recorded in the office of the county recorder in the county where the cemetery is located or the cemetery is located on federal or tribal land.

J. A local registrar, a deputy local registrar or the state registrar shall provide a disposition-transit permit issued by this state for the final disposition of human remains in this state on receipt of a disposition-transit permit from another state that accompanies the human remains from the other state.

Ariz. Rev. Stat. § 36-831.01

No mechanism for leaving directions, but decedent's wishes must be respected if known to person who controls remains

Inquiry 8: Designated Agent Statute

Ariz. Rev. Stat. § 36-831

If decedent is unmarried, a designated agent may be appointed with express language in a health care power of attorney or durable power of attorney.

Inquiry 9: Right of Sepulcher Statute

Ariz. Rev. Stat. §36-831

A. Except as provided pursuant to subsection I or J of this section, the duty of burying the body of or providing other funeral and disposition arrangements for a dead person devolves in the following order:

1. If the dead person was married, on the surviving spouse unless:

(a) The dead person was legally separated from the person's spouse.

(b) A petition for divorce or for legal separation from the dead person's spouse was filed before the person's death and remains pending at the time of death.

2. On the person who is designated as having power of attorney for the decedent in the decedent's most recent health care power of attorney pursuant to chapter 32, article 2 of this title if that power of attorney specifically gives that person the authority to make decisions regarding the disposition of the decedent's remains or a durable power of attorney if that power of attorney specifically gives that person the authority to make decisions regarding the disposition of the decedent's remains.

3. If the dead person was a minor, on the parents.

4. On the adult children of the dead person.

5. On the dead person's parent.

6. On the dead person's adult sibling.

7. On the dead person's adult grandchild.

8. On the dead person's grandparent.

9. On an adult who exhibited special care and concern for the dead person.

10. On the person who was acting as the guardian of the person of the dead person at the time of death.

11. On any other person who has the authority to dispose of the dead person's body.

12. If none of the persons named in paragraphs 1 through 11 of this subsection is financially capable of providing for the burial or other funeral and disposition arrangements, or cannot be located on reasonable inquiry, on any person or fraternal, charitable or religious organization willing to assume responsibility.

13. If the dead person was a prisoner in the custody of the state department of corrections at the time of death and none of the persons named in paragraphs 1 through 11 of this subsection is willing to provide for the burial or other funeral and disposition arrangements, or cannot be located on reasonable inquiry, on the state department of corrections.

B. During a person's life, the person's family members that are listed in subsection A of this section may sign a waiver of decision making that waives their rights under this section relating to the disposition of the person's body when the person dies.

C. If none of the persons named in subsection A of this section is willing or financially able to bury or provide other funeral and disposition arrangements for a dead person, or if the person cannot be located after reasonable efforts have been made to do so, the county in which death occurs shall bury or place in a permanent care crypt the dead body or cremated remains of a dead body. The county officer who is responsible for determining financial eligibility or abandonment may conduct an investigation for that purpose. If the decedent is known to be an honorably discharged veteran or the surviving spouse of an honorably discharged veteran, the county shall notify the United States department of veterans affairs or a local veteran's organization, or both, of the death and give the department or that organization the opportunity to provide for the person's burial or for other funeral and disposition arrangements. If the department or organization is unable to provide for the burial of the veteran or the surviving spouse, the county shall ensure that the decedent is properly interred and that burial is made in a veterans' cemetery or a portion of a cemetery that is designated for the burial of veterans and spouses of veterans.

D. If there is more than one member of a category listed in subsection A, paragraph 3, 4, 5, 6, 7, 8 or 9 of this section entitled to serve as the authorizing agent, final arrangements may be made by any member of that category unless that member knows of any objection by another member of the category. If an objection is known, final arrangements shall be made by a majority of the members of the category who are reasonably available.

E. If the county medical examiner or person performing the duties of the county medical examiner knows that the dead person is a member of a federally recognized Native American tribe located in this state, the county medical examiner or person performing the duties of the county medical examiner must notify the tribe and give the tribe the opportunity to provide for the person's burial or other funeral and disposition arrangements. If an autopsy is required by section 11-597, the county medical examiner or person performing the duties of the county medical examiner, if possible, shall complete the autopsy and return the remains to the federally recognized Native American tribe located in this state within four calendar days after the determined date of death.

F. A person on whom the duty prescribed in subsection A of this section is imposed who omits or is unwilling to perform that duty within a reasonable time or is prohibited from performing that duty under subsection I of this section is liable to the person performing the duty in an amount of two times the expenses the person incurred in providing for the burial or other funeral and disposition arrangements. The person who performs this duty may recover this amount in a civil action.

G. Notwithstanding the probate requirements of title 14, if a county is required to bury a person pursuant to subsection C of this section, the county may recover the burial costs from the decedent's estate. The county may record a lien on the decedent's estate and the lien takes priority over a beneficiary deed. A financial institution in possession of monies in an account in the decedent's name must reimburse the county for the burial costs on presentation by the county of an affidavit that certifies:

1. The date of the decedent's death.
2. That, pursuant to this section, the county performed the decedent's burial.
3. The total burial costs incurred by the county.

H. A person, a corporation or an agency of government that provides for the burial or other funeral and disposition arrangements on the instructions of a person described in subsection A of this section is immune from civil liability:

1. For failing to honor the wishes of the decedent or the wishes of a person who has a higher priority in subsection A or C of this section if the person, corporation or agency of government was not aware, after reasonable inquiry, of the contrary wishes.
2. For refusing to follow conflicting directions of persons who have the same priority in subsection A of this section.
3. For following directions of a personal representative that are consistent with the written testamentary instructions of the decedent.

I. The duty to bury or to provide other funeral and disposition arrangements devolves to the next person in the order prescribed pursuant to subsection A of this section if the person who is otherwise responsible for performing this duty is charged with the criminal death of the person to whom the duty is owed and the funeral director is aware of the charge. The person who performs this duty may recover costs as prescribed in subsection F of this section. If the charges against the person on whom this duty originally fell are subsequently dismissed or are resolved in that person's favor on the merits, the person is responsible for only the actual costs.

J. If the decedent died while serving in any branch of the United States armed forces, the United States reserve forces or the national guard, and completed a United States department of defense record of emergency data, DD form 93, or its successor form, the duty to bury the decedent or to provide other funeral and disposition arrangements for the decedent devolves on the person authorized by the decedent pursuant to that form.

K. A person that possesses unclaimed cremated remains may release to the United States department of veterans affairs or a veterans' service organization verification information associated with the remains to verify whether the remains are of a veteran or a veteran's dependent eligible to be interred in a veterans' cemetery if the person has possessed the cremated remains for at least one year, a person described in subsection A of this section has not claimed the cremated remains and the person made a reasonable effort to locate a relative of the decedent to claim the remains. If the person receives notice from the United States department of veterans affairs or a veterans' service organization that the unclaimed cremated remains are the remains of a veteran or a veteran's dependent eligible to be interred in a veterans' cemetery, the person may transfer the cremated remains to a veterans' service organization, which must ensure that the cremated remains are interred in a veterans' cemetery or transport the cremated remains to a veterans' cemetery for burial.

L. A person that releases verification information pursuant to subsection K of this section or that transfers cremated remains to a veterans' service organization or a veterans' cemetery pursuant to subsection K of this section is immune from civil liability for damages resulting from the release or transfer. A veterans' service organization that inters cremated remains in or transports

cremated remains to a veterans' cemetery pursuant to subsection K of this section is immune from civil liability for damages arising from the interment.

M. For the purposes of this section:

1. "Person" includes a natural person, a corporation, a company, a partnership, a firm, an association, a society, the United States, this state, any territory, state or country, an Arizona federally recognized Native American tribe, any political subdivision of this state or a public or private corporation, a partnership or association or a veterans' service organization.

2. "Verification information" means data required by the United States department of veterans affairs to verify whether a person is a veteran or a veteran's dependent and is eligible for burial in a veterans' cemetery, including a copy of the person's death certificate and the person's name, service number, social security number, date of birth, date of death and place of birth.

3. "Veterans' service organization" means a veterans' organization that is chartered by the United States Congress, that is recognized by the United States department of veterans affairs or that qualifies as a charitable organization that is recognized under either section 501(c)(3) or 501(c)(19) of the internal revenue code and that is organized for the verification and burial of veterans and their dependents.

N. For the purposes of this article, "burial" includes cremation.