

ASSEMBLY BILL

No. 4

Introduced by Assembly Member Miller

December 6, 2010

An act to amend Sections 9615, 9740, 9741, 9741.1, 9742, 9743, 9744.5, 9745, 9748, 9749, and 9749.3 of, to add Sections 9605.3, 9607.7, and 9764.4 to, and to add Article 9 (commencing with Section 9789.1) to Chapter 19 of Division 3 of, the Business and Professions Code, and to amend Sections 7003, 7010.3, 7010.7, 7011, 7011.2, 7015, 7016, 7051, 7051.5, 7052, 7052.5, 7054, 7054.1, 7054.6, 7054.7, 7055, 7116, and 7117 of, to add Sections 7002.5, 7006.1, 7006.4, 7006.6, 7006.8, 7010.1, and 7054.8 to, and to add Article 8 (commencing with 8370) to Part 3 of Division 8 of, the Health and Safety Code, relating to human remains.

LEGISLATIVE COUNSEL'S DIGEST

AB 4, as introduced, Miller. Human remains: hydrolysis.

Under existing law, the Cemetery and Funeral Bureau licenses and regulates crematoria and various professions relating to the disposition of human remains. Violation of these provisions is a misdemeanor.

This bill would require the bureau to license and regulate, as specified, hydrolysis facilities and hydrolysis facility managers, as defined, and would enact requirements substantially similar to those applicable to crematoria. By expanding the definition of crimes relating to the disposition of human remains and creating new crimes, this 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 9605.3 is added to the Business and
2 Professions Code, to read:

3 9605.3. A licensed hydrolysis facility manager is a person who
4 is engaged in, is conducting, or is holding himself or herself out
5 as engaged in, activities involved in or incidental to the
6 maintenance or operation of a hydrolysis facility licensed pursuant
7 to this chapter and the hydrolysis of human remains.

8 SEC. 2. Section 9607.7 is added to the Business and Professions
9 Code, to read:

10 9607.7. “Licensed hydrolysis facility” means a corporation,
11 partnership, or natural person licensed pursuant to Article 8
12 (commencing with Section 9780). A licensed hydrolysis facility
13 shall be considered a cemetery licensee for purposes of disciplinary
14 action pursuant to Article 6 (commencing with Section 9725).

15 SEC. 3. Section 9615 of the Business and Professions Code is
16 amended to read:

17 9615. (a) (1) Any person who holds or has held, or was named
18 on, any license or registration under the jurisdiction of the bureau
19 that has been, within the immediately preceding 10 years, revoked,
20 suspended, placed on probation, or surrendered under a stipulated
21 decision, and who is employed by, or who seeks employment with,
22 a licensed cemetery, a licensed crematory, *a licensed hydrolysis*
23 *facility*, or a licensed cemetery broker in any capacity, shall inform
24 the licensed cemetery manager, the licensed crematory manager,
25 *the licensed hydrolysis facility manager*, or the licensed cemetery
26 broker of that revocation, suspension, probation, or surrender.

27 (2) A person subject to this subdivision shall inform the licensed
28 cemetery manager, the licensed crematory manager, *the licensed*
29 *hydrolysis facility manager*, or the licensed cemetery broker upon
30 application for employment by completing a form that shall be
31 made available by the bureau.

32 (b) The cemetery manager, crematory manager, *licensed*
33 *hydrolysis facility manager*, or cemetery broker who is informed

1 pursuant to subdivision (a) shall notify the bureau by submitting
2 the form within 30 days of being so informed. Failure of the
3 cemetery manager, crematory manager, *licensed hydrolysis facility*
4 *manager*, or cemetery broker to notify the bureau shall be a cause
5 for a warning. A cemetery manager, crematory manager, *licensed*
6 *hydrolysis facility manager*, or cemetery broker shall not be subject
7 to a warning if his or her failure to notify the bureau is due to a
8 false statement made by an employee.

9 (c) Any person required to notify the cemetery manager,
10 crematory manager, *licensed hydrolysis facility manager*, or
11 cemetery broker under subdivision (a) who fails to do so or who
12 makes a false statement on the required form shall be subject to
13 disciplinary action if that person is a licensee of the bureau, or that
14 failure or false statement shall be cause for denial of a license
15 under Section 480.

16 (d) For purposes of subdivision (a), the term “named on” applies
17 to a person who was an owner, partner, or corporate officer of an
18 entity that was licensed or registered under the act at the time that
19 entity’s license or registration under the act was revoked,
20 suspended, placed on probation, or surrendered.

21 SEC. 4. Section 9764.4 is added to the Business and Professions
22 Code, to read:

23 9764.4. (a) The fee to take the examination or reexamination
24 to become a licensed hydrolysis facility manager may not exceed
25 five hundred dollars (\$500).

26 (b) The fee to obtain a license as a hydrolysis facility manager
27 may not exceed one hundred dollars (\$100).

28 (c) The renewal fee for a hydrolysis facility manager license
29 may not exceed one hundred dollars (\$100).

30 SEC. 5. Section 9740 of the Business and Professions Code is
31 amended to read:

32 9740. No person shall dispose of or offer to dispose of any
33 cremated *or hydrolyzed* human remains unless registered as a
34 cremated *or hydrolyzed* remains disposer by the bureau. This article
35 shall not apply to any person, partnership, or corporation holding
36 a certificate of authority as a cemetery, crematory license,
37 *hydrolysis facility license*, cemetery broker’s license, cemetery
38 salesperson’s license, or funeral director’s license, nor shall this
39 article apply to any person having the right to control the
40 disposition of the cremated remains *or hydrolyzed remains* of any

1 person or that person's designee if the person does not dispose of
2 or offer to dispose of more than 10 cremated human remains *or*
3 *hydrolyzed human remains* within any calendar year.

4 SEC. 6. Section 9741 of the Business and Professions Code is
5 amended to read:

6 9741. (a) Registration shall be on the form prescribed by the
7 bureau and shall include, but not be limited to, the full name of
8 the registrant, business and residence addresses, description and
9 identification of aircraft or boats which may be used in dispensing
10 cremated human remains *or hydrolyzed remains*, and the area to
11 be served. Each registration application shall be accompanied by
12 the cremated remains disposer fee.

13 (b) Every registered cremated remains disposer who dispenses
14 human remains by air shall post a copy of his or her current pilot's
15 license, and the address of the cremated remains *or hydrolyzed*
16 *remains* storage area at his or her place of business. Every
17 registered cremated remains disposer who dispenses ~~human~~
18 *cremated remains or hydrolyzed remains* by boat shall post a copy
19 of his or her current boating license and the address of the cremated
20 remains *or hydrolyzed remains* storage area at his or her place of
21 business.

22 SEC. 7. Section 9741.1 of the Business and Professions Code
23 is amended to read:

24 9741.1. The bureau shall prepare and deliver to each registered
25 cremated remains disposer a booklet that includes, but is not limited
26 to, the following information: details about the registration and
27 renewal requirements for cremated remains disposers; requirements
28 for obtaining state permits to dispose of cremated human remains
29 *or hydrolyzed remains*; state storage requirements, if any; statutory
30 duties pursuant to this article, and other applicable state laws.

31 SEC. 8. Section 9742 of the Business and Professions Code is
32 amended to read:

33 9742. All aircraft used for the scattering of cremated human
34 remains *or hydrolyzed remains* shall be validly certified by the
35 Federal Aviation Administration. All boats or vessels used for the
36 scattering of cremated human remains *or hydrolyzed remains* shall
37 be registered with the Department of Motor Vehicles or
38 documented by a federal agency, as appropriate. The certification
39 or registration shall be available for inspection by the bureau.

1 SEC. 9. Section 9743 of the Business and Professions Code is
2 amended to read:

3 9743. A cremated remains disposer who scatters any cremated
4 human remains *or hydrolyzed remains* without specific written
5 instructions from the person having the right to control the
6 disposition of the remains or who scatters any remains in a manner
7 not in accordance with those instructions shall be subject to
8 disciplinary action.

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

11 9744.5. (a) Every cremated remains disposer shall do both of
12 the following:

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

18 (2) Provide the bureau with the address and phone number of
19 any storage facility being used by the registrant to store cremated
20 remains *or hydrolyzed remains*. Cremated remains *and hydrolyzed*
21 *remains* shall be stored in a place free from exposure to the
22 elements, and shall be responsibly maintained until disposal. The
23 bureau and its representatives shall conduct, on an annual basis,
24 random inspections of the operations of 5 to 10 percent of the
25 registered cremated remains disposers, and is authorized to inspect
26 any place used by a cremated remains disposer for the storage of
27 cremated remains *or hydrolyzed remains* without notice to the
28 cremated remains disposer.

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

31 SEC. 11. Section 9745 of the Business and Professions Code
32 is amended to read:

33 9745. (a) Each cremated remains disposer shall file, and
34 thereafter maintain an updated copy of, an annual report on a form
35 prescribed by the bureau. The report shall include, but not be
36 limited to, the names of the deceased persons whose cremated
37 remains *or hydrolyzed remains* were disposed of, the dates of
38 receipt of the cremated remains *or hydrolyzed remains*, the names
39 and addresses of the persons who authorized disposal of those
40 remains, the dates and locations of disposal of those remains, and

1 the means and manner of disposition. The report shall cover the
2 fiscal year ending on June 30th and shall be filed with the bureau
3 no later than September 30th of each year.

4 (b) ~~Any~~ A cremated remains disposer that makes a willful and
5 material false statement regarding the disposal of cremated remains
6 *or hydrolyzed remains* in the annual report filed or updated
7 pursuant to subdivision (a) shall be subject to disciplinary action.

8 (c) Any cremated remains disposer that makes a willful and
9 material false statement in the annual report filed or updated
10 pursuant to subdivision (a) shall be guilty of a misdemeanor.

11 SEC. 12. Section 9748 of the Business and Professions Code
12 is amended to read:

13 9748. Any person who scatters cremated human remains *or*
14 *hydrolyzed remains* without a valid registration and who is not
15 otherwise exempt from this article shall be guilty of a
16 misdemeanor. The remains of each person scattered shall constitute
17 a separate violation.

18 SEC. 13. Section 9749 of the Business and Professions Code
19 is amended to read:

20 9749. Any person who scatters any cremated human remains
21 *or hydrolyzed remains* without specific written instructions from
22 the person having the right to control the disposition of the remains
23 or who scatters any remains in a manner not in accordance with
24 those instructions shall be guilty of a misdemeanor.

25 SEC. 14. Section 9749.3 of the Business and Professions Code
26 is amended to read:

27 9749.3. ~~Any~~ A cremated remains disposer who stores cremated
28 remains *or hydrolyzed remains* in a reckless manner that results
29 in either of the following is guilty of a public offense punishable
30 by imprisonment in a county jail not exceeding one year or by a
31 fine not to exceed five thousand dollars (\$5,000), or by both that
32 fine and imprisonment:

33 (a) Loss of all or part of the cremated remains *or hydrolyzed*
34 *remains*.

35 (b) Inability to individually identify the cremated remains *or*
36 *hydrolyzed remains*.

37 SEC. 15. Article 9 (commencing with Section 9789.1) is added
38 to Chapter 19 of Division 3 of the Business and Professions Code,
39 to read:

Article 9. Hydrolysis

9789.1. A hydrolysis facility may be operated, established, or maintained by a corporation, partnership, or natural person, provided that a valid hydrolysis facility license has been issued by the bureau.

9789.2. A change in the ownership of a hydrolysis facility shall be reported to the bureau. A transfer in a single transaction or a related series of transactions of more than 50 percent of the equitable interest in a licensed hydrolysis facility shall constitute a change of ownership. When a change of ownership in a hydrolysis facility occurs, the existing hydrolysis facility license shall lapse and the new owner shall obtain a new license from the bureau as otherwise provided in this act. The bureau shall not require an applicant under this section to obtain any new permit or license from any other governmental agency when the existing permit or license is valid.

9789.3. The application for a hydrolysis facility license shall be made in writing on the form prescribed by the bureau and filed at the principal office of the bureau. The application shall be accompanied by the fees required by this article and shall show that the applicant owns or is actively operating a hydrolysis facility in this state or that the applicant is in a position to commence operating the hydrolysis facility.

9789.4. (a) The bureau shall require the applicant to prove compliance with all applicable laws, rules, regulations, ordinances, and orders, and shall not issue a hydrolysis facility license until the bureau is satisfied that the public interest, human health, and environmental quality will be served by the applicant.

(b) The applicant must obtain all relevant permits from local and state agencies to demonstrate compliance with hazardous waste, water quality, and drinking water standards, including, but not limited to, Chapter 6.5 (commencing with Section 25200) of Division 20 of the Health and Safety Code, in particular Section 25200 et seq., Title 22 of the California Code of Regulations, and the Porter-Cologne Water Quality Act (Division 7 (commencing with Section 13000) of the Water Code). The applicant shall be inspected annually by the Certified Unified Program Agencies to ensure compliance with the appropriate environmental standards.

1 9789.5. (a) The bureau shall adopt, and may from time to time
2 amend, rules and regulations prescribing standards of knowledge,
3 experience, and financial responsibility for applicants for a
4 hydrolysis facility license. In reviewing an application for a
5 hydrolysis facility license, the bureau may consider acts of the
6 applicant, including acts of incorporators, officers, directors, and
7 stockholders, which shall constitute grounds for the denial of a
8 hydrolysis facility license pursuant to Division 1.5 (commencing
9 with Section 475).

10 (b) Upon receipt of an application for a hydrolysis facility
11 license, the bureau may investigate, or cause an investigation to
12 be made of, the physical status, plans, specifications, and financing
13 of the proposed hydrolysis facility, the character of the applicant,
14 including, if applicable, its officers, directors, shareholders, or
15 members, and any other qualifications required of the applicant
16 under this article, and for this purpose may subpoena witnesses,
17 administer oaths, and take testimony.

18 (c) At the time of the filing of the application required by this
19 article, the applicant shall pay to the Cemetery Fund the sum fixed
20 by the bureau at not in excess of four hundred dollars (\$400) to
21 defray the expenses of investigation. In the event the sum shall be
22 insufficient to defray all of the expenses, the applicant shall, within
23 five days after the bureau makes a request, deposit an additional
24 sum sufficient to defray the department's expenses, provided that
25 the total sum shall not exceed nine hundred dollars (\$900).

26 9789.6. No hydrolysis facility licensed pursuant to this article
27 shall conduct hydrolysis unless all of the following requirements
28 are met:

29 (a) The licensee has a written contract with the person or persons
30 entitled to custody of the remains clearly stating the location,
31 manner, and time of disposition of the remains, agreeing to pay
32 the regular fees of the licensee for hydrolysis, disposition, and
33 other services rendered, and any other contractual provisions
34 required by the bureau.

35 (b) Hydrolysis of remains shall occur not more than 24 hours
36 after delivery of the remains unless the remains have been
37 preserved in the interim by refrigeration or embalming.

38 (c) The licensee has a contractual relationship with a licensed
39 cemetery authority for final disposition of hydrolyzed remains by
40 burial, entombment, or inurnment of any and all remains which

1 are not lawfully disposed of or which are not called for or accepted
2 by the person or persons entitled to the custody and control of the
3 disposition of those remains within 90 days of the date of death.

4 9789.7. A hydrolysis facility licensee, that prohibits relatives
5 or the responsible party from viewing the hydrolysis process, shall
6 disclose this fact in writing to the person or persons entitled to
7 custody of the remains prior to the signing of any contract.

8 9789.8. A hydrolysis facility licensee shall keep records and
9 relevant permits as required by the bureau to ensure compliance
10 with all laws relating to the disposition of hydrolyzed remains and
11 shall file annually with the bureau a report, in the form prescribed
12 by the bureau, describing the operations of the licensee, including
13 the number of hydrolyses performed, the disposition of remains
14 from each hydrolysis performed, and other information as required
15 by the bureau.

16 9789.9. A hydrolysis facility licensee operating a hydrolysis
17 facility licensed pursuant to this article shall pay an annual
18 regulatory charge for each hydrolysis facility, to be fixed by the
19 bureau at not more than four hundred dollars (\$400). In addition
20 to an annual regulatory charge for each hydrolysis facility, every
21 licensee operating a hydrolysis facility licensed pursuant to this
22 article shall pay an additional charge to be fixed by the bureau at
23 not more than eight dollars and fifty cents (\$8.50) per hydrolysis
24 that occurred during the preceding quarter, which charges shall be
25 deposited in the Cemetery Fund.

26 9789.10. (a) Each hydrolysis facility for which a license is
27 required shall be operated under the supervision of a manager
28 qualified as such in accordance with rules adopted by the bureau.
29 Each manager shall be required to successfully pass a written
30 examination evidencing an understanding of the applicable
31 provisions of this code and Division 7 (commencing with Section
32 7000) and Division 8 (commencing with Section 8100) of the
33 Health and Safety Code.

34 (b) No person shall engage in the business of, act in the capacity
35 of, or advertise or assume to act as, a hydrolysis facility manager
36 without first obtaining a license from the bureau.

37 9789.11. (a) A hydrolysis facility shall at all times employ a
38 licensed hydrolysis facility manager to manage, supervise, and
39 direct its operations.

(b) A hydrolysis facility owner shall designate a licensed hydrolysis facility manager to manage the hydrolysis facility and shall report the designation, including a change in the designation of a manager to the bureau within 10 days of the effective date of designation.

(c) The designated hydrolysis facility manager shall be responsible for exercising the direct supervision and control over the operations, employees, and agents of the hydrolysis facility as is necessary to ensure full compliance with the applicable provisions of this code, the Health and Safety Code, and any regulations adopted pursuant thereto. Failure of the designated hydrolysis facility manager or the licensed hydrolysis facility to exercise that supervision or control shall constitute a ground for disciplinary action.

(d) A hydrolysis facility may employ, in addition to the designated hydrolysis facility manager, additional licensed hydrolysis facility managers. However, only one licensed hydrolysis facility manager may be appointed as the designated hydrolysis facility manager of the hydrolysis facility.

9789.12. (a) The application for a hydrolysis facility manager license shall be made in writing on the form provided by the bureau, verified by the applicant, and filed at the principal office of the bureau. The application shall be accompanied by the fee fixed by this chapter.

(b) An applicant for a hydrolysis facility manager license shall be at least 18 years of age, possess a high school diploma or its equivalent, shall not have committed acts or crimes constituting grounds for denial of licensure under Section 480, shall demonstrate compliance with the training and experience requirements established by the bureau, and shall be a resident of this state.

(c) The bureau shall grant a hydrolysis facility manager license to any applicant who meets the requirements of this chapter and who has successfully passed the hydrolysis facility manager examination administered by the bureau.

9789.13. (a) No person shall engage in or conduct, or hold himself or herself out as engaging in or conducting, the activities of a hydrolysis facility manager without holding a valid, unexpired hydrolysis facility manager license issued by the bureau.

(b) No licensed hydrolysis facility manager shall engage in or conduct, or hold himself or herself out as engaging in or conducting, the activities of a hydrolysis facility manager without being employed by, or without being a sole proprietor, partner, or corporate officer of, a licensed hydrolysis facility.

9789.14. It is a misdemeanor for any person, firm, or corporation to hydrolyze human remains, or to engage in the disposition of those remains, without a valid, unexpired hydrolysis facility license. Each hydrolysis carried out in violation of this section shall be a separate violation.

9789.15. A hydrolysis facility licensee shall be subject to and shall be disciplined by the bureau in accordance with Article 6 (commencing with Section 9725).

SEC. 16. Section 7002.5 is added to the Health and Safety Code, to read:

7002.5. "Hydrolyzed remains" means bone fragments of a human body that are left after hydrolysis in a hydrolysis facility. "Hydrolyzed remains" does not include foreign materials, pacemakers, or prostheses.

SEC. 17. Section 7003 of the Health and Safety Code is amended to read:

7003. "Cemetery" means either of the following:

(a) Any of the following that is used or intended to be used and dedicated for cemetery purposes:

(1) A burial park, for earth interments.

(2) A mausoleum, for crypt or vault interments.

(3) A crematory and columbarium, for ~~cinerary interments~~ *internment of cremated remains or hydrolyzed remains*.

(b) A place where six or more human bodies are buried.

SEC. 18. Section 7006.1 is added to the Health and Safety Code, to read:

7006.1. "Hydrolysis facility" means a building or structure containing one or more vessels for the reduction of bodies of deceased persons by alkaline hydrolysis.

SEC. 19. Section 7006.4 is added to the Health and Safety Code, to read:

7006.4. "Hydrolysis vessel" means the enclosed space within which the hydrolysis of human remains is performed. Allowable hydrolysis vessels for the disposition of human remains shall be approved and listed by the Cemetery and Funeral Bureau.

SEC. 20. Section 7006.6 is added to the Health and Safety Code, to read:

7006.6. "Hydrolysis container" means a hydrolyzable closed container resistant to leakage of bodily fluids into which the body of a deceased person is placed prior to insertion in a hydrolysis vessel for alkaline hydrolysis.

SEC. 21. Section 7006.8 is added to the Health and Safety Code, to read:

7006.8. "Hydrolyzed remains container" means a receptacle in which hydrolyzed remains are placed after hydrolysis.

SEC. 22. Section 7010.1 is added to the Health and Safety Code, to read:

7010.1. "Hydrolysis" means the process by which the following three steps are taken:

(a) The reduction of the body of a deceased person to its essential chemical components by alkaline hydrolysis. Alkaline hydrolysis is a chemical process using heat, high pressure, water, and potassium hydroxide, or as approved by the Cemetery and Funeral Bureau and the appropriate environmental agency, an alternate alkaline solution, to dissolve human tissue within a hydrolysis container.

(b) Wherever possible, the least amount of potassium hydroxide that is still effective for complete dissolution of the remains shall be used within the hydrolysis container, to minimize the downstream environmental impact of the effluent and to maximize worker safety.

(c) The processing of the remains after removal from the hydrolysis chamber pursuant to Section 7010.3.

SEC. 23. Section 7010.3 of the Health and Safety Code is amended to read:

7010.3. "Processing" means the removal of foreign objects, pursuant to Section 7051, and the reduction of the particle size of cremated remains *or hydrolyzed remains* by mechanical means including, but not limited to, grinding, crushing, and pulverizing to a consistency appropriate for disposition.

SEC. 24. Section 7010.7 of the Health and Safety Code is amended to read:

7010.7. "Scattering" means the authorized dispersal of cremated remains *or hydrolyzed remains* at sea, in other areas of the state,

1 or commingling in a defined area within a dedicated cemetery, in
2 accordance with this part.

3 SEC. 25. Section 7011 of the Health and Safety Code is
4 amended to read:

5 7011. "Inurnment" means placing cremated remains *or*
6 *hydrolyzed remains* in a cremated remains container *or hydrolyzed*
7 *remains container* suitable for placement, burial, or shipment.

8 SEC. 26. Section 7011.2 of the Health and Safety Code is
9 amended to read:

10 7011.2. "Placement" means the placing of a container holding
11 cremated remains *or hydrolyzed remains* in a crypt, vault, or niche.

12 SEC. 27. Section 7015 of the Health and Safety Code is
13 amended to read:

14 7015. "Crypt" or "vault" means a space in a mausoleum of
15 sufficient size, used or intended to be used, to entomb ~~uncremated~~
16 human remains *that have been neither cremated nor hydrolyzed*.

17 SEC. 28. Section 7016 of the Health and Safety Code is
18 amended to read:

19 7016. "Niche" means a space in a columbarium used, or
20 intended to be used, for the placement of cremated ~~human~~ remains
21 *or hydrolyzed remains*.

22 SEC. 29. Section 7051 of the Health and Safety Code is
23 amended to read:

24 7051. Every person who removes any part of any human
25 remains from any place where it has been interred, or from any
26 place where it is deposited while awaiting interment ~~or~~, cremation,
27 *or hydrolysis* with intent to sell it or to dissect it, without authority
28 of law, or written permission of the person or persons having the
29 right to control the remains under Section 7100, or with malice or
30 wantonness, has committed a public offense that is punishable by
31 imprisonment in the state prison.

32 This section shall not prohibit the removal of foreign materials,
33 pacemakers, or prostheses from cremated remains *or hydrolyzed*
34 *remains* by an employee of a licensed crematory *or licensed*
35 *hydrolysis facility* prior to final processing of ashes. Dental gold
36 or silver, jewelry, or mementos, to the extent that they can be
37 identified, may be removed by the employee prior to final
38 processing if the equipment is such that it will not process these
39 materials. However, any dental gold and silver, jewelry, or
40 mementos that are removed shall be returned to the urn or cremated

1 remains container *or hydrolyzed remains container*, unless
2 otherwise directed by the person or persons having the right to
3 control the disposition.

4 SEC. 30. Section 7051.5 of the Health and Safety Code is
5 amended to read:

6 7051.5. Every person who removes or possesses dental gold
7 or silver, jewelry, or mementos from any human remains without
8 specific written permission of the person or persons having the
9 right to control those remains under Section 7100 is punishable
10 by imprisonment in the state prison. The fact that residue and any
11 unavoidable dental gold or dental silver, or other precious metals
12 remain in the cremation chamber, *hydrolysis chamber*, or other
13 equipment or any container used in a prior cremation *of hydrolysis*
14 is not a violation of this section.

15 SEC. 31. Section 7052 of the Health and Safety Code is
16 amended to read:

17 7052. (a) Every person who willfully mutilates, disinters,
18 removes from the place of interment, or commits an act of sexual
19 penetration on, or has sexual contact with, any remains known to
20 be human, without authority of law, is guilty of a felony. This
21 section does not apply to any person who, under authority of law,
22 removes the remains for reinterment, or performs a cremation *or*
23 *hydrolysis*.

24 (b) For purposes of this section, the following definitions apply:

25 (1) "Sexual penetration" means the unlawful penetration of the
26 vagina or anus, however slight, by any part of a person's body or
27 other object, or any act of sexual contact between the sex organs
28 of a person and the mouth or anus of a dead body, or any oral
29 copulation of a dead human body for the purpose of sexual arousal,
30 gratification, or abuse.

31 (2) "Sexual contact" means any willful touching by a person of
32 an intimate part of a dead human body for the purpose of sexual
33 arousal, gratification, or abuse.

34 SEC. 32. Section 7052.5 of the Health and Safety Code is
35 amended to read:

36 7052.5. Notwithstanding the provisions of Section 7052,
37 cremated remains *or hydrolyzed remains* may be removed from
38 the place of interment for disposition as provided in Section 7054.6
39 or for burial at sea as provided in Section 7117.

1 SEC. 33. Section 7054 of the Health and Safety Code is
2 amended to read:

3 7054. (a) (1) Except as authorized pursuant to the sections
4 referred to in subdivision (b), every person who deposits or
5 disposes of any human remains in any place, except in a cemetery,
6 is guilty of a misdemeanor.

7 (2) Every licensee or registrant pursuant to Chapter 12
8 (commencing with Section 7600) or Chapter 19 (commencing with
9 Section 9600) of Division 3 of the Business and Professions Code
10 and the agents and employees of the licensee or registrant, or any
11 unlicensed person acting in a capacity in which a license from the
12 Cemetery and Funeral Bureau is required, who, except as
13 authorized pursuant to the sections referred to in subdivision (b),
14 deposits or disposes of any human remains in any place, except in
15 a cemetery, is guilty of a misdemeanor that shall be punishable by
16 imprisonment in a county jail not exceeding one year, by a fine
17 not exceeding ten thousand dollars (\$10,000), or both that
18 imprisonment and fine.

19 (b) Cremated remains *or hydrolyzed remains* may be disposed
20 of pursuant to Sections 7054.6, 7116, 7117, and 103060.

21 (c) Subdivision (a) of this section shall not apply to the reburial
22 of Native American remains under an agreement developed
23 pursuant to subdivision (l) of Section 5097.94 of the Public
24 Resources Code, or implementation of a recommendation or
25 agreement made pursuant to Section 5097.98 of the Public
26 Resources Code.

27 SEC. 34. Section 7054.1 of the Health and Safety Code is
28 amended to read:

29 7054.1. No cremated remains *or hydrolyzed remains* shall be
30 removed from the place of cremation *or hydrolysis*, nor shall there
31 be any charge for the cremation *or hydrolysis*, unless the cremated
32 remains *or hydrolyzed remains* have been processed so that they
33 are suitable for inurnment within a cremated remains container,
34 *hydrolyzed remains container*, or an urn. Every contract for
35 cremation services *or hydrolysis services* shall include specific
36 written notification of the processing to the person having the right
37 to control the disposition of the remains under Section 7100.

38 SEC. 35. Section 7054.6 of the Health and Safety Code is
39 amended to read:

1 7054.6. (a) Cremated remains *and hydrolyzed remains* may
2 be removed in a durable container from the place of cremation,
3 *hydrolysis*, or interment and kept in the dwelling owned or
4 occupied by the person having the right to control disposition of
5 the remains under Section 7100, or the durable container holding
6 the cremated remains *or hydrolyzed remains* may be kept in a
7 church or religious shrine, if written permission of the church or
8 religious shrine is obtained and there is no conflict with local use
9 permit requirements or zoning laws, if the removal is under the
10 authority of a permit for disposition granted under Section 103060.
11 The placement, in any place, of six or more cremated remains *or*
12 *hydrolyzed remains* under this section does not constitute the place
13 a cemetery, as defined in Section 7003.

14 (b) Prior to disposition of cremated remains *or hydrolyzed*
15 *remains*, every licensee or registrant pursuant to Chapter 12
16 (commencing with Section 7600) or Chapter 19 (commencing with
17 Section 9600) of Division 3 of the Business and Professions Code,
18 and the agents and employees of the licensee or registrant shall do
19 all of the following:

20 (1) Remove the cremated remains *or hydrolyzed remains* from
21 the place of cremation *or hydrolysis* in a durable container.

22 (2) Keep the cremated remains *or hydrolyzed remains* in a
23 durable container.

24 (3) Store the cremated remains *or hydrolyzed remains* in a place
25 free from exposure to the elements.

26 (4) Responsibly maintain the cremated remains *or hydrolyzed*
27 *remains*.

28 SEC. 36. Section 7054.7 of the Health and Safety Code is
29 amended to read:

30 7054.7. (a) Except with the express written permission of the
31 person entitled to control the disposition of the remains, no person
32 shall:

33 (1) Cremate the remains of more than one person at the same
34 time in the same cremation chamber, or introduce the remains of
35 a second person into a cremation chamber until incineration of any
36 preceding remains has been terminated and reasonable efforts have
37 been employed to remove all fragments of the preceding remains.
38 The fact that there is residue in the cremation chamber or other
39 equipment or any container used in a prior cremation is not a
40 violation of this section.

1 (2) Dispose of or scatter cremated remains in a manner or in a
2 location that the remains are commingled with those of another
3 person. This paragraph shall not apply to the scattering of cremated
4 remains at sea from individual containers or to the disposal in a
5 dedicated cemetery of accumulated residue removed from a
6 cremation chamber or other cremation equipment.

7 (3) Place cremated *remains*, *hydrolyzed remains*, or uncremated
8 remains of more than one person in the same container or the same
9 interment space. This paragraph shall not apply to the following:

10 (A) Interment of members of the same family in a common
11 container designed for the cremated remains *or hydrolyzed remains*
12 of more than one person.

13 (B) Interment in a space or container that has been previously
14 designated at the time of sale as being intended for the interment
15 of remains of more than one person.

16 (C) Disposal in a dedicated cemetery of residue removed from
17 a cremation chamber or other cremation equipment.

18 (b) ~~Written acknowledgement~~ *acknowledgment* from the person
19 entitled to control the disposition of the cremated remains shall be
20 obtained by the person with whom arrangements are made for
21 disposition of the remains on a form that includes, but is not limited
22 to, the following information: "The human body burns with the
23 casket, container, or other material in the cremation chamber. Some
24 bone fragments are not combustible at the incineration temperature
25 and, as a result, remain in the cremation chamber. During the
26 cremation, the contents of the chamber may be moved to facilitate
27 incineration. The chamber is composed of ceramic or other material
28 which disintegrates slightly during each cremation and the product
29 of that disintegration is commingled with the cremated remains.
30 Nearly all of the contents of the cremation chamber, consisting of
31 the cremated remains, disintegrated chamber material, and small
32 amounts of residue from previous cremations, are removed together
33 and crushed, pulverized, or ground to facilitate inurnment or
34 scattering. Some residue remains in the cracks and uneven places
35 of the chamber. Periodically, the accumulation of this residue is
36 removed and interred in a dedicated cemetery property, or scattered
37 at sea." The acknowledgment shall be filed and retained, for at
38 least five years, by the person who disposes of or inters the remains.

1 (c) Any person, including any corporation or partnership,
2 knowingly violating any provision of this section is guilty of a
3 misdemeanor.

4 SEC. 37. Section 7054.8 is added to the Health and Safety
5 Code, to read:

6 7054.8. (a) Except with the express written permission of the
7 person entitled to control the disposition of the remains, no person
8 shall do any of the following:

9 (1) Hydrolyze the remains of more than one person at the same
10 time in the same hydrolysis vessel, or introduce the remains of a
11 second person into a hydrolysis vessel until dissolution of any
12 preceding remains has been terminated and reasonable efforts have
13 been employed to remove all fragments of the preceding remains.
14 The fact that there is residue in the hydrolysis vessel or other
15 equipment or any container used in a prior cremation is not a
16 violation of this section.

17 (2) Dispose of or scatter hydrolyzed remains in a manner or in
18 such a location that the remains are commingled with those of
19 another person. This paragraph shall not apply to the scattering of
20 hydrolyzed remains at sea from individual containers or to the
21 disposal in a dedicated cemetery of accumulated residue removed
22 from processing equipment.

23 (3) Place hydrolyzed remains or other remains of more than one
24 person in the same container or the same interment space. This
25 paragraph shall not apply to the following:

26 (A) Interment of members of the same family in a common
27 container designed for the hydrolyzed remains or cremated remains
28 of more than one person.

29 (B) Interment in a space or container that has been previously
30 designated at the time of sale as being intended for the interment
31 of remains of more than one person.

32 (C) Disposal in a dedicated cemetery of residue removed from
33 processing equipment.

34 (b) Written acknowledgment from the person entitled to control
35 the disposition of the hydrolyzed remains shall be obtained by the
36 person with whom arrangements are made for disposition of the
37 remains on a form that includes, but is not limited to, the following
38 information: "During the alkaline hydrolysis process, chemical
39 dissolution using heat, high pressure water, and an alkaline solution
40 is used to chemically break down the human tissue and the

1 hydrolyzable alkaline hydrolysis container. The process may not
2 result in complete dissolution. After the process is complete, the
3 liquid effluent solution contains the chemical byproducts of the
4 alkaline hydrolysis process except for the deceased's bone
5 fragments. The solution is cooled and released in accordance with
6 local environmental regulations. A hot water rinse is applied to
7 the cremated remains, which are then dried, crushed, pulverized,
8 or ground to facilitate inurnment or scattering.” The
9 acknowledgment shall be filed and retained, for at least five years,
10 by the person who disposes of or inters the remains.

11 (c) Any person, including any corporation or partnership,
12 violating any provision of this section is guilty of a misdemeanor.

13 SEC. 38. Section 7055 of the Health and Safety Code is
14 amended to read:

15 7055. (a) Every person, who for himself or herself or for
16 another person, ~~inters or incinerates~~, *cremates, or hydrolyzes* a
17 body or permits the same to be done, or removes any remains,
18 other than cremated remains *or hydrolyzed remains*, from the
19 primary registration district in which the death ~~or~~, incineration,
20 *or hydrolysis* occurred or the body was found, except a removal
21 by a funeral director in a funeral director's conveyance or an officer
22 of a duly accredited medical college engaged in official duties with
23 respect to the body of a decedent who has willfully donated his or
24 her body to the medical college from that registration district or
25 county to another registration district or county, or within the same
26 registration district or county, without the authority of a burial or
27 removal permit issued by the local registrar of the district in which
28 the death occurred or in which the body was found; or removes
29 interred human remains from the cemetery in which the interment
30 occurred, or removes cremated remains *or hydrolyzed remains*
31 from the premises on which the cremation *or hydrolysis* occurred
32 without the authority of a removal permit is guilty of a
33 misdemeanor and punishable as follows:

34 (1) For the first offense, by a fine of not less than ten dollars
35 (\$10) nor more than five hundred dollars (\$500).

36 (2) For each subsequent offense, by a fine of not less than fifty
37 dollars (\$50) nor more than five hundred dollars (\$500) or
38 imprisonment in the county jail for not more than 60 days, or by
39 both.

(b) Notwithstanding subdivision (a), a funeral director of a licensed out-of-state funeral establishment may transport human remains out of this state without a removal permit when he or she is acting within the requirements specified in subdivision (b) of Section 103050.

SEC. 39. Section 7116 of the Health and Safety Code is amended to read:

7116. Cremated remains *or hydrolyzed remains* may be scattered in areas where no local prohibition exists, provided that the cremated remains *or hydrolyzed remains* are not distinguishable to the public, are not in a container, and that the person who has control over disposition of the cremated remains *or hydrolyzed remains* has obtained written permission of the property owner or governing agency to scatter on the property. A state or local agency may adopt an ordinance, regulation, or policy, as appropriate, authorizing, consistent with this section, or specifically prohibiting, the scattering of cremated ~~human~~ remains *or hydrolyzed remains* on lands under the agency's jurisdiction. The scattering of the cremated remains *or hydrolyzed remains* of more than one person in one location pursuant to this section shall not create a cemetery pursuant to Section 7003 or any other provision of law.

SEC. 40. Section 7117 of the Health and Safety Code is amended to read:

7117. (a) Cremated remains *or hydrolyzed remains* may be taken by boat from any harbor in this state, or by air, and scattered at sea. Cremated remains *or hydrolyzed remains* shall be removed from their container before the remains are scattered at sea.

(b) Any person who scatters at sea, either from a boat or from the air, any human cremated remains *or hydrolyzed remains* shall, file with the local registrar of births and deaths in the county nearest the point where the remains were scattered, a verified statement containing the name of the deceased person, the time and place of death, the place at which the cremated remains *or hydrolyzed remains* were scattered, and any other information that the local registrar of births and deaths may require. The first copy of the endorsed permit shall be filed with the local registrar of births and deaths within 10 days of disposition. The third copy shall be returned to the office of issuance.

(c) For purposes of this section, the phrase "at sea" includes the inland navigable waters of this state, exclusive of lakes and streams,

1 provided that no such scattering may take place within 500 yards
2 of the shoreline. Nothing in this section shall be construed to allow
3 the scattering of cremated ~~human~~ remains *or hydrolyzed remains*
4 from a bridge or pier.

5 (d) Notwithstanding any other provision of this code, the
6 cremated remains *or hydrolyzed remains* of a deceased person may
7 be scattered at sea as provided in this section and Section 103060.

8 SEC. 41. Article 8 (commencing with Section 8370) is added
9 to Chapter 2 of Part 3 of Division 8 of the Health and Safety Code,
10 to read:

11
12 Article 8. Hydrolysis Facilities
13

14 8370. No hydrolysis facility shall conduct, or shall hereafter
15 be constructed, established, or authorized to conduct, any business
16 unless there is in connection therewith in the same building or
17 structure or in a separate building within the same cemetery, a
18 columbarium, a burial park, or a mausoleum amply equipped at
19 all times for the interment of remains of bodies cremated at the
20 hydrolysis facility.

21 8371. All hydrolyzed remains not disposed of in accordance
22 with this chapter, within one year, shall be interred.

23 8372. No hydrolysis facility shall make or enforce any rules
24 requiring that human remains be placed in a casket before
25 hydrolysis or that human remains be hydrolyzed in a casket, nor
26 shall a hydrolysis facility refuse to accept human remains for
27 hydrolysis for the reason that they are not in a casket. Every
28 director, officer, agent, or representative of a hydrolysis facility
29 who violates this section is guilty of a misdemeanor. Nothing in
30 this section shall be construed to prohibit the requiring of some
31 type of container or disposal unit.

32 8373. (a) A hydrolysis facility shall maintain on its premises,
33 or other business location within the state, an accurate record of
34 all hydrolyses performed, including all of the following
35 information.

- 36 (1) Name of referring funeral director, if any.
37 (2) Name of deceased.
38 (3) Date of hydrolysis.
39 (4) Name of hydrolysis vessel operator.
40 (5) Date that body was inserted in hydrolysis vessel.

1 (6) Date that body was removed from hydrolysis vessel.

2 (7) Date that final processing of hydrolyzed remains was
3 completed.

4 (8) Disposition of hydrolyzed remains.

5 (9) Name and address of authorizing agent.

6 (10) The identification number assigned to the deceased,
7 pursuant to Section 8374.

8 (11) A photocopy of the disposition permit filed in connection
9 with the disposition.

10 (12) Any documentation of compliance with appropriate
11 environmental and safety laws.

12 (b) This information shall be maintained for at least 10 years
13 after the hydrolysis is performed and shall be subject to inspection
14 by the Cemetery and Funeral Bureau.

15 8374. (a) A hydrolysis facility shall maintain an identification
16 system allowing identification of each decedent beginning from
17 the time the hydrolysis facility accepts delivery of human remains
18 until the point at which it releases the hydrolyzed remains to a
19 third party. After hydrolysis, an identifying disk, tab, or other
20 permanent label shall be placed within the urn or hydrolyzed
21 remains container before the hydrolyzed remains are released from
22 the hydrolysis facility. Each identification disk, tab, or label shall
23 have a unique number that shall be recorded on all paperwork
24 regarding the decedent's case and in the hydrolysis facility log.
25 Each hydrolysis facility shall maintain a written procedure for
26 identification of remains.

27 (b) A hydrolysis facility that fails, when requested by an official
28 of the Cemetery and Funeral Bureau, to produce a written
29 procedure for identification of remains, shall have 15 working
30 days from the time of the request to produce an identification
31 procedure for review by the executive officer of the Cemetery
32 Board. The license of the hydrolysis facility shall be suspended
33 pursuant to Chapter 5 (commencing with Section 11500) of Part
34 1 of Division 3 of Title 2 of the Government Code, if no
35 identification procedure is produced for review after 15 working
36 days have elapsed.

37 8375. A hydrolysis facility regulated by the Cemetery and
38 Funeral Bureau shall knowingly hydrolyze only human remains
39 in hydrolysis chambers, along with the hydrolysis container.

1 8376. If a hydrolyzed remains container is of insufficient
2 capacity to accommodate all hydrolyzed remains of a given
3 deceased, the hydrolysis facility shall provide a larger hydrolyzed
4 remains container or urn at no additional cost, or place the excess
5 remains in a secondary cremated remains container and attach the
6 second container, in a manner so as not to be easily detached
7 through incidental contact, to the primary cremated remains
8 container for interment, scattering, or other disposition by the
9 person entitled to control the disposition.

10 8377. A hydrolysis facility shall not accept human remains for
11 hydrolysis unless the remains meet both of the following
12 requirements:

13 (a) The remains shall be in a hydrolysis container, as defined.

14 (b) The hydrolysis container shall be labeled with the identity
15 of the decedent.

16 8378. Within two hours after a licensed hydrolysis facility
17 licensed takes custody of a body that has not been embalmed, it
18 shall refrigerate the body at a temperature not greater than 50
19 degrees Fahrenheit, unless the hydrolysis process will begin within
20 24 hours of the time that the hydrolysis facility took custody.

21 8379. Every hydrolysis facility manager or duly authorized
22 representative shall provide to any person who inquires in person,
23 a written or printed list of prices for hydrolysis and storage,
24 hydrolysis containers, hydrolysis remains containers and urns, and
25 requirements for hydrolysis containers. This information shall be
26 provided over the telephone when requested. Any written or printed
27 list shall identify the hydrolysis facility and shall contain, at a
28 minimum, the current address and phone number of the Cemetery
29 and Funeral Bureau in 8-point boldface type, or larger.

30 8380. (a) The hydrolysis facility licensee, or its authorized
31 representatives, shall provide instruction to all hydrolysis facility
32 personnel involved in the hydrolysis process. This instruction shall
33 lead to a demonstrated knowledge on the part of an employee
34 regarding identification procedures used during hydrolysis,
35 operation of the hydrolysis chamber and processing equipment,
36 and all laws relevant to the handling of a body and hydrolyzed
37 remains. This instruction shall be outlined in a written plan
38 maintained by the hydrolysis facility licensee for inspection and
39 comment by an inspector of the Cemetery and Funeral Bureau.

1 (b) No employee of a hydrolysis facility shall be allowed to
2 operate any hydrolysis equipment until he or she has demonstrated
3 to the licensee or authorized representative that he or she
4 understands the procedures required to ensure the health and safety
5 conditions are maintained at the hydrolysis facility and that
6 hydrolyzed remains are not commingled. The hydrolysis facility
7 licensee shall maintain a record to document that an employee has
8 received the training specified in this section.

9 (c) A hydrolysis facility that fails, when requested by an official
10 of the bureau, to produce a written employee instruction plan or
11 record of employee training for inspection, shall have 15 working
12 days from the time of the request to produce a plan or training
13 record for review by the executive officer of the bureau. The license
14 of the hydrolysis facility shall be suspended, pursuant to Chapter
15 5 (commencing with Section 11500) of Part 1 of Division 3 of
16 Title 2 of the Government Code, if no plan or training record is
17 produced for review after 15 working days have elapsed.

18 SEC. 42. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.