

ASSEMBLY BILL

No. 2279

Introduced by Assembly Member Dutra

February 24, 2000

An act to amend Sections 9741, 9742, 9744, and 9744.5 of, and to add Section 9740.5 to, the Business and Professions Code, relating to cremated human remains disposal.

LEGISLATIVE COUNSEL'S DIGEST

AB 2279, as introduced, Dutra. Cemeteries: cremated remains: licensing.

Existing law provides for the Cemetery Program, administered by the Department of Consumer Affairs, under which funeral professions are licensed and regulated.

This bill would require the department to provide specified funeral-related entities with a notice containing information on cremated remains disposal. This bill would require specified funeral-related entities that recommend, refer, or arrange the services of a registered cremated remains disposer to provide the notice to the individual controlling the disposition of the remains, as defined. This bill would provide that any funeral establishment, crematory, or cemetery that offers cremated remains disposal services is not required to provide the notice.

Existing law requires a cremated remains disposer to provide specified information when registering with the program. The information includes business address and service area.

This bill would require the cremated remains disposer to include in that information the Airman’s Medical Certificate and copy of the current pilot’s or captain’s license.

Existing law requires aircraft and boats used for scattering cremated remains to be registered or certified with the appropriate government agency.

This bill would require the cremated remains disposer to provide the department with an annual aircraft inspection certificate. This bill would also require the department to post specified information about cremated remains disposers on its website and toll-free telephone number.

Existing law requires each cremated remains disposer to provide a copy of the permit for disposition of human remains to the person authorizing the scattering of the remains within 60 days of the scattering.

This bill would require the cremated remains disposer to provide a copy of the permit and a copy of the current pilot’s or captain’s license to the funeral director and the person authorizing the scattering within 10 business days of the scattering.

This bill would also require the cremated remains disposer to provide the person authorizing the scattering and the funeral establishment, crematory, or cemetery a signed declaration containing specified information and stating that the scattering was performed.

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

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

1 SECTION 1. Section 9740.5 is added to the Business
2 and Professions Code, to read:
3 9740.5. (a) The department shall provide any funeral
4 establishment, crematory, cemetery, or other entity that
5 recommends, refers, or arranges the services of a
6 registered cremated remains disposer pursuant to
7 Section 9740, a notice containing, but not limited to, all of
8 the following information:
9 (1) Information about permissible scattering and
10 current registration status of registered cremated



1 remains disposers can be obtained by contacting the
2 Department of Consumer Affairs' toll-free telephone
3 number or Internet website.

4 (2) A registered cremated remains disposer is not
5 required to scatter cremated human remains in this state.

6 (3) Registered cremated remains disposer services
7 cannot be guaranteed.

8 (4) Registered cremated remains disposers are not
9 typically representatives or agents of funeral
10 establishments, crematories, or cemeteries and are solely
11 responsible for compliance with all applicable laws and
12 regulations and for the disposition of the cremated
13 human remains released to their custody.

14 (b) Any funeral establishment, crematory, cemetery,
15 or other entity that recommends, refers, or arranges the
16 services of a registered cremated remains disposer
17 pursuant to Section 9740, shall provide the person with
18 the right to control the disposition of the remains
19 pursuant to Section 7100 of the Health and Safety Code,
20 with the notice in subdivision (a).

21 (c) Nothing in this section shall prohibit the
22 department from including this information in the
23 declaration required pursuant to Section 7685.2.

24 (d) This section shall not apply to any funeral
25 establishment, crematory, or cemetery that provides
26 cremated remains disposal services.

27 SEC. 2. Section 9741 of the Business and Professions
28 Code is amended to read:

29 9741. (a) (1) Registration shall be on the form
30 prescribed by the program and shall include, but not be
31 limited to, the full name of the registrant, business and
32 residence addresses, description and identification of
33 aircraft or boats which may be used in dispensing
34 cremated human remains, and the area to be served.
35 Each registration application shall be accompanied by
36 the cremated remains disposer fee.

37 (2) *Each registrant who dispenses human remains by*
38 *air shall include copies of the registrant's current*
39 *Airman's Medical Certificate as required by Section 67 of*



1 *Title 14 of the Code of Federal Regulations and the*
2 *registrant's current pilot's license.*

3 (3) *Each registrant who dispenses human remains by*
4 *boat shall include a copy of the registrant's current*
5 *captain's license.*

6 (b) Every registered cremated remains disposer who
7 dispenses human remains by air shall post a copy of his or
8 her current pilot's license, and the address of the
9 cremated remains storage area at his or her place of
10 business. Every registered cremated remains disposer
11 who dispenses human remains by boat shall post a copy
12 of his or her current boating license and the address of the
13 cremated remains storage area at his or her place of
14 business.

15 SEC. 3. Section 9742 of the Business and Professions
16 Code is amended to read:

17 9742. (a) All aircraft used for the scattering of
18 cremated human remains shall be validly certified by the
19 Federal Aviation Administration. All boats or vessels used
20 for the scattering of cremated human remains shall be
21 registered with the Department of Motor Vehicles or
22 documented by a federal agency, as appropriate. The
23 certification or registration shall be available for
24 inspection by the program.

25 (b) *Every cremated remains disposer shall provide*
26 *the department with a copy of the proof of the annual*
27 *inspection required by Section 43 of Title 14 of the Code*
28 *of Federal Regulations for all aircraft used in scattering*
29 *cremated human remains.*

30 (c) *The department shall post on its Internet website*
31 *and provide on its toll-free telephone number,*
32 *information about permissible scattering and licensed*
33 *cremated remains disposers including, but not limited to,*
34 *the current status of a pilot's or captain's license and*
35 *inspections for aircraft or boats used for scattering.*

36 SEC. 4. Section 9744 of the Business and Professions
37 Code is amended to read:

38 9744. Each cremated remains disposer shall provide
39 the person authorizing the scattering of the cremated
40 human remains ~~with a~~ *and the funeral director, or the*



1 *individual acting as the funeral director, with both of the*
2 *following:*

3 (1) A copy of the completed permit for disposition of
4 human remains pursuant to Chapter 8 (commencing
5 with Section 103050) of Part 1 of Division 102 of the
6 Health and Safety Code within ~~60~~ 10 business days of the
7 date of the scattering ~~was authorized.~~

8 (2) *A copy of the cremated remains disposer's current*
9 *pilot's or captain's license.*

10 SEC. 5. Section 9744.5 of the Business and Professions
11 Code is amended to read:

12 9744.5. (a) Every cremated remains disposer shall do
13 ~~both~~ all of the following:

14 (1) Dispose of cremated remains within 60 days of the
15 receipt of those remains, unless a written signed reason
16 for a delay is presented to the person with the right to
17 control the disposition of the remains under Section 7100
18 of the Health and Safety Code.

19 (2) (A) Provide the Cemetery Program with the
20 address and phone number of any storage facility being
21 used by the registrant to store cremated remains.
22 ~~Cremated~~

23 (B) *Cremated* remains shall be stored in a place free
24 from exposure to the elements, and shall be responsibly
25 maintained until disposal. ~~The~~

26 (C) *The* Cemetery Program and its representatives
27 shall conduct, on an annual basis, random inspections of
28 the operations of 5 to 10 percent of the registered
29 cremated remains disposers, and is authorized to inspect
30 any place used by a cremated remains disposer for the
31 storage of cremated remains without notice to the
32 cremated remains disposer.

33 (3) *Provide the person authorizing the scattering and*
34 *the funeral establishment, crematory, or cemetery with*
35 *a signed declaration stating under the penalty of perjury*
36 *that the scattering was performed at the stated date, time,*
37 *and place.*



1 (b) A violation of the requirements of this section is
2 grounds for disciplinary action.

O

