

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 764

Introduced by Assembly Member Linder

February 21, 2013

An act to ~~amend Section 9656~~ *add and repeal Article 9 (commencing with Section 9789.1) to Chapter 19 of Division 3 of the Business and Professions Code, relating to ~~cemeteries~~ human remains.*

LEGISLATIVE COUNSEL'S DIGEST

AB 764, as amended, Linder. ~~Cemeteries.~~ *Human Remains.*

Existing law, the Cemetery Act, provides for the licensure and regulation of cemeteries, crematories, and their personnel by the Cemetery and Funeral Bureau within the Department of Consumer Affairs. Existing law establishes certified uniform program agencies, which are agencies certified by the Secretary for Environmental Protection to implement a specified unified program relating to hazardous waste and materials in accordance with certain requirements.

This bill would, until January 1, 2020, establish a pilot program that would authorize the bureau to issue a limited crematory license to no more than 5 alkaline hydrolysis facilities, subject to specified requirements. The bill would also set forth requirements for participation in a pilot program at University of California, Los Angeles David Geffen School of Medicine, Department of Family Medicine.

~~Existing law, the Cemetery Act, establishes the Cemetery and Funeral Bureau within the Department of Consumer Affairs and sets forth its powers and duties, including, but not limited to, licensing and regulating cemetery managers, salespersons, and brokers. Existing law requires~~

the bureau to examine the endowment care funds of cemetery authorities, as specified:

~~This bill would make technical, nonsubstantive changes to a provision of the Cemetery Act related to endowment care funds.~~

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

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

1 SECTION 1. Article 9 (commencing with Section 9789.1) is
2 added to Chapter 19 of Division 3 of the Business and Professions
3 Code, to read:

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Article 9. Hydrolysis

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9789.1. (a) Nothing in this chapter, Chapter 12, or any other law, shall be construed to prohibit a hydrolysis facility from engaging in the practice of alkaline hydrolysis of human remains when authorized as part of the pilot program authorized by this section.

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(b) The bureau is authorized to issue a limited crematory license to an alkaline hydrolysis facility subject to the following:

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(1) The bureau may issue limited crematory licenses to no more than five alkaline hydrolysis facilities.

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(2) Each alkaline hydrolysis facility shall meet the following requirements:

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(A) The alkaline hydrolysis facility shall be managed by a licensed crematory manager, who has been certified as having received training by the hydrolysis manufacturer, as approved by the bureau.

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(B) The alkaline hydrolysis facility shall comply with local water treatment and wastewater control laws.

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(C) The alkaline hydrolysis facility shall present to the bureau any locally required permits for business operations and appropriate state tax documentation.

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(c) A licensed alkaline hydrolysis facility shall submit to annual inspections by the bureau and any certified uniform program agency. The facility may be additionally inspected at any time by the bureau.

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1 (d) Article 6.5 (commencing with Section 9740) and Article 8
2 (commencing with Section 9780) shall apply to the alkaline
3 hydrolysis of human remains authorized through the pilot program.

4 9789.2. This article shall remain in effect only until January
5 1, 2020, and as of that date is repealed, unless a later enacted
6 statute, that is enacted before January 1, 2020, deletes or extends
7 that date.

8 SECTION 1. ~~Section 9656 of the Business and Professions~~
9 ~~Code is amended to read:~~

10 9656. ~~If the bureau finds, after notice and hearing, that any~~
11 ~~endowment care funds have been invested in violation of the~~
12 ~~provisions of the Health and Safety Code, the bureau shall by~~
13 ~~written order mailed to the person or body in charge of the fund~~
14 ~~require the reinvestment of the funds in conformity to that code~~
15 ~~within a period that shall be not less than two years if the~~
16 ~~investment was made prior to October 1, 1949, not less than six~~
17 ~~months if the investment was made on or after October 1, 1949,~~
18 ~~and before the effective date of the amendment of this section by~~
19 ~~the 1969 Regular Session of the Legislature, and not less than 30~~
20 ~~days if the investment is made on or after the effective date of the~~
21 ~~amendment. The period may be extended by the bureau in its~~
22 ~~discretion.~~