

ASSEMBLY BILL

No. 1277

Introduced by Assembly Member Cardenas

February 23, 2001

An act to amend Sections 7685 and 7739 of, and to add Sections 7685.6, 7735.5, and 7738.5 to, the Business and Professions Code, relating to funeral directors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1277, as introduced, Cardenas. Funeral directors.

Existing law, the Funeral Directors and Embalmers Law, requires specified information to be included in a funeral establishment's price list, and prescribes penalties for misrepresentation of a funeral director without a valid license and for any violation concerning preneed funeral arrangement contracts.

This bill would require that a statement be included on a funeral establishment's price list and that a notice be posted in the counseling office at the funeral establishment providing that survivors of the deceased who will be handling the funeral arrangements are entitled to receive a copy of any preneed funeral arrangement contract executed by the deceased prior to the at need arrangement session. The bill would make a violation of provisions relating to sale of a preneed funeral arrangement contract a felony. Because the bill would increase criminal penalties for certain violations, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7685 of the Business and Professions
2 Code is amended to read:

3 7685. Every funeral director shall provide to any person, upon
4 beginning discussion of prices or of the funeral goods and services
5 offered, a written or printed list containing but not necessarily
6 limited to the price for professional services offered, which may
7 include the funeral director’s services, the preparation of the body,
8 the use of facilities, and the use of automotive equipment. All
9 services included in this price or prices shall be enumerated. The
10 funeral director shall also provide a statement on that list ~~which~~
11 *that* gives the price range for all caskets offered for sale. The
12 funeral director shall also provide a written statement or list ~~which~~
13 *that*, at a minimum, specifically identifies a particular casket or
14 caskets by price and by thickness of metal, or type of wood, or
15 other construction, interior and color, in addition to other casket
16 identification requirements under Title 16, Code of Federal
17 Regulations, Part 453 and any subsequent version of this
18 regulation, when a request for specific information on a casket or
19 caskets is made in person by any individual. Prices of caskets and
20 other identifying features such as thickness of metal, or type of
21 wood, or other construction, interior and color, in addition to other
22 casket identification requirements required to be given over the
23 telephone by Title 16, Code of Federal Regulations, Part 453 and
24 any subsequent version of this regulation, shall be provided over
25 the telephone, if requested. *The price list shall also include a*
26 *statement indicating that survivors of the deceased who are*
27 *handling the funeral arrangements are entitled to receive a copy*
28 *of any preneed funeral arrangement contract executed by the*
29 *deceased prior to the at need arrangement session.*

30 SEC. 2. Section 7685.6 is added to the Business and
31 Professions Code, to read:

32 7685.6. All licensed funeral establishments shall
33 conspicuously place a notice in its counseling office that states the



1 survivors of the deceased handling the funeral arrangements are
2 entitled to receive a copy of the preneed funeral arrangement
3 contract executed by the deceased prior to the at need arrangement
4 session.

5 SEC. 3. Section 7735.5 is added to the Business and
6 Professions Code, to read:

7 7735.5. The preneed funeral arrangement contract shall
8 clearly state if benefits are unavailable or limited for any reason
9 during the first two years after the date of execution of the contract.

10 SEC. 4. Section 7738.5 is added to the Business and
11 Professions Code, to read:

12 7738.5. The violation of any provision of this chapter relating
13 to the sale of a preneed funeral arrangement contract is a felony
14 that is subject to the provisions of Section 7739.

15 SEC. 5. Section 7739 of the Business and Professions Code
16 is amended to read:

17 7739. Any person willfully violating the provisions of this
18 article or any of them ~~shall be~~ *is guilty of a felony* punishable ~~either~~
19 ~~by imprisonment in the county jail for a period not exceeding six~~
20 ~~months, or by fine not exceeding five hundred dollars (\$500), or~~
21 ~~by both imprisonment and fine, or by imprisonment in the state~~
22 prison for 16 months, or two or three years. If the violator is a
23 funeral establishment licensee, he or she shall also be subject to
24 disciplinary action as provided in Article 6 (commencing with
25 Section 7686).

26 SEC. 6. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.

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