

AMENDED IN ASSEMBLY APRIL 30, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1277**

**Introduced by Assembly Member Cardenas**

February 23, 2001

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1277, as amended, 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. Because the bill would add additional requirements concerning preneed funeral arrangement contracts, the violation of~~

*which is a crime, the bill would create 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 that gives  
11 the price range for all caskets offered for sale. The funeral director  
12 shall also provide a written statement or list that, at a minimum,  
13 specifically identifies a particular casket or caskets by price and by  
14 thickness of metal, or type of wood, or other construction, interior  
15 and color, in addition to other casket identification requirements  
16 under Title 16, Code of Federal Regulations, Part 453 and any  
17 subsequent version of this regulation, when a request for specific  
18 information on a casket or caskets is made in person by any  
19 individual. Prices of caskets and other identifying features such as  
20 thickness of metal, or type of wood, or other construction, interior  
21 and color, in addition to other casket identification requirements  
22 required to be given over the telephone by Title 16, Code of  
23 Federal Regulations, Part 453 and any subsequent version of this  
24 regulation, shall be provided over the telephone, if requested. The  
25 price list shall also include a statement indicating that survivors of  
26 the deceased who are handling the funeral arrangements are  
27 entitled to receive a copy of any preneed funeral arrangement



1 contract executed by the deceased prior to the at need arrangement  
2 session.

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

5 7685.6. All licensed funeral establishments shall  
6 conspicuously place a notice in its counseling office that states the  
7 survivors of the deceased handling the funeral arrangements are  
8 entitled to receive a copy of the preneed funeral arrangement  
9 contract executed by the deceased prior to the at need arrangement  
10 session.

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

13 7735.5. The preneed funeral arrangement contract shall  
14 clearly state if benefits are unavailable or limited for any reason  
15 during the first two years after the date of execution of the contract.

16 ~~SEC. 4. Section 7738.5 is added to the Business and  
17 Professions Code, to read:~~

18 ~~7738.5. The violation of any provision of this chapter relating  
19 to the sale of a preneed funeral arrangement contract is a felony  
20 that is subject to the provisions of Section 7739.~~

21 ~~SEC. 5. Section 7739 of the Business and Professions Code  
22 is amended to read:~~

23 ~~7739. Any person willfully violating the provisions of this  
24 article or any of them is guilty of a felony punishable by  
25 imprisonment in the state prison for 16 months, or two or three  
26 years. If the violator is a funeral establishment licensee, he or she  
27 shall also be subject to disciplinary action as provided in Article  
28 6 (commencing with Section 7686).~~

29 ~~SEC. 6.~~

30 ~~SEC. 4. No reimbursement is required by this act pursuant to  
31 Section 6 of Article XIII B of the California Constitution because  
32 the only costs that may be incurred by a local agency or school  
33 district will be incurred because this act creates a new crime or  
34 infraction, eliminates a crime or infraction, or changes the penalty  
35 for a crime or infraction, within the meaning of Section 17556 of  
36 the Government Code, or changes the definition of a crime within  
37 the meaning of Section 6 of Article XIII B of the California  
38 Constitution.~~

