

AMENDED IN SENATE JUNE 26, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1615

Introduced by Assembly Member Miller

February 8, 2012

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 Section 8370) to Chapter 2 of Part 3 of Division 8 of, the Health and Safety Code, relating to human remains, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1615, as amended, Miller. Human remains.

Existing law, the Cemetery Act, provides for the licensure and regulation of cemeteries, crematories, and their personnel by the Cemetery and Funeral Bureau within the Department of Consumer Affairs. Existing law requires a person who has had a license or registration under the jurisdiction of the bureau revoked, suspended, placed on probation, or surrendered under a stipulated decision, within the immediately preceding 10 years, and who is employed by or who seeks employment with, a licensed cemetery, a licensed crematory, or a licensed cemetery broker to so inform the cemetery manager,

crematory manager, or cemetery broker, respectively, as defined. Existing law creates the Cemetery Fund, which is continuously appropriated for the purpose of implementing the Cemetery Act. 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 bill would require that specified fees ~~connected to~~ *paid to finance* hydrolysis facility regulation be deposited in the Cemetery Fund. By depositing moneys in a continuously appropriated fund, this bill would make ~~a~~ *an* appropriation.

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: yes. 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 9
- 12 (commencing with Section 9789.1). 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:

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

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

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

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

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

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

1 9764.4. (a) The fee to take the examination or reexamination
2 to become a licensed hydrolysis facility manager ~~may~~ *shall* not
3 exceed the reasonable cost of administering the examination ~~or~~
4 ~~five hundred dollars (\$500).~~

5 (b) The fee to obtain or renew a license as a hydrolysis facility
6 manager ~~may~~ *shall* not exceed the reasonable cost of licensure
7 administration ~~or one hundred dollars (\$100).~~

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

10 9740. No person shall dispose of or offer to dispose of any
11 cremated or hydrolyzed human remains unless registered as a
12 cremated remains disposer by the bureau. This article shall not
13 apply to any person, partnership, or corporation holding a
14 certificate of authority as a cemetery, crematory license, hydrolysis
15 facility license, cemetery broker's license, cemetery salesperson's
16 license, or funeral director's license, nor shall this article apply to
17 any person having the right to control the disposition of the
18 cremated remains or hydrolyzed remains of any person or that
19 person's designee if the person does not dispose of or offer to
20 dispose of more than 10 cremated human remains or hydrolyzed
21 human remains within any calendar year.

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

24 9741. (a) Registration shall be on the form prescribed by the
25 bureau and shall include, but not be limited to, the full name of
26 the registrant, business and residence addresses, description and
27 identification of aircraft or boats which may be used in dispensing
28 cremated human remains or hydrolyzed remains, and the area to
29 be served. Each registration application shall be accompanied by
30 the cremated remains disposer fee.

31 (b) Every registered cremated remains disposer who dispenses
32 human remains by air shall post a copy of his or her current pilot's
33 license, and the address of the cremated remains or hydrolyzed
34 remains storage area at his or her place of business. Every
35 registered cremated remains disposer who dispenses cremated
36 remains or hydrolyzed remains by boat shall post a copy of his or
37 her current boating license and the address of the cremated remains
38 or hydrolyzed remains storage area at his or her place of business.

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

1 9741.1. The bureau shall prepare and deliver to each registered
2 cremated remains disposer a booklet that includes, but is not limited
3 to, the following information: details about the registration and
4 renewal requirements for cremated remains disposers; requirements
5 for obtaining state permits to dispose of cremated human remains
6 or hydrolyzed remains; state storage requirements, if any; statutory
7 duties pursuant to this article, and other applicable state laws.

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

10 9742. All aircraft used for the scattering of cremated human
11 remains or hydrolyzed remains shall be validly certified by the
12 Federal Aviation Administration. All boats or vessels used for the
13 scattering of cremated human remains or hydrolyzed remains shall
14 be registered with the Department of Motor Vehicles or
15 documented by a federal agency, as appropriate. The certification
16 or registration shall be available for inspection by the bureau.

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

19 9743. A cremated remains disposer who scatters any cremated
20 human remains or hydrolyzed remains without specific written
21 instructions from the person having the right to control the
22 disposition of the remains or who scatters any remains in a manner
23 not in accordance with those instructions shall be subject to
24 disciplinary action.

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

27 9744.5. (a) Every cremated remains disposer shall do both of
28 the following:

29 (1) Dispose of cremated remains or hydrolyzed remains within
30 60 days of the receipt of those remains, unless a written signed
31 reason for a delay is presented to the person with the right to
32 control the disposition of the remains under Section 7100 of the
33 Health and Safety Code.

34 (2) Provide the bureau with the address and ~~phone~~ *telephone*
35 number of any storage facility being used by the registrant to store
36 cremated remains or hydrolyzed remains. Cremated remains and
37 hydrolyzed remains shall be stored in a place free from exposure
38 to the elements, and shall be responsibly maintained until disposal.
39 The bureau and its representatives shall conduct, on an annual
40 basis, random inspections of the operations of 5 to 10 percent of

1 the registered cremated remains disposers, and is authorized to
2 inspect any place used by a cremated remains disposer for the
3 storage of cremated remains or hydrolyzed remains without notice
4 to the cremated remains disposer.

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

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

9 9745. (a) Each cremated remains disposer shall file, and
10 thereafter maintain an updated copy of, an annual report on a form
11 prescribed by the bureau. The report shall include, but not be
12 limited to, the names of the deceased persons whose cremated
13 remains or hydrolyzed remains were disposed of, the dates of
14 receipt of the cremated remains or hydrolyzed remains, the names
15 and addresses of the persons who authorized disposal of those
16 remains, the dates and locations of disposal of those remains, and
17 the means and manner of disposition. The report shall cover the
18 fiscal year ending on June 30th and shall be filed with the bureau
19 no later than September 30th of each year.

20 (b) A cremated remains disposer that makes a willful and
21 material false statement regarding the disposal of cremated remains
22 or hydrolyzed remains in the annual report filed or updated
23 pursuant to subdivision (a) shall be subject to disciplinary action.

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

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

29 9748. Any person who scatters cremated human remains or
30 hydrolyzed remains without a valid registration and who is not
31 otherwise exempt from this article shall be guilty of a
32 misdemeanor. The remains of each person scattered shall constitute
33 a separate violation.

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

36 9749. Any person who scatters any cremated human remains
37 or hydrolyzed remains without specific written instructions from
38 the person having the right to control the disposition of the remains
39 or who scatters any remains in a manner not in accordance with
40 those instructions shall be guilty of a misdemeanor.

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

3 9749.3. A cremated remains disposer who stores cremated
4 remains or hydrolyzed remains in a reckless manner that results
5 in either of the following is guilty of a public offense punishable
6 by imprisonment in a county jail not exceeding one year or by a
7 fine not to exceed five thousand dollars (\$5,000), or by both that
8 fine and imprisonment:

9 (a) Loss of all or part of the cremated remains or hydrolyzed
10 remains.

11 (b) Inability to individually identify the cremated remains or
12 hydrolyzed *remains*.

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

16
17 Article 9. Hydrolysis
18

19 9789.1. A hydrolysis facility may be operated, established, or
20 maintained by a corporation, partnership, or natural person,
21 provided that a valid hydrolysis facility license has been issued by
22 the bureau.

23 9789.2. A change in the ownership of a hydrolysis facility shall
24 be reported to the bureau. A transfer in a single transaction or a
25 related series of transactions of more than 50 percent of the
26 equitable interest in a licensed hydrolysis facility shall constitute
27 a change of ownership. When a change of ownership in a
28 hydrolysis facility occurs, the existing hydrolysis facility license
29 shall lapse and the new owner shall obtain a new license from the
30 bureau as otherwise provided in this act. The bureau shall not
31 require an applicant under this section to obtain any new permit
32 or license from any other governmental agency when the existing
33 permit or license is valid.

34 9789.3. The application for a hydrolysis facility license shall
35 be made in writing on the form prescribed by the bureau and filed
36 at the principal office of the bureau. The application shall be
37 accompanied by the fees required by this article and shall show
38 that the applicant owns or is actively operating a hydrolysis facility
39 in this state or that the applicant is in a position to commence
40 operating the hydrolysis facility.

1 9789.4. (a) The bureau shall require the applicant to prove
2 compliance with all applicable laws, rules, regulations, ordinances,
3 and orders, and shall not issue a hydrolysis facility license until
4 the bureau is satisfied that the public interest, human health, and
5 environmental quality will be served by the applicant.

6 (b) The applicant must obtain all relevant permits from local
7 and state agencies to demonstrate compliance with hazardous
8 waste, water quality, and drinking water standards, including, but
9 not limited to, Chapter 6.5 (commencing with Section 25200) of
10 Division 20 of the Health and Safety Code, in particular Section
11 25200 et seq., Title 22 of the California Code of Regulations, and
12 the Porter-Cologne Water Quality Act (Division 7 (commencing
13 with Section 13000) of the Water Code). The applicant shall be
14 inspected annually by the ~~Certified Unified Program Agencies~~
15 *certified unified program agencies* to ensure compliance with the
16 appropriate environmental standards.

17 (c) *The bureau, in consultation with the appropriate state agency*
18 *or agencies, shall develop regulations specifying which permits*
19 *from local and state agencies are necessary to demonstrate*
20 *compliance with hazardous waste, water quality, and drinking*
21 *water standards, pursuant to subdivision (b), as well as any other*
22 *documentation necessary for a hydrolysis facility applicant to*
23 *prove compliance with all applicable environmental rules and*
24 *regulations.*

25 9789.5. (a) The bureau shall adopt, and may from time to time
26 amend, rules and regulations prescribing standards of knowledge,
27 experience, and financial responsibility for applicants for a
28 hydrolysis facility license. In reviewing an application for a
29 hydrolysis facility license, the bureau may consider acts of the
30 applicant, including acts of incorporators, officers, directors, and
31 stockholders, which shall constitute grounds for the denial of a
32 hydrolysis facility license pursuant to Division 1.5 (commencing
33 with Section 475).

34 (b) *The bureau, in consultation with the appropriate state agency*
35 *or agencies, shall adopt rules and regulations regarding the*
36 *minimum system requirements for allowable hydrolysis vessels in*
37 *order for hydrolysis facilities to be licensed, including, but not*
38 *limited to, the pH range that the vessel must be fully compatible*
39 *with, the minimum temperature that the vessel must be able to*
40 *reach, and the duration of time that the vessel must be able to*

1 *sustain that temperature for the complete destruction of pathogens.*
2 *In addition, the bureau shall require that allowable hydrolysis*
3 *vessels be automated and manufactured for the specific purpose*
4 *of performing hydrolysis on deceased human bodies, and be*
5 *certified by an appropriate organization, such as the American*
6 *Society of Mechanical Engineers, if the hydrolysis vessel uses*
7 *applied pressure.*

8 ~~(b)~~

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

17 ~~(e)~~

18 (d) 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 the reasonable cost of investigation
21 or four hundred dollars (\$400) to defray the expenses of
22 investigation. In the event the sum shall be insufficient to defray
23 all of the expenses, the applicant shall, within five days after the
24 bureau makes a request, deposit an additional sum sufficient to
25 defray the department's expenses, provided that the total sum shall
26 not exceed nine hundred dollars (\$900).

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

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

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

39 (c) The licensee has a contractual relationship with a licensed
40 cemetery authority for final disposition of hydrolyzed remains by

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

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

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

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

28 9789.10. (a) Each hydrolysis facility for which a license is
29 required shall be operated under the supervision of a manager
30 qualified as such in accordance with rules adopted by the bureau.
31 Each manager shall be required to successfully pass a written
32 examination evidencing an understanding of the applicable
33 provisions of this code and Division 7 (commencing with Section
34 7000) and Division 8 (commencing with Section 8100) of the
35 Health and Safety Code.

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

1 9789.11. (a) A hydrolysis facility shall at all times employ a
2 licensed hydrolysis facility manager to manage, supervise, and
3 direct its operations.

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

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

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

23 9789.12. (a) The application for a hydrolysis facility manager
24 license shall be made in writing on the form provided by the
25 bureau, verified by the applicant, and filed at the principal office
26 of the bureau. The application shall be accompanied by the fee
27 fixed by this chapter.

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

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

39 9789.13. (a) No person shall engage in or conduct, or hold
40 himself or herself out as engaging in or conducting, the activities

1 of a hydrolysis facility manager without holding a valid, unexpired
2 hydrolysis facility manager license issued by the bureau.

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

8 9789.14. It is a misdemeanor for any person, firm, or
9 corporation to hydrolyze human remains, or to engage in the
10 disposition of those remains, without a valid, unexpired hydrolysis
11 facility license. Each hydrolysis carried out in violation of this
12 section shall be a separate violation.

13 9789.15. A hydrolysis facility licensee shall be subject to and
14 shall be disciplined by the bureau in accordance with Article 6
15 (commencing with Section 9725).

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

18 7002.5. "Hydrolyzed remains" means bone fragments of a
19 human body that are left after hydrolysis in a hydrolysis facility.
20 "Hydrolyzed remains" does not include foreign materials,
21 pacemakers, or prostheses.

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

24 7003. "Cemetery" means either of the following:

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

27 (1) A burial park, for earth interments.

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

29 (3) A crematory and columbarium, for interment of cremated
30 remains or hydrolyzed remains.

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

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

34 7006.1. "Hydrolysis facility" means a building or structure
35 containing one or more vessels for the reduction of bodies of
36 deceased persons by alkaline hydrolysis.

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

39 7006.4. "Hydrolysis vessel" means the enclosed space within
40 which the hydrolysis of human remains is performed *and any other*

1 *attached, nonenclosed, mechanical components that are necessary*
2 *for the safe and proper functioning of the equipment.* Allowable
3 hydrolysis vessels for the disposition of human remains shall meet
4 or exceed State Department of Public Health and federal Centers
5 for Disease Control and Prevention requirements for complete
6 destruction of human pathogens.

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

9 7006.6. "Hydrolysis container" means a hydrolyzable closed
10 container resistant to leakage of bodily fluids into which the body
11 of a deceased person is placed prior to insertion in a hydrolysis
12 vessel for alkaline hydrolysis.

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

15 7006.8. "Hydrolyzed remains container" means a receptacle
16 in which hydrolyzed remains are placed after hydrolysis.

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

19 7010.1. "Hydrolysis" means the process by which the following
20 three steps are taken:

21 (a) The reduction of the body of a deceased person to its
22 essential chemical components by alkaline hydrolysis. Alkaline
23 hydrolysis is a chemical process using heat, ~~high pressure, or heat~~
24 *and applied pressure*, water, and potassium hydroxide *or sodium*
25 *hydroxide* to dissolve human tissue within a hydrolysis container.

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

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

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

35 7010.3. "Processing" means the removal of foreign objects,
36 pursuant to Section 7051, and the reduction of the particle size of
37 cremated remains or hydrolyzed remains by mechanical means
38 including, but not limited to, grinding, crushing, and pulverizing
39 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, or commingling in a defined area within a dedicated cemetery, in accordance with this part.

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

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

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

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

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

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

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

7016. "Niche" means a space in a columbarium used, or intended to be used, for the placement of cremated remains or hydrolyzed remains.

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

7051. Every person who removes any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment, cremation, or hydrolysis, with intent to sell it or to dissect it, without authority of law, or written permission of the person or persons having the right to control the remains under Section 7100, or with malice or wantonness, has committed a public offense that is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

This section shall not prohibit the removal of foreign materials, pacemakers, or prostheses from cremated remains or hydrolyzed remains by an employee of a licensed crematory or licensed hydrolysis facility prior to final processing of remains. Dental gold

1 or silver, jewelry, or mementos, to the extent that they can be
2 identified, may be removed by the employee prior to final
3 processing if the equipment is such that it will not process these
4 materials. However, any dental gold and silver, jewelry, or
5 mementos that are removed shall be returned to the urn or cremated
6 remains container or hydrolyzed remains container, unless
7 otherwise directed by the person or persons having the right to
8 control the disposition.

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

11 7051.5. Every person who removes or possesses dental gold
12 or silver, jewelry, or mementos from any human remains without
13 specific written permission of the person or persons having the
14 right to control those remains under Section 7100 is punishable
15 by imprisonment pursuant to subdivision (h) of Section 1170 of
16 the Penal Code. The fact that residue and any unavoidable dental
17 gold or dental silver, or other precious metals remain in the
18 cremation chamber, hydrolysis vessel, or other equipment or any
19 container used in a prior cremation ~~of~~ or hydrolysis is not a
20 violation of this section.

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

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

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

31 (1) "Sexual penetration" means the unlawful penetration of the
32 vagina or anus, however slight, by any part of a person's body or
33 other object, or any act of sexual contact between the sex organs
34 of a person and the mouth or anus of a dead body, or any oral
35 copulation of a dead human body for the purpose of sexual arousal,
36 gratification, or abuse.

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

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

3 7052.5. Notwithstanding the provisions of Section 7052,
4 cremated remains or hydrolyzed remains may be removed from
5 the place of interment for disposition as provided in Section 7054.6
6 or for burial at sea as provided in Section 7117.

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

9 7054. (a) (1) Except as authorized pursuant to the sections
10 referred to in subdivision (b), every person who deposits or
11 disposes of any human remains in any place, except in a cemetery,
12 is guilty of a misdemeanor.

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

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

27 (c) Subdivision (a) of this section shall not apply to the reburial
28 of Native American remains under an agreement developed
29 pursuant to subdivision (l) of Section 5097.94 of the Public
30 Resources Code, or implementation of a recommendation or
31 agreement made pursuant to Section 5097.98 of the Public
32 Resources Code.

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

35 7054.1. No cremated remains or hydrolyzed remains shall be
36 removed from the place of cremation or hydrolysis, nor shall there
37 be any charge for the cremation or hydrolysis, unless the cremated
38 remains have been processed so that they are suitable for inurnment
39 within a cremated remains container, hydrolyzed remains container,
40 or an urn. Every contract for cremation services or hydrolysis

1 services shall include specific written notification of the processing
2 to the person having the right to control the disposition of the
3 remains under Section 7100.

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

6 7054.6. (a) Except as provided in subdivision (b), cremated
7 remains and hydrolyzed remains may be removed in a durable
8 container from the place of cremation, hydrolysis, or interment
9 and kept in or on the real property owned or occupied by a person
10 described in Section 7100 or any other person, with the permission
11 of the person with the right to disposition, or the durable container
12 holding the cremated or hydrolyzed remains may be kept in a
13 church or religious shrine, if written permission of the church or
14 religious shrine is obtained and there is no conflict with local use
15 permit requirements or zoning laws, if the removal is under the
16 authority of a permit for disposition granted under Section 103060.
17 The placement, in any place, of six or more cremated or hydrolyzed
18 remains under this section does not constitute the place a cemetery,
19 as defined in Section 7003.

20 (b) Notwithstanding any other provision of law, cremated
21 remains or hydrolyzed remains may be placed in one or more
22 keepsake urns. Keepsake urns shall be kept as authorized by the
23 person or persons with the right to control disposition pursuant to
24 Section 7100, provided that a permit for disposition of human
25 remains pursuant to Section 103060 is issued by the local registrar
26 for each keepsake urn designating the home address of each person
27 receiving a keepsake urn and a permit fee pursuant to Section
28 103065 is paid. No keepsake urn shall be subject to Section 8345.
29 For purposes of this section, a keepsake urn shall mean a closed
30 durable container that will accommodate an amount of cremated
31 or hydrolyzed remains not to exceed one cubic centimeter.

32 (c) Prior to disposition of cremated remains or hydrolyzed
33 remains, every licensee or registrant pursuant to Chapter 12
34 (commencing with Section 7600) or Chapter 19 (commencing with
35 Section 9600) of Division 3 of the Business and Professions Code,
36 and the agents and employees of the licensee or registrant shall do
37 all of the following:

38 (1) Remove the cremated or hydrolyzed remains from the place
39 of cremation in a durable container.

1 (2) Keep the cremated or hydrolyzed remains in a durable
2 container.

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

5 (4) Responsibly maintain the cremated or hydrolyzed remains.

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

8 7054.7. (a) Except with the express written permission of the
9 person entitled to control the disposition of the remains, no person
10 shall:

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

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

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

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

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

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

36 (b) Written acknowledgment from the person entitled to control
37 the disposition of the cremated remains shall be obtained by the
38 person with whom arrangements are made for disposition of the
39 remains on a form that includes, but is not limited to, the following
40 information: "The human body burns with the casket, container,

1 or other material in the cremation chamber. Some bone fragments
2 are not combustible at the incineration temperature and, as a result,
3 remain in the cremation chamber. During the cremation, the
4 contents of the chamber may be moved to facilitate incineration.
5 The chamber is composed of ceramic or other material which
6 disintegrates slightly during each cremation and the product of
7 that disintegration is commingled with the cremated remains.
8 Nearly all of the contents of the cremation chamber, consisting of
9 the cremated remains, disintegrated chamber material, and small
10 amounts of residue from previous cremations, are removed together
11 and crushed, pulverized, or ground to facilitate inurnment or
12 scattering. Some residue remains in the cracks and uneven places
13 of the chamber. Periodically, the accumulation of this residue is
14 removed and interred in a dedicated cemetery property, or scattered
15 at sea.” The acknowledgment shall be filed and retained, for at
16 least five years, by the person who disposes of or inters the remains.

17 (c) Any person, including any corporation or partnership,
18 knowingly violating any provision of this section is guilty of a
19 misdemeanor.

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

22 7054.8. (a) Except with the express written permission of the
23 person entitled to control the disposition of the remains, no person
24 shall do any of the following:

25 (1) Hydrolyze the remains of more than one person at the same
26 time in the same hydrolysis vessel, or introduce the remains of a
27 second person into a hydrolysis vessel until dissolution of any
28 preceding remains has been terminated and reasonable efforts have
29 been employed to remove all fragments of the preceding remains.
30 The fact that there is residue in the hydrolysis vessel or other
31 equipment or any container used in a prior cremation is not a
32 violation of this section.

33 (2) Dispose of or scatter hydrolyzed remains in a manner or in
34 such a location that the remains are commingled with those of
35 another person. This paragraph shall not apply to the scattering of
36 hydrolyzed remains at sea from individual containers or to the
37 disposal in a dedicated cemetery of accumulated residue removed
38 from processing equipment.

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

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

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

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

(b) Written acknowledgment from the person entitled to control the disposition of the hydrolyzed remains shall be obtained by the person with whom arrangements are made for disposition of the remains on a form that includes, but is not limited to, the following information: “During the alkaline hydrolysis process, chemical dissolution using heat, high pressure water, and an alkaline solution is used to chemically break down the human tissue and the hydrolyzable alkaline hydrolysis container. ~~The process may not result in complete dissolution.~~ After the process is complete, the liquid effluent solution contains the chemical byproducts of the alkaline hydrolysis process except for the deceased’s bone fragments. The solution is cooled and released in accordance with local environmental regulations. A hot water rinse is applied to the cremated remains, which are then dried, crushed, pulverized, or ground to facilitate inurnment or scattering.” The acknowledgment shall be filed and retained, for at least five years, by the person who disposes of or inters the remains.

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

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

7055. (a) Every person, who for himself or herself or for another person, inters, cremates, or hydrolyzes a body or permits the same to be done, or removes any remains, other than cremated remains, from the primary registration district in which the death, cremation, or hydrolysis occurred or the body was found, except a removal by a funeral director in a funeral director’s conveyance or an officer of a duly accredited medical college engaged in official duties with respect to the body of a decedent who has

1 willfully donated his or her body to the medical college from that
2 registration district or county to another registration district or
3 county, or within the same registration district or county, without
4 the authority of a burial or removal permit issued by the local
5 registrar of the district in which the death occurred or in which the
6 body was found; or removes interred human remains from the
7 cemetery in which the interment occurred, or removes cremated
8 remains or hydrolyzed remains from the premises on which the
9 cremation or hydrolysis occurred without the authority of a removal
10 permit is guilty of a misdemeanor and punishable as follows:

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

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

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

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

24 7116. Cremated remains or hydrolyzed remains may be
25 scattered in areas where no local prohibition exists, provided that
26 the cremated remains or hydrolyzed remains are not distinguishable
27 to the public, are not in a container, and that the person who has
28 control over disposition of the cremated remains or hydrolyzed
29 remains has obtained written permission of the property owner or
30 governing agency to scatter on the property. A state or local agency
31 may adopt an ordinance, regulation, or policy, as appropriate,
32 authorizing, consistent with this section, or specifically prohibiting,
33 the scattering of cremated remains or hydrolyzed remains on lands
34 under the agency's jurisdiction. The scattering of the cremated
35 remains or hydrolyzed remains of more than one person in one
36 location pursuant to this section shall not create a cemetery
37 pursuant to Section 7003 or any other provision of law.

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

1 7117. (a) Cremated remains or hydrolyzed remains may be
2 taken by boat from any harbor in this state, or by air, and scattered
3 at sea. Cremated remains or hydrolyzed remains shall be removed
4 from their container before the remains are scattered at sea.

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

16 (c) For purposes of this section, the phrase “at sea” includes the
17 inland navigable waters of this state, exclusive of lakes and streams,
18 provided that no such scattering may take place within 500 yards
19 of the shoreline. Nothing in this section shall be construed to allow
20 the scattering of cremated remains or hydrolyzed remains from a
21 bridge or pier.

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

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

28
29 Article 8. Hydrolysis Facilities
30

31 8370. All hydrolyzed remains not disposed of in accordance
32 with this chapter, within one year, shall be interred.

33 8372. No hydrolysis facility shall make or enforce any rules
34 requiring that human remains be placed in a casket before
35 hydrolysis or that human remains be hydrolyzed in a casket, nor
36 shall a hydrolysis facility refuse to accept human remains for
37 hydrolysis for the reason that they are not in a casket. Every
38 director, officer, agent, or representative of a hydrolysis facility
39 who violates this section is guilty of a misdemeanor. Nothing in

1 this section shall be construed to prohibit the requiring of some
2 type of container or disposal unit.

3 8373. (a) A hydrolysis facility shall maintain on its premises,
4 or other business location within the state, an accurate record of
5 all hydrolyses performed, including all of the following
6 information:

- 7 (1) Name of referring funeral director, if any.
- 8 (2) Name of deceased.
- 9 (3) Date of hydrolysis.
- 10 (4) Name of hydrolysis vessel operator.
- 11 (5) Date that body was inserted in hydrolysis vessel.
- 12 (6) Date that body was removed from hydrolysis vessel.
- 13 (7) Date that final processing of hydrolyzed remains was
14 completed.
- 15 (8) Disposition of hydrolyzed remains.
- 16 (9) Name and address of authorizing agent.
- 17 (10) The identification number assigned to the deceased,
18 pursuant to Section 8374.
- 19 (11) A photocopy of the disposition permit filed in connection
20 with the disposition.
- 21 (12) *The pH of the hydrolysis effluent to be disposed of after*
22 *completion of the hydrolysis.*
- 23 (13) *The equilibrium temperature during the hydrolysis*
24 *procedure, and the time duration at that temperature.*
- 25 (14) *The pressure during the equilibrium temperature, if external*
26 *pressure is applied.*

27 ~~(12)~~
28 (15) Any documentation of compliance with appropriate
29 environmental and safety laws.

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

33 8374. (a) A hydrolysis facility shall maintain an identification
34 system allowing identification of each decedent beginning from
35 the time the hydrolysis facility accepts delivery of human remains
36 until the point at which it releases the hydrolyzed remains to a
37 third party. After hydrolysis, an identifying disk, tab, or other
38 permanent label shall be placed within the urn or hydrolyzed
39 remains container before the hydrolyzed remains are released from
40 the hydrolysis facility. Each identification disk, tab, or label shall

1 have a unique number that shall be recorded on all paperwork
2 regarding the decedent's case and in the hydrolysis facility log.
3 Each hydrolysis facility shall maintain a written procedure for
4 identification of remains.

5 (b) A hydrolysis facility that fails, when requested by an official
6 of the Cemetery and Funeral Bureau, to produce a written
7 procedure for identification of remains, shall have 15 working
8 days from the time of the request to produce an identification
9 procedure for review by the executive officer of the Cemetery
10 Board. The license of the hydrolysis facility shall be suspended
11 pursuant to Chapter 5 (commencing with Section 11500) of Part
12 1 of Division 3 of Title 2 of the Government Code, if no
13 identification procedure is produced for review after 15 working
14 days have elapsed.

15 8375. A hydrolysis facility regulated by the Cemetery and
16 Funeral Bureau shall knowingly hydrolyze only human remains
17 in hydrolysis chambers, along with the hydrolysis container.

18 8376. If a hydrolyzed remains container is of insufficient
19 capacity to accommodate all hydrolyzed remains of a given
20 deceased, the hydrolysis facility shall provide a larger hydrolyzed
21 remains container or urn at no additional cost, or place the excess
22 remains in a secondary cremated remains container and attach the
23 second container, in a manner so as not to be easily detached
24 through incidental contact, to the primary cremated remains
25 container for interment, scattering, or other disposition by the
26 person entitled to control the disposition.

27 8377. A hydrolysis facility shall not accept human remains for
28 hydrolysis unless the remains meet ~~both~~ all of the following
29 requirements:

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

31 (b) The hydrolysis container shall be labeled with the identity
32 of the decedent.

33 (c) *The remains have not been embalmed.*

34 8378. Within two hours after a licensed hydrolysis facility
35 takes custody of a body that has not been embalmed, it shall
36 refrigerate the body at a temperature not greater than 50 degrees
37 Fahrenheit, unless the hydrolysis process will begin within 24
38 hours of the time that the hydrolysis facility took custody.

39 8379. Every hydrolysis facility manager or duly authorized
40 representative shall provide to any person who inquires in person,

1 a written or printed list of prices for hydrolysis and storage,
2 hydrolysis containers, hydrolysis remains containers and urns, and
3 requirements for hydrolysis containers. This information shall be
4 provided over the telephone when requested. Any written or printed
5 list shall identify the hydrolysis facility and shall contain, at a
6 minimum, the current address and ~~phone~~ *telephone* number of the
7 Cemetery and Funeral Bureau in 8-point boldface type, or larger.

8 8380. (a) The hydrolysis facility licensee, or its authorized
9 representatives, shall provide instruction to all hydrolysis facility
10 personnel involved in the hydrolysis process. This instruction shall
11 lead to a demonstrated knowledge on the part of an employee
12 regarding identification procedures used during hydrolysis,
13 operation of the hydrolysis chamber and processing equipment,
14 *safe work practices and procedures for the handling of corrosive*
15 *materials*, and all laws relevant to the handling of a body and
16 hydrolyzed remains. This instruction shall be outlined in a written
17 plan maintained by the hydrolysis facility licensee for inspection
18 and comment by an inspector of the Cemetery and Funeral Bureau.

19 (b) No employee of a hydrolysis facility shall be allowed to
20 operate any hydrolysis equipment until he or she has demonstrated
21 to the licensee or authorized representative that he or she
22 understands the procedures required to ensure the health and safety
23 conditions are maintained at the hydrolysis facility and that
24 hydrolyzed remains are not commingled. The hydrolysis facility
25 licensee shall maintain a record to document that an employee has
26 received the training specified in this section.

27 (c) A hydrolysis facility that fails, when requested by an official
28 of the bureau, to produce a written employee instruction plan or
29 record of employee training for inspection, shall have 15 working
30 days from the time of the request to produce a plan or training
31 record for review by the executive officer of the bureau. The license
32 of the hydrolysis facility shall be suspended, pursuant to Chapter
33 5 (commencing with Section 11500) of Part 1 of Division 3 of
34 Title 2 of the Government Code, if no plan or training record is
35 produced for review after 15 working days have elapsed.

36 SEC. 42. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

- 1 for a crime or infraction, within the meaning of Section 17556 of
- 2 the Government Code, or changes the definition of a crime within
- 3 the meaning of Section 6 of Article XIII B of the California
- 4 Constitution.