

ASSEMBLY BILL

No. 2877

Introduced by Assembly Member Davis

February 22, 1996

An act to amend Sections 7616, 7621, 7628, 7630, 7641, 7643, 7646, 7649, 7660, 7662, 7664, 7665, 7666, 7667, 7668, 7669, 7670, and 7729 of, to add Section 7651 to, to add Article 2.5 (commencing with Section 7635) to Chapter 12 of Division 3 of, to repeal and add Sections 7647 and 7671 of, and to repeal Section 7666.5 of, the Business and Professions Code, relating to funeral establishment, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2877, as introduced, Davis. Funeral establishments.

Existing law provides that the Department of Consumer Affairs succeeds to, and is vested with, all the duties, powers, purpose, responsibilities, and jurisdiction of the Funeral Directors and Embalmers Board as of January 1, 1996, in the absence of a consolidation of this board with the Cemetery Board or other restructuring of the boards.

The Funeral Directors and Embalmers Law provides for the licensure and regulation of funeral directors and embalmers, as specified.

This bill would provide for licensing of funeral establishments in addition to funeral directors and embalmers. The bill would also revise various education, examination, and other licensing requirements applicable to

embalmers, embalmers' apprentices, and funeral directors, as specified.

This bill would also require any person employed by, or an agent of, a funeral director who consults with a family of a deceased person or its representatives concerning the arranging of funeral services to be licensed as an arrangement counselor, or to be designated as an arrangement counselor trainee, as specified. The bill would set forth specified qualification and license requirements for an arrangement counselor's license. The bill would except from these requirements preneed arrangement counselors, as specified.

A violation of any of the provisions of the Funeral Directors and Embalmers Law is a misdemeanor. This bill would therefore create new crimes and thus 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.

The bill would specify certain application and license renewal fees for funeral establishments and arrangement counselors and revise fees applicable to these and other licensees. Existing provisions of the Business and Professions Code continuously appropriate moneys in the State Funeral Directors and Embalmers Fund. Because this bill would increase the amount of moneys in that fund, it would constitute an appropriation.

The bill would become operative on July 1, 1997.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

- 1 SECTION 1. Section 7616 of the Business and
- 2 Professions Code is amended to read:
- 3 7616. (a) A *licensed* funeral establishment is a place
- 4 of business conducted in a building or separate portion of
- 5 a building having a specific street address or location and



1 devoted exclusively to such activities as are incident,
2 convenient, or related to the preparation and
3 arrangements, financial and otherwise, for the funeral,
4 transportation, burial or other disposition of human ~~dead~~
5 ~~bodies remains~~ and including, but not limited to, any of
6 the following:

7 ~~(a)~~

8 (1) A suitable room for the storage of ~~dead~~ human
9 ~~bodies remains~~, or

10 ~~(b)~~

11 (2) A preparation room equipped with a sanitary
12 flooring and necessary drainage and ventilation and
13 containing necessary instruments and supplies for the
14 preparation, sanitation, or embalming of human ~~dead~~
15 ~~bodies remains~~ for burial or transportation.

16 (b) *Licensed funeral establishments under common*
17 *ownership within close geographical proximity of each*
18 *other may be deemed to be in compliance with the*
19 *requirements of paragraph (1) or (2) of subdivision (a)*
20 *if at least one of the establishments has a room described*
21 *in those paragraphs.*

22 (c) Except as provided in Section 7609 of this code, and
23 except accredited embalming schools and colleges
24 engaged in teaching students the art of embalming, no
25 person shall operate or maintain or hold himself out as
26 operating or maintaining any of the facilities specified in
27 subdivision (b) of this section, unless he is licensed as a
28 funeral director.

29 (d) Nothing in this section shall be construed to
30 require a funeral establishment to conduct its business or
31 financial transactions at the same location as its
32 preparation or storage of ~~dead~~ human ~~bodies remains~~.

33 (e) Nothing in this chapter shall be deemed to render
34 unlawful the conduct of any ambulance service from the
35 same premises as those on which a *licensed* funeral
36 establishment is conducted, including the maintenance
37 in connection with the funeral establishment of garages
38 for the ambulances and living quarters for ambulance
39 drivers.



1 SEC. 2. Section 7621 of the Business and Professions
2 Code is amended to read:

3 7621. The applicant shall also furnish the board with
4 satisfactory proof that the establishment in which he *or*
5 *she* intends to conduct business as a funeral director is or
6 will be constructed, equipped and maintained in all
7 respects as a *licensed* funeral establishment as defined in
8 this chapter.

9 SEC. 3. Section 7628 of the Business and Professions
10 Code is amended to read:

11 7628. Any funeral director desiring to change ~~his or~~
12 ~~her place of business~~ *the location of a licensed funeral*
13 *establishment for which the director is responsible* shall
14 apply therefor on forms furnished by the board and shall
15 include a fee fixed by this chapter.

16 The application shall be granted by the executive
17 officer upon the filing with the board of a favorable
18 report, approved by the executive officer, from a board
19 member, except a public member, or inspector
20 concerning the physical status or plans and specifications
21 of the proposed *licensed* funeral establishment to the
22 effect that it conforms to the requirements of this article.
23 Every application so granted shall be submitted for
24 approval at the next meeting of the board after the
25 issuance thereof, and no application for change of place
26 of business shall become permanent until approved by
27 the board.

28 SEC. 4. Section 7630 of the Business and Professions
29 Code is amended to read:

30 7630. A funeral ~~director's~~ *establishment's* license may
31 be assigned upon payment of the fee fixed by this chapter
32 and, if the assignee does not already possess a license as
33 a funeral director, upon ~~his~~ *the director* meeting the
34 qualifications for a funeral director as prescribed by this
35 code. Prior to a funeral ~~director's~~ *establishment's* license
36 being assigned, an audit shall be conducted of the firm's
37 preneed trust funds and any shortages in ~~such~~ *those* funds
38 shall be funded.

39 The assignee has the right to renew the license.



1 SEC. 5. Article 2.5 (commencing with Section 7635)
2 is added to Chapter 12 of Division 3 of the Business and
3 Professions Code, to read:

4
5 Article 2.5. Arrangement Counselors
6

7 7635. Any person employed by, or an agent of, a
8 funeral director, who consults with the family or
9 representatives of a family of a deceased person for the
10 purpose of arranging for services as set forth in
11 subdivision (a) of Section 7615, shall be licensed as an
12 arrangement counselor by the board.

13 7636. (a) Notwithstanding any other provision of this
14 chapter, an employee of a funeral establishment is not
15 prohibited from complying with 16 C.F.R. Section 453 or
16 Section 7304 of the Health and Safety Code.

17 (b) It is unlawful for any person to perform the duties
18 of an arrangement counselor unless he or she is licensed
19 by the board as an arrangement counselor, or unless he
20 or she is under the direct supervision of a licensed
21 arrangement counselor. An unlicensed individual
22 performing the duties of an arrangement counselor
23 under direct supervision of a licensed arrangement
24 counselor shall be known as an arrangement counselor
25 trainee. No person shall hold the designation of
26 arrangement counselor trainee for more than two
27 continuous calendar years. The designation of
28 arrangement counselor trainee is renewable, but no
29 person shall hold that designation for a total period of
30 more than three years.

31 The board may adopt procedures to register and
32 regulate arrangement counselor trainees.

33 7637. An application for an arrangement counselor's
34 license shall be on a form provided by the board, verified
35 by the applicant, and accompanied by the fee fixed by
36 Section 7729.

37 7638. In order to qualify for an arrangement
38 counselor's license, the applicant shall comply with the
39 following requirements:

40 (a) Attain the age of 18 years.

1 (b) Not have committed acts or crimes constituting
2 grounds for denial of licensure under Section 480.

3 (c) Be a high school graduate or the equivalent.

4 On and after July 1, 2000, an applicant shall provide
5 proof by verifiable transcripts that he or she has attained
6 an Associate of Arts or science degree, or the equivalent,
7 or a higher level of education as recognized by the
8 Western Association of Colleges and Universities or any
9 other nationally recognized accrediting body of colleges
10 and universities.

11 (d) Have successfully passed an examination given by
12 the board which shall include the following subjects:

13 (1) Applicable federal and state laws, and rules and
14 regulations, including those provisions dealing with vital
15 statistics, the coroner, anatomical gifts, and others which
16 pertain to the duties of a funeral director.

17 (2) Grief-related psychology.

18 (3) Religious and other funeral customs.

19 7638.2. The board shall grant an arrangement
20 counselor's license to any applicant who complies with
21 this article, notwithstanding subdivisions (c) and (d) of
22 Section 7638, if the applicant demonstrates that he or she
23 has been performing the duties of an arrangement
24 counselor for two consecutive years, or in five of the last
25 10 years, for a licensed funeral director, immediately
26 prior to July 1, 1997.

27 7638.3. The board shall adopt regulations requiring
28 continuing education for arrangement counselors.

29 7638.4. The board shall hold at least two meetings
30 annually for the purpose of examining applicants for
31 arrangement counselors' licenses.

32 Examinations shall be held at those times and places as
33 may be determined by the board. Notice of the time and
34 place of the examinations shall be provided as
35 determined by the board.

36 7638.5. Where a hearing is held to determine whether
37 an application for a license should be granted, the hearing
38 shall be conducted in accordance with Chapter 5
39 (commencing with Section 11500) of Part 1 of Division 3



1 of the Government Code, and the board shall have all the
2 powers granted in those provisions.

3 7638.7. An applicant for an examination pursuant to
4 Section 7622 shall hold a valid arrangement counselor's
5 license.

6 7638.8. This article shall not apply to preneed
7 arrangement counselors. However, each preneed
8 arrangement shall be reviewed and attested to by a
9 licensed arrangement counselor within 15 days from the
10 date of the preneed arrangement. The review shall be
11 comprehensive and shall encompass compliance with
12 federal and state statutes and regulations.

13 SEC. 6. Section 7641 of the Business and Professions
14 Code is amended to read:

15 7641. It is unlawful for any person to embalm a body,
16 or engage in, or hold himself *or herself* out as engaged in
17 practice as an embalmer, unless he *or she* is licensed by
18 the board; provided, however, that this section shall have
19 no effect on students and instructors of embalming in
20 embalming colleges approved by the board.

21 SEC. 7. Section 7643 of the Business and Professions
22 Code is amended to read:

23 7643. In order to qualify for a license as an embalmer,
24 the applicant shall comply with all of the following
25 requirements:

26 (a) Be over 18 years of age.

27 (b) Not have committed acts or crimes constituting
28 grounds for denial of licensure under Section 480.

29 (c) (1) Furnish proof showing completion of a high
30 school course or instead he *or she* may furnish the board
31 with evidence that he *or she* has been licensed and has
32 practiced as an embalmer for a minimum of three years
33 within the seven years preceding his *or her* application in
34 any other state or country and that ~~such~~ *the* license has
35 never been suspended or revoked for unethical conduct.

36 (2) *On and after July 1, 2000, an applicant shall submit*
37 *evidence to the board that he or she has attained an*
38 *associate of arts or science degree, or an equivalent level*
39 *of higher education as recognized by the Western*
40 *Association of Colleges and Universities or other*



1 *nationally recognized accrediting body of colleges and*
2 *universities.*

3 (d) Have completed at least two years of
4 apprenticeship under an embalmer licensed and
5 engaged in practice as an embalmer in this state in a
6 funeral establishment which shall have been approved
7 for apprentices by the board and while so apprenticed
8 shall have assisted in embalming ~~or otherwise preparing~~
9 ~~for disposition~~ not less *fewer* than 100 human dead bodies
10 *remains*; provided, however, that a person who has been
11 licensed and has practiced as an embalmer for a
12 minimum of three years within the seven years preceding
13 his *or her* application in any other state or country and
14 whose license has never been suspended or revoked for
15 unethical conduct shall not be required to serve any
16 apprenticeship in this state.

17 (e) Have successfully completed a course of
18 instruction of not less than ~~nine months which embraces~~
19 ~~the subjects specified in Section 7646 of this code, one~~
20 *academic year* in an embalming school approved by the
21 board *and accredited by the American Board of Funeral*
22 *Service Education.*

23 SEC. 8. Section 7646 of the Business and Professions
24 Code is amended to read:

25 7646. The board shall require the applicant to pass an
26 examination, ~~which shall include the following subjects:~~
27 *known as the National Board, administered by the*
28 *Conference of Funeral Service Examining Board.*

29 ~~(a) Theory and practice of embalming.~~

30 ~~(b) Anatomy, including histology, embryology and~~
31 ~~dissection.~~

32 ~~(c) Pathology and bacteriology.~~

33 ~~(d) Hygiene, including sanitation and public health.~~

34 ~~(e) Chemistry, including toxicology.~~

35 ~~(f) Restorative art, including plastic surgery and~~
36 ~~demisurgery.~~

37 ~~(g) Laws, rules and regulations of the board, including~~
38 ~~those sections of the Health and Safety Code which~~
39 ~~pertain to the funeral industry.~~



1 SEC. 9. Section 7647 of the Business and Professions
2 Code is repealed.

3 ~~7647. The board shall hold at least one meeting~~
4 ~~annually, for the purpose of examining applicants for~~
5 ~~embalmer's licenses.~~

6 ~~Examinations shall be held at such times and places as~~
7 ~~may be determined by the board.~~

8 ~~Notice of the time and place of such examinations shall~~
9 ~~be given as determined by the board.~~

10 SEC. 10. Section 7647 is added to the Business and
11 Professions Code, to read:

12 7647. The Conference of Funeral Service Examining
13 Board shall administer the National Board examination
14 not less than four times annually at an accredited school
15 of mortuary science in this state.

16 SEC. 11. Section 7649 of the Business and Professions
17 Code is amended to read:

18 7649. Except as provided in Section 10375 of the
19 Health and Safety Code, whenever the name of any
20 licensed embalmer is subscribed to any certificate, the
21 purport of which is that he *or she* has performed any act
22 mentioned in the certificate, the licensed embalmer shall
23 actually sign his *or her* name thereto.

24 SEC. 12. Section 7651 is added to the Business and
25 Professions Code, to read:

26 7651. The board shall adopt regulations requiring
27 continuing education of licensed embalmers.

28 SEC. 13. Section 7660 of the Business and Professions
29 Code is amended to read:

30 7660. An apprentice embalmer is a person engaged in
31 the study of ~~the art of~~ embalming under the instruction
32 and supervision of a ~~regularly~~ licensed embalmer who has
33 had at least two years' practical experience as a California
34 licensed embalmer.

35 SEC. 14. Section 7662 of the Business and Professions
36 Code is amended to read:

37 7662. In order to qualify as an apprentice embalmer,
38 an applicant shall comply with all of the following
39 requirements:

40 (a) Be over 18 years of age.



1 (b) Not have committed acts or crimes constituting
2 grounds for denial of licensure under Section 480.

3 (c) Furnish proof showing completion of a high school
4 course or instead he *or she* may furnish the board with
5 evidence that he *or she* has been licensed and has
6 practiced as an embalmer for a minimum of three years
7 within the seven years preceding his *or her* application in
8 any other state or country and that—~~such~~ *the* license has
9 never been suspended or revoked for unethical conduct.

10 SEC. 15. Section 7664 of the Business and Professions
11 Code is amended to read:

12 7664. Certificates of apprenticeship issued pursuant
13 to this article shall expire when the holder has been issued
14 a license as an embalmer, or ~~five~~ *six* years from the date
15 of registration, whichever first occurs. ~~Such~~ *The*
16 certificates may not be renewed, but an apprentice
17 embalmer who has not completed his *or her* term of
18 apprenticeship at the time his *or her* certificate expires
19 may apply for reregistration upon compliance with
20 Section 7661. The board may, when the circumstances
21 warrant, allow an apprentice credit under a
22 reregistration for the time actually served under a
23 previous registration, but no reregistration shall have the
24 effect of continuing the term of apprenticeship beyond
25 the period specified in Sections 7666 and 7666.5.

26 SEC. 16. Section 7665 of the Business and Professions
27 Code is amended to read:

28 7665. All registered apprentice embalmers shall be
29 under the supervision and control of the board and shall
30 comply with the following requirements during their
31 period of apprenticeship:

32 (a) Shall file a report of apprenticeship as follows:

33 (1) On or before January ~~15th~~ *15* of each year covering
34 the period of apprenticeship ending as of December ~~31st~~
35 *31* preceding.

36 (2) Upon change of supervising embalmer or
37 employer, or both.

38 (3) Upon completion of apprenticeship.

39 (4) Upon application for leave of absence for a period
40 in excess of 15 days.



1 (5) Upon suspending apprenticeship to attend
2 embalming college.

3 (6) Upon application for reregistration after
4 suspension or revocation of registration where complete
5 report of previous registration has not been filed.

6 (b) The information contained in the report shall
7 consist of a concise summary of the work done by the
8 apprentice during the period covered thereby, shall be
9 verified by the apprentice and certified to as correct by
10 his *or her* supervising embalmer and employer. Upon
11 request of the board, each funeral director in whose
12 establishment an apprenticeship is being, or has been,
13 served, and each embalmer under whose instruction or
14 supervision an apprenticeship is being, or has been
15 served, shall promptly file with the board a report or such
16 other information as may be requested relating to the
17 apprenticeship. Failure to comply with the request is
18 ~~ground~~ *cause* for revocation by the board of the approval
19 granted to ~~such~~ *the* funeral director or embalmer for the
20 training of apprentices and is also a ~~ground~~ *cause* for
21 disciplinary action against ~~such~~ *the* funeral director or
22 embalmer.

23 SEC. 17. Section 7666 of the Business and Professions
24 Code is amended to read:

25 7666. (a) The term of apprenticeship shall be two
26 years; provided, however, that if an apprentice after
27 having served his *or her* apprenticeship fails to pass the
28 examination for an embalmer's license he *or she* may
29 continue for one additional term of apprenticeship,
30 which shall be the maximum apprenticeship permitted
31 and provided further that an apprentice may, upon filing
32 an application therefor, be permitted to continue ~~such~~
33 *the* apprenticeship for a period not to exceed six months,
34 if approved, for any of the following reasons:

35 (1) While awaiting the processing of applications
36 submitted to the board.

37 (2) While awaiting notification of grades of
38 embalmers' examinations given by the board.



1 (3) While awaiting the commencement of a class of an
2 embalming school or college when ~~such~~ *the* apprentice
3 intends to enroll in ~~such~~ *the* school or college.

4 Applications filed for an extension of apprenticeship
5 shall be filed by the applicant with the Sacramento office
6 of the board not less than 15 days prior to the date the
7 applicant requests ~~such~~ *the* extension to commence.

8 (b) Terms of apprenticeship may be served before,
9 after, or divided by the embalming college course at the
10 option of the apprentice; provided, however, that the
11 term of apprenticeship must be completed, excluding
12 time spent in active military service, within ~~five~~ *six* years
13 from the date of original registration, or from the date an
14 apprentice successfully passes the examination for
15 embalmer's license required in Section 7646 of this code,
16 whichever first occurs, and provided further that if the
17 term of apprenticeship is not completed within ~~such~~
18 ~~five-year~~ *the six-year* period, the board may require that
19 the applicant serve ~~such~~ *the* additional term of
20 apprenticeship, not to exceed two years, ~~and pass such~~
21 ~~additional examination on the subjects listed in Section~~
22 ~~7646 of this code as the board considers necessary.~~

23 (c) A student attending an embalming college may
24 register as an apprentice during his *or her* college term
25 but shall receive no credit for ~~such~~ apprenticeship on the
26 term required by this code unless he *or she* is also a
27 full-time employee of a funeral director.

28 (d) An apprentice while serving his *or her* required
29 term of apprenticeship shall be a full-time employee in
30 the funeral establishment ~~wherein~~ *in which* he *or she* is
31 employed.

32 SEC. 18. Section 7666.5 of the Business and
33 Professions Code is repealed.

34 ~~7666.5. The term of apprenticeship of a person who~~
35 ~~holds a valid certificate as an apprentice on the date the~~
36 ~~amendments made to this article by the Legislature at its~~
37 ~~1967 Regular Session become effective or who on such~~
38 ~~date has a right of reregistration under this article shall~~
39 ~~continue to be governed by the law in effect at the time~~
40 ~~such amendments become effective.~~



1 SEC. 19. Section 7667 of the Business and Professions
2 Code is amended to read:

3 7667. ~~Leaves of Absence:~~(a)

4 ~~(a)~~The board shall have the power to grant leaves of
5 absence and extensions ~~thereof~~ *of leaves of absences* and
6 approve absences during the term of apprenticeship.

7 (b) A leave of absence, including any ~~and~~ ~~all~~
8 extensions ~~thereof~~, shall not be approved for a longer
9 period than an aggregate of one year.

10 (c) No credit will be given to an apprentice on his *or*
11 *her* apprenticeship for the period during which he *or she*
12 is absent from duty on leave.

13 (d) Application for a leave of absence and for an
14 extension thereof shall be made by the apprentice on a
15 form provided by the board.

16 (e) Upon termination of a leave of absence, the
17 apprentice shall report that fact to the board within ~~ten~~
18 ~~(10)~~ 10 days of his *or her* resumption of apprenticeship by
19 returning to the Sacramento office of the board, his *or her*
20 certificate of registration accompanied by a statement as
21 to the resumption of apprenticeship which statement
22 shall be certified as correct by the funeral director in
23 whose establishment he *or she* is to resume his *or her*
24 duties and by the embalmer under whose supervision he
25 *or she* is to resume his *or her* apprenticeship.

26 (f) Failure to report within ~~ten~~ ~~(10)~~ 10 days after the
27 expiration date of any leave of absence, shall be cause for
28 cancellation of the registration of an apprentice.

29 SEC. 20. Section 7668 of the Business and Professions
30 Code is amended to read:

31 7668. The board may suspend or revoke a certificate
32 of apprenticeship, after notice and upon complaint and
33 hearing in accordance with the provisions of Article 6,
34 ~~where if~~ the apprentice is guilty of any of the following
35 acts or omissions:

36 (a) Failure to devote full-time employment to the
37 duties of his *or her* apprenticeship.

38 (b) Failure to make any report required by law to the
39 board.

40 (c) Absence from duty except as provided in this code.



1 (d) Being on duty as an apprentice while under the
2 influence of liquor.

3 (e) Disobedience of proper orders or instructions of
4 his *or her* superior.

5 (f) Violation of any provision of this chapter or any
6 rule or regulation of the board.

7 (g) Soliciting business for a funeral director or for an
8 embalmer in violation of this chapter.

9 (h) Fraud or misrepresentation in obtaining a
10 certificate of registration as an apprentice.

11 (i) Conviction of a crime substantially related to the
12 qualifications, functions and duties of an apprentice, in
13 which case the record of conviction, or a certified copy
14 thereof, shall be conclusive evidence of the conviction.

15 SEC. 21. Section 7669 of the Business and Professions
16 Code is amended to read:

17 7669. An apprentice who has had his *or her* certificate
18 of apprenticeship suspended or revoked may, within one
19 year after ~~such~~ *the* suspension or revocation apply for
20 reregistration upon compliance with the law in effect at
21 the time he *or she* so applies and ~~paying~~ *payment* the
22 apprentice application fee fixed by this chapter. No
23 reregistration shall have the effect of continuing an
24 apprenticeship beyond the period specified in Section
25 7666.

26 The board may, when the circumstances warrant, allow
27 an apprentice credit under a reregistration for the time
28 actually served under a previous registration, but if the
29 previous registration has been suspended or revoked for
30 unprofessional conduct, not more than 75 percent of the
31 time previously served shall be credited on the
32 reregistration.

33 SEC. 22. Section 7670 of the Business and Professions
34 Code is amended to read:

35 7670. (a) The apprenticeship required by this article
36 ~~must~~ *shall* be served in a funeral establishment ~~which~~ *that*
37 shall have been previously approved for apprenticeship
38 training by the board. In order to qualify for ~~such~~
39 approval the funeral director ~~desiring same~~ *must shall*



1 submit to the board an application, accompanied by the
2 fee fixed by this chapter, showing:

3 ~~(a)~~

4 (1) That not less than 50 human ~~dead bodies~~ *remains*
5 per apprentice employed have been ~~prepared for burial~~
6 ~~or other disposition~~ *embalmed* in ~~such~~ *the* establishment
7 during the 12 months immediately preceding the date of
8 ~~such~~ *the* application;

9 ~~(b)~~

10 (2) That the applicant has, and will continue to have,
11 in full-time employment, for each two apprentices
12 employed in his *or her* establishment, a California
13 embalmer who has had not less than two years' practical
14 experience as a California licensed embalmer
15 immediately preceding the date of ~~such~~ *the* application;

16 ~~(c)~~

17 (3) That the funeral establishment of ~~such~~ *that*
18 applicant meets the requirements of law as to equipment,
19 cleanliness and sanitation as determined by an inspection
20 report filed with the board.

21 *(b) Licensed funeral establishments under common*
22 *ownership within close geographical proximity of each*
23 *other may request any of the following from the board:*

24 (1) *To be treated in aggregate for the purpose of*
25 *meeting the requirements of paragraph (1) of*
26 *subdivision (a).*

27 (2) *To designate one additional supervising embalmer*
28 *per registered apprentice.*

29 (3) *To allow a registered apprentice to serve in any or*
30 *all of the funeral establishments requested and approved*
31 *pursuant to this section.*

32 (c) Approval granted under this section shall be
33 renewed annually upon application by the funeral
34 director, showing continued compliance with the
35 foregoing provisions of this section, filed with the board
36 not later than January ~~15th~~ 15 of each year, which
37 application shall be acted upon by the board at its first
38 meeting thereafter. An application for renewal shall be
39 accompanied by the fee fixed by this chapter.



1 SEC. 23. Section 7671 of the Business and Professions
2 Code is repealed.

3 ~~7671. No person who is a duly registered apprentice~~
4 ~~or a student at an approved embalming school in~~
5 ~~California at the time of any amendment to this chapter~~
6 ~~raising the requirements for apprentice embalmers or~~
7 ~~license as an embalmer, shall be required to comply with~~
8 ~~the provisions of such amendment.~~

9 SEC. 24. Section 7671 is added to the Business and
10 Professions Code, to read:

11 7671. A registered apprentice who has completed the
12 requirements set forth in subdivision (e) of Section 7643
13 prior to July 1, 2000, shall be exempt from the provisions
14 of paragraph (2) of subdivision (c) of Section 7643 if the
15 period of registration has been continuous and
16 uninterrupted, and culminates in licensure.

17 SEC. 25. Section 7729 of the Business and Professions
18 Code is amended to read:

19 7729. The amount of the fees prescribed by this
20 chapter shall be fixed according to the following schedule
21 with the minimum amount specified being the amount
22 fixed on January 1, 1988. ~~However, the board may~~
23 ~~thereafter, but not prior to January 1, 1989, fix the fees at~~
24 ~~a greater amount, not to exceed the maximum amount~~
25 ~~specified herein:~~

26 (a) The application fee for a funeral director's license
27 shall be not less than ~~three hundred dollars (\$300)~~ *one*
28 *hundred dollars (\$100)* and not more than ~~four hundred~~
29 ~~dollars (\$400)~~ *two hundred dollars (\$200)*.

30 (b) The application fee for change of location of a
31 funeral ~~director's establishment's~~ license shall be not less
32 than one hundred fifty dollars (\$150) and not more than
33 two hundred fifty dollars (\$250).

34 (c) The application fee for permission to assign a
35 funeral ~~director's establishment's~~ license shall be not less
36 than two hundred dollars (\$200) and not more than three
37 hundred dollars (\$300).

38 (d) The license renewal fee payable by a licensed
39 funeral director shall be not less than ~~three hundred~~
40 ~~dollars (\$300)~~ *one hundred dollars (\$100)* and not more



1 than ~~four hundred dollars (\$400)~~ *two hundred dollars*
2 *(\$200)*. The fee for a delinquent renewal of a funeral
3 director's license shall be 150 percent of the timely
4 renewal fee.

5 (e) The application fee for an embalmer's license ~~and~~
6 ~~the examination for the license~~ shall be not less than one
7 hundred dollars (\$100) and not more than one hundred
8 fifty dollars (\$150).

9 (f) The renewal fee payable by a licensed embalmer
10 shall be not less than seventy-five dollars (\$75) and not
11 more than one hundred twenty-five dollars (\$125). The
12 fee for a delinquent renewal of an embalmer's license
13 shall be 150 percent of the timely renewal fee.

14 (g) The application fee for a certificate of registration
15 as an apprentice embalmer shall be not less than thirty
16 dollars (\$30) and not more than sixty dollars (\$60).

17 (h) The fee for an application by a funeral ~~director~~
18 *establishment* for approval to train apprentice
19 embalmers and for renewal of that approval shall be not
20 less than fifty dollars (\$50) and not more than one
21 hundred dollars (\$100).

22 (i) The application fee for a funeral director's
23 examination shall be not less than seventy-five dollars
24 (\$75) and not more than one hundred dollars (\$100).

25 (j) The fee for a timely filing of an individual report or
26 a combined report on preneed trust funds shall be not less
27 than one hundred dollars (\$100) and not more than two
28 hundred dollars (\$200). The fee for a late filing of any
29 report on preneed trust funds shall be 150 percent of the
30 applicable timely fee.

31 (k) The application fee for permission to change the
32 name appearing on a funeral ~~director's~~ *establishment's*
33 license shall be not less than one hundred dollars (\$100)
34 and not more than two hundred dollars (\$200), and for
35 permission to change the name on any other license or
36 certificate, not less than twenty dollars (\$20) and not
37 more than forty dollars (\$40).

38 (l) The application fee for a duplicate funeral
39 director's license, *a duplicate funeral establishment's*
40 *license*, a duplicate embalmer's license, or a duplicate



1 certificate of registration as an apprentice embalmer,
2 shall be not less than twenty dollars (\$20) and not more
3 than forty dollars (\$40).

4 (m) The fee for filing a report of a change of corporate
5 officers, managers, or preneed trust fund trustees shall be
6 not less than twenty-five dollars (\$25) and not more than
7 fifty dollars (\$50).

8 (n) *The application fee for an arrangement counselor*
9 *license is one hundred dollars (\$100).*

10 (o) *The license renewal fee for an arrangement*
11 *counselor is one hundred dollars (\$100) if the person is*
12 *not a licensed embalmer.*

13 (p) *The license renewal fee for an arrangement*
14 *counselor who is also a licensed embalmer shall be set at*
15 *one-half the fee set forth in subdivision (o).*

16 (q) *The application fee for a funeral establishment*
17 *license shall be not less than three hundred dollars (\$300)*
18 *and not more than four hundred dollars (\$400).*

19 (r) *The license renewal fee for a licensed funeral*
20 *establishment shall be not less than three hundred dollars*
21 *(\$300) nor more than four hundred dollars (\$400).*

22 SEC. 26. This act shall become operative July 1, 1997.

23 SEC. 27. The powers and duties of the Funeral
24 Directors and Embalmers Board, as described in the act
25 enacting this section, shall be subject to Section 102.1 of
26 the Business and Professions Code.

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

37 Notwithstanding Section 17580 of the Government
38 Code, unless otherwise specified, the provisions of this act



1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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