

AMENDED IN SENATE AUGUST 6, 2012

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 *and repeal* Article 9 (commencing with Section 9789.1) ~~to~~ of 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, *103055, 103060, and 103080* of, to add Sections 7002.5, 7006.1, 7006.4, 7006.6, 7006.8, 7010.1, and 7054.8 to, and to add *and repeal* Article 8 (commencing with Section 8370) ~~to~~ of 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. *Existing law establishes certified uniform program agencies, which are agencies certified by the Secretary for Environmental Protection to implement a specified unified program relating to hazardous waste and materials in accordance with certain requirements.*

This bill, *until January 1, 2019*, 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 paid to finance hydrolysis facility regulation be deposited in the Cemetery Fund. By depositing moneys in a continuously appropriated fund, this bill would make an appropriation. *The bill would require certified unified program agencies to ensure compliance with certain environmental standards, and to comply with specified reporting requirements. By increasing the duties of local agencies, 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.~~

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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:

17 9615. (a) (1) A person who holds or has held, or was named
18 on, a 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
34 pursuant to subdivision (a) shall notify the bureau by submitting
35 the form within 30 days of being so informed. Failure of the
36 cemetery manager, licensed hydrolysis facility manager, crematory
37 manager, or cemetery broker to notify the bureau shall be a cause
38 for a warning. A cemetery manager, crematory manager, licensed

1 hydrolysis facility manager, or cemetery broker shall not be subject
2 to a warning if his or her failure to notify the bureau is due to a
3 false statement made by an employee.

4 (c) A person required to notify the cemetery manager, crematory
5 manager, licensed hydrolysis facility manager, or cemetery broker
6 under subdivision (a) who fails to do so or who makes a false
7 statement on the required form shall be subject to disciplinary
8 action if that person is a licensee of the bureau, or that failure or
9 false statement shall be cause for denial of a license under Section
10 480.

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

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

18 9764.4. (a) The fee to take the examination or reexamination
19 to become a licensed hydrolysis facility manager shall not exceed
20 the reasonable cost of administering the examination.

21 (b) The fee to obtain or renew a license as a hydrolysis facility
22 manager shall not exceed the reasonable cost of licensure
23 administration.

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

26 9740. No person shall dispose of or offer to dispose of any
27 cremated or hydrolyzed human remains unless registered as a
28 cremated remains disposer by the bureau. This article shall not
29 apply to any person, partnership, or corporation holding a
30 certificate of authority as a cemetery, crematory license, hydrolysis
31 facility license, cemetery broker’s license, cemetery salesperson’s
32 license, or funeral director’s license, nor shall this article apply to
33 any person having the right to control the disposition of the
34 cremated remains or hydrolyzed remains of any person or that
35 person’s designee if the person does not dispose of or offer to
36 dispose of more than 10 cremated human remains or hydrolyzed
37 human remains within any calendar year.

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

1 9741. (a) Registration shall be on the form prescribed by the
2 bureau and shall include, but not be limited to, the full name of
3 the registrant, business and residence addresses, description and
4 identification of aircraft or boats which may be used in dispensing
5 cremated human remains or hydrolyzed remains, and the area to
6 be served. Each registration application shall be accompanied by
7 the cremated remains disposer fee.

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

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

18 9741.1. The bureau shall prepare and deliver to each registered
19 cremated remains disposer a booklet that includes, but is not limited
20 to, the following information: details about the registration and
21 renewal requirements for cremated remains disposers; requirements
22 for obtaining state permits to dispose of cremated human remains
23 or hydrolyzed remains; state storage requirements, if any; statutory
24 duties pursuant to this article, and other applicable state laws.

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

27 9742. All aircraft used for the scattering of cremated human
28 remains or hydrolyzed remains shall be validly certified by the
29 Federal Aviation Administration. All boats or vessels used for the
30 scattering of cremated human remains or hydrolyzed remains shall
31 be registered with the Department of Motor Vehicles or
32 documented by a federal agency, as appropriate. The certification
33 or registration shall be available for inspection by the bureau.

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

36 9743. A cremated remains disposer who scatters any cremated
37 human remains or hydrolyzed remains without specific written
38 instructions from the person having the right to control the
39 disposition of the remains or who scatters any remains in a manner

1 not in accordance with those instructions shall be subject to
2 disciplinary action.

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

5 9744.5. (a) Every cremated remains disposer shall do both of
6 the following:

7 (1) Dispose of cremated remains or hydrolyzed remains within
8 60 days of the receipt of those remains, unless a written signed
9 reason for a delay is presented to the person with the right to
10 control the disposition of the remains under Section 7100 of the
11 Health and Safety Code.

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

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

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

27 9745. (a) Each cremated remains disposer shall file, and
28 thereafter maintain an updated copy of, an annual report on a form
29 prescribed by the bureau. The report shall include, but not be
30 limited to, the names of the deceased persons whose cremated
31 remains or hydrolyzed remains were disposed of, the dates of
32 receipt of the cremated remains or hydrolyzed remains, the names
33 and addresses of the persons who authorized disposal of those
34 remains, the dates and locations of disposal of those remains, and
35 the means and manner of disposition. The report shall cover the
36 fiscal year ending on June 30th and shall be filed with the bureau
37 no later than September 30th of each year.

38 (b) A cremated remains disposer that makes a willful and
39 material false statement regarding the disposal of cremated remains

1 or hydrolyzed remains in the annual report filed or updated
2 pursuant to subdivision (a) shall be subject to disciplinary action.

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

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

8 9748. Any person who scatters cremated human remains or
9 hydrolyzed remains without a valid registration and who is not
10 otherwise exempt from this article shall be guilty of a
11 misdemeanor. The remains of each person scattered shall constitute
12 a separate violation.

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

15 9749. Any person who scatters any cremated human remains
16 or hydrolyzed remains without specific written instructions from
17 the person having the right to control the disposition of the remains
18 or who scatters any remains in a manner not in accordance with
19 those instructions shall be guilty of a misdemeanor.

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

22 9749.3. A cremated remains disposer who stores cremated
23 remains or hydrolyzed remains in a reckless manner that results
24 in either of the following is guilty of a public offense punishable
25 by imprisonment in a county jail not exceeding one year or by a
26 fine not to exceed five thousand dollars (\$5,000), or by both that
27 fine and imprisonment:

28 (a) Loss of all or part of the cremated remains or hydrolyzed
29 remains.

30 (b) Inability to individually identify the cremated remains or
31 hydrolyzed remains.

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

35
36 Article 9. Hydrolysis
37

38 9789.1. A hydrolysis facility may be operated, established, or
39 maintained by a corporation, partnership, or natural person,

1 provided that a valid hydrolysis facility license has been issued by
2 the bureau.

3 9789.2. A change in the ownership of a hydrolysis facility shall
4 be reported to the bureau. A transfer in a single transaction or a
5 related series of transactions of more than 50 percent of the
6 equitable interest in a licensed hydrolysis facility shall constitute
7 a change of ownership. When a change of ownership in a
8 hydrolysis facility occurs, the existing hydrolysis facility license
9 shall lapse and the new owner shall obtain a new license from the
10 bureau as otherwise provided in this act. The bureau shall not
11 require an applicant under this section to obtain any new permit
12 or license from any other governmental agency when the existing
13 permit or license is valid.

14 9789.3. The application for a hydrolysis facility license shall
15 be made in writing on the form prescribed by the bureau and filed
16 at the principal office of the bureau. The application shall be
17 accompanied by the fees required by this article and shall show
18 that the applicant owns or is actively operating a hydrolysis facility
19 in this state or that the applicant is in a position to commence
20 operating the hydrolysis facility.

21 9789.4. (a) The bureau shall require the applicant to prove
22 compliance with all applicable laws, rules, regulations, ordinances,
23 and orders, and shall not issue a hydrolysis facility license until
24 the bureau is satisfied that the public interest, human health, and
25 environmental quality will be served by the applicant.

26 (b) (1) The applicant must obtain all relevant permits from local
27 and state agencies to demonstrate compliance with hazardous
28 waste, water quality, and drinking water standards, including, but
29 not limited to, Chapter 6.5 (commencing with Section 25200) of
30 Division 20 of the Health and Safety Code, in particular Section
31 25200 et seq., Title 22 of the California Code of Regulations, and
32 the Porter-Cologne Water Quality Act (Division 7 (commencing
33 with Section 13000) of the Water Code). The applicant shall be
34 inspected annually by the certified unified program agencies to
35 ensure compliance with the appropriate environmental standards.

36 (2) *The certified unified program agencies shall annually report*
37 *their findings from the inspections conducted pursuant to*
38 *paragraph (1) to the bureau.*

39 (c) The bureau, in consultation with the appropriate state agency
40 or agencies, shall develop regulations specifying which permits

1 from local and state agencies are necessary to demonstrate
2 compliance with hazardous waste, water quality, and drinking
3 water standards, pursuant to subdivision (b), as well as any other
4 documentation necessary for a hydrolysis facility applicant to
5 prove compliance with all applicable environmental rules and
6 regulations.

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

16 (b) The bureau, in consultation with the appropriate state agency
17 or agencies, shall adopt rules and regulations regarding the
18 minimum system requirements for allowable hydrolysis ~~vessels~~
19 *chambers* in order for hydrolysis facilities to be licensed, including,
20 but not limited to, the pH range that the ~~vessel~~ *chamber* must be
21 fully compatible with, the minimum temperature that the ~~vessel~~
22 *chamber* must be able to reach, and the duration of time that the
23 ~~vessel~~ *chamber* must be able to sustain that temperature for the
24 complete destruction of pathogens. In addition, the bureau shall
25 require that allowable hydrolysis ~~vessels~~ *chambers* be automated
26 and manufactured for the specific purpose of performing hydrolysis
27 on deceased human bodies, and be certified by an appropriate
28 organization, such as the American Society of Mechanical
29 Engineers, if the hydrolysis ~~vessel~~ *chamber* uses applied pressure.

30 (c) Upon receipt of an application for a hydrolysis facility
31 license, the bureau may investigate, or cause an investigation to
32 be made of, the physical status, plans, specifications, and financing
33 of the proposed hydrolysis facility, the character of the applicant,
34 including, if applicable, its officers, directors, shareholders, or
35 members, and any other qualifications required of the applicant
36 under this article, and for this purpose may subpoena witnesses,
37 administer oaths, and take testimony.

38 (d) At the time of the filing of the application required by this
39 article, the applicant shall pay to the Cemetery Fund the sum fixed
40 by the bureau at not in excess of the reasonable cost of investigation

1 or four hundred dollars (\$400) to defray the expenses of
2 investigation. In the event the sum shall be insufficient to defray
3 all of the expenses, the applicant shall, within five days after the
4 bureau makes a request, deposit an additional sum sufficient to
5 defray the department's expenses, provided that the total sum shall
6 not exceed nine hundred dollars (\$900).

7 9789.6. No hydrolysis facility licensed pursuant to this article
8 shall conduct hydrolysis unless all of the following requirements
9 are met:

10 (a) The licensee has a written contract with the person or persons
11 entitled to custody of the remains clearly stating the location,
12 manner, and time of disposition of the remains, agreeing to pay
13 the regular fees of the licensee for hydrolysis, disposition, and
14 other services rendered, and any other contractual provisions
15 required by the bureau.

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

19 (c) The licensee has a contractual relationship with a licensed
20 cemetery authority for final disposition of hydrolyzed remains by
21 burial, entombment, or inurnment of any and all remains which
22 are not lawfully disposed of or which are not called for or accepted
23 by the person or persons entitled to the custody and control of the
24 disposition of those remains within 90 days of the date of death.

25 9789.7. A hydrolysis facility licensee that prohibits relatives
26 or the responsible party from viewing the hydrolysis process shall
27 disclose this fact in writing to the person or persons entitled to
28 custody of the remains prior to the signing of any contract.

29 9789.8. A hydrolysis facility licensee shall keep records and
30 relevant permits as required by the bureau to ensure compliance
31 with all laws relating to the disposition of hydrolyzed remains and
32 shall file annually with the bureau a report, in the form prescribed
33 by the bureau, describing the operations of the licensee, including
34 the number of hydrolyses performed, the disposition of remains
35 from each hydrolysis performed, and other information as required
36 by the bureau.

37 9789.9. A hydrolysis facility licensee operating a hydrolysis
38 facility licensed pursuant to this article shall pay an annual
39 regulatory charge for each hydrolysis facility, to be fixed by the
40 bureau at not more than the reasonable cost of regulatory

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

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

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

9789.11. (a) A hydrolysis facility shall at all times employ a licensed hydrolysis facility manager to manage, supervise, and 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.

1 9789.12. (a) The application for a hydrolysis facility manager
2 license shall be made in writing on the form provided by the
3 bureau, verified by the applicant, and filed at the principal office
4 of the bureau. The application shall be accompanied by the fee
5 fixed by this chapter.

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

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

17 9789.13. (a) No person shall engage in or conduct, or hold
18 himself or herself out as engaging in or conducting, the activities
19 of a hydrolysis facility manager without holding a valid, unexpired
20 hydrolysis facility manager license issued by the bureau.

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

26 9789.14. It is a misdemeanor for any person, firm, or
27 corporation to hydrolyze human remains, or to engage in the
28 disposition of those remains, without a valid, unexpired hydrolysis
29 facility license. Each hydrolysis carried out in violation of this
30 section shall be a separate violation.

31 9789.15. A hydrolysis facility licensee shall be subject to and
32 shall be disciplined by the bureau in accordance with Article 6
33 (commencing with Section 9725).

34 9789.16. *The bureau shall annually conduct, at a minimum,*
35 *one unannounced inspection visit for each licensed hydrolysis*
36 *facility.*

37 9789.20. *This article shall remain in effect only until January*
38 *1, 2019, and as of that date is repealed, unless a later enacted*
39 *statute, that is enacted before January 1, 2019, deletes or extends*
40 *that date.*

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 interment 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~~ *chambers* 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~~ *chamber*" means the enclosed space within which the hydrolysis of human remains is performed and any other attached, nonenclosed, mechanical components that are necessary for the safe and proper functioning of the equipment. Allowable hydrolysis ~~vessels~~ *chambers* for the disposition of human remains shall meet or exceed State Department of Public Health and federal Centers for Disease Control and Prevention requirements for complete destruction of human pathogens.

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~~ *chamber* for alkaline hydrolysis.

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

1 7006.8. “Hydrolyzed remains container” means a receptacle
2 in which hydrolyzed remains are placed after hydrolysis.

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

5 7010.1. “Hydrolysis” means the process by which the following
6 three steps are taken:

7 (a) The reduction of the body of a deceased person to its
8 essential chemical components by alkaline hydrolysis. Alkaline
9 hydrolysis is a chemical process using heat or heat and applied
10 pressure, water, and potassium hydroxide or sodium hydroxide to
11 dissolve human tissue within a hydrolysis container.

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

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

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

21 7010.3. “Processing” means the removal of foreign objects,
22 pursuant to Section 7051, and the reduction of the particle size of
23 cremated remains or hydrolyzed remains by mechanical means
24 including, but not limited to, grinding, crushing, and pulverizing
25 to a consistency appropriate for disposition.

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

28 7010.7. “Scattering” means the authorized dispersal of cremated
29 remains or hydrolyzed remains at sea, in other areas of the state,
30 or commingling in a defined area within a dedicated cemetery, in
31 accordance with this part.

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

34 7011. “Inurnment” means placing cremated remains or
35 hydrolyzed remains in a cremated remains or hydrolyzed remains
36 container suitable for placement, burial, or shipment.

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

39 7011.2. “Placement” means the placing of a container holding
40 cremated remains or hydrolyzed remains in a crypt, vault, or niche.

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

3 7015. "Crypt" or "vault" means a space in a mausoleum of
4 sufficient size, used or intended to be used, to entomb human
5 remains that have been neither cremated nor hydrolyzed.

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

8 7016. "Niche" means a space in a columbarium used, or
9 intended to be used, for the placement of cremated remains or
10 hydrolyzed remains.

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

13 7051. Every person who removes any part of any human
14 remains from any place where it has been interred, or from any
15 place where it is deposited while awaiting interment, cremation,
16 or hydrolysis, with intent to sell it or to dissect it, without authority
17 of law, or written permission of the person or persons having the
18 right to control the remains under Section 7100, or with malice or
19 wantonness, has committed a public offense that is punishable by
20 imprisonment pursuant to subdivision (h) of Section 1170 of the
21 Penal Code.

22 This section shall not prohibit the removal of foreign materials,
23 pacemakers, or prostheses from cremated remains or hydrolyzed
24 remains by an employee of a licensed crematory or licensed
25 hydrolysis facility prior to final processing of remains. Dental gold
26 or silver, jewelry, or mementos, to the extent that they can be
27 identified, may be removed by the employee prior to final
28 processing if the equipment is such that it will not process these
29 materials. However, any dental gold and silver, jewelry, or
30 mementos that are removed shall be returned to the urn or cremated
31 remains container or hydrolyzed remains container, unless
32 otherwise directed by the person or persons having the right to
33 control the disposition.

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

36 7051.5. Every person who removes or possesses dental gold
37 or silver, jewelry, or mementos from any human remains without
38 specific written permission of the person or persons having the
39 right to control those remains under Section 7100 is punishable
40 by imprisonment pursuant to subdivision (h) of Section 1170 of

1 the Penal Code. The fact that residue and any unavoidable dental
2 gold or dental silver, or other precious metals remain in the
3 cremation chamber, hydrolysis ~~vessel~~ *chamber*, or other equipment
4 or any container used in a prior cremation or hydrolysis is not a
5 violation of this section.

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

8 7052. (a) Every person who willfully mutilates, disinters,
9 removes from the place of interment, or commits an act of sexual
10 penetration on, or has sexual contact with, any remains known to
11 be human, without authority of law, is guilty of a felony. This
12 section does not apply to any person who, under authority of law,
13 removes the remains for reinterment, or performs a cremation or
14 hydrolysis.

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

16 (1) "Sexual penetration" means the unlawful penetration of the
17 vagina or anus, however slight, by any part of a person's body or
18 other object, or any act of sexual contact between the sex organs
19 of a person and the mouth or anus of a dead body, or any oral
20 copulation of a dead human body for the purpose of sexual arousal,
21 gratification, or abuse.

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

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

27 7052.5. Notwithstanding the provisions of Section 7052,
28 cremated remains or hydrolyzed remains may be removed from
29 the place of interment for disposition as provided in Section 7054.6
30 or for burial at sea as provided in Section 7117.

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

33 7054. (a) (1) Except as authorized pursuant to the sections
34 referred to in subdivision (b), every person who deposits or
35 disposes of any human remains in any place, except in a cemetery,
36 is guilty of a misdemeanor.

37 (2) Every licensee or registrant pursuant to Chapter 12
38 (commencing with Section 7600) or Chapter 19 (commencing with
39 Section 9600) of Division 3 of the Business and Professions Code
40 and the agents and employees of the licensee or registrant, or any

1 unlicensed person acting in a capacity in which a license from the
2 Cemetery and Funeral Bureau is required, who, except as
3 authorized pursuant to the sections referred to in subdivision (b),
4 deposits or disposes of any human remains in any place, except in
5 a cemetery, is guilty of a misdemeanor that shall be punishable by
6 imprisonment in a county jail not exceeding one year, by a fine
7 not exceeding ten thousand dollars (\$10,000), or both that
8 imprisonment and fine.

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

11 (c) Subdivision (a) of this section shall not apply to the reburial
12 of Native American remains under an agreement developed
13 pursuant to subdivision (l) of Section 5097.94 of the Public
14 Resources Code, or implementation of a recommendation or
15 agreement made pursuant to Section 5097.98 of the Public
16 Resources Code.

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

19 7054.1. No cremated remains or hydrolyzed remains shall be
20 removed from the place of cremation or hydrolysis, nor shall there
21 be any charge for the cremation or hydrolysis, unless the cremated
22 remains have been processed so that they are suitable for inurnment
23 within a cremated remains container, hydrolyzed remains container,
24 or an urn. Every contract for cremation services or hydrolysis
25 services shall include specific written notification of the processing
26 to the person having the right to control the disposition of the
27 remains under Section 7100.

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

30 7054.6. (a) Except as provided in subdivision (b), cremated
31 remains and hydrolyzed remains may be removed in a durable
32 container from the place of cremation, hydrolysis, or interment
33 and kept in or on the real property owned or occupied by a person
34 described in Section 7100 or any other person, with the permission
35 of the person with the right to disposition, or the durable container
36 holding the cremated or hydrolyzed remains may be kept in a
37 church or religious shrine, if written permission of the church or
38 religious shrine is obtained and there is no conflict with local use
39 permit requirements or zoning laws, if the removal is under the
40 authority of a permit for disposition granted under Section 103060.

1 The placement, in any place, of six or more cremated or hydrolyzed
2 remains under this section does not constitute the place a cemetery,
3 as defined in Section 7003.

4 (b) Notwithstanding any other provision of law, cremated
5 remains or hydrolyzed remains may be placed in one or more
6 keepsake urns. Keepsake urns shall be kept as authorized by the
7 person or persons with the right to control disposition pursuant to
8 Section 7100, provided that a permit for disposition of human
9 remains pursuant to Section 103060 is issued by the local registrar
10 for each keepsake urn designating the home address of each person
11 receiving a keepsake urn and a permit fee pursuant to Section
12 103065 is paid. No keepsake urn shall be subject to Section 8345.
13 For purposes of this section, a keepsake urn shall mean a closed
14 durable container that will accommodate an amount of cremated
15 or hydrolyzed remains not to exceed one cubic centimeter.

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

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

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

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

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

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

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

34 (1) Cremate the remains of more than one person at the same
35 time in the same cremation chamber, or introduce the remains of
36 a second person into a cremation chamber until incineration of any
37 preceding remains has been terminated and reasonable efforts have
38 been employed to remove all fragments of the preceding remains.
39 The fact that there is residue in the cremation chamber or other

1 equipment or any container used in a prior cremation is not a
2 violation of this section.

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

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

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

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

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

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

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

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

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

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

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

1 hydrolyzable alkaline hydrolysis container. After the process is
2 complete, the liquid effluent solution contains the chemical
3 byproducts of the alkaline hydrolysis process except for the
4 deceased's bone fragments. The solution is cooled and released in
5 accordance with local environmental regulations. A hot water rinse
6 is applied to the ~~cremated~~ *hydrolyzed* remains, which are then
7 dried, crushed, pulverized, or ground to facilitate inurnment or
8 scattering." The acknowledgment shall be filed and retained, for
9 at least five years, by the person who disposes of or inters the
10 remains.

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

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

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

39 (b) Notwithstanding subdivision (a), a funeral director of a
40 licensed out-of-state funeral establishment may transport human

1 remains out of this state without a removal permit when he or she
2 is acting within the requirements specified in subdivision (b) of
3 Section 103050.

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

6 7116. Cremated remains or hydrolyzed remains may be
7 scattered in areas where no local prohibition exists, provided that
8 the cremated remains or hydrolyzed remains are not distinguishable
9 to the public, are not in a container, and that the person who has
10 control over disposition of the cremated remains or hydrolyzed
11 remains has obtained written permission of the property owner or
12 governing agency to scatter on the property. A state or local agency
13 may adopt an ordinance, regulation, or policy, as appropriate,
14 authorizing, consistent with this section, or specifically prohibiting,
15 the scattering of cremated remains or hydrolyzed remains on lands
16 under the agency's jurisdiction. The scattering of the cremated
17 remains or hydrolyzed remains of more than one person in one
18 location pursuant to this section shall not create a cemetery
19 pursuant to Section 7003 or any other provision of law.

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

22 7117. (a) Cremated remains or hydrolyzed remains may be
23 taken by boat from any harbor in this state, or by air, and scattered
24 at sea. Cremated remains or hydrolyzed remains shall be removed
25 from their container before the remains are scattered at sea.

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

37 (c) For purposes of this section, the phrase "at sea" includes the
38 inland navigable waters of this state, exclusive of lakes and streams,
39 provided that no such scattering may take place within 500 yards
40 of the shoreline. Nothing in this section shall be construed to allow

1 the scattering of cremated remains or hydrolyzed remains from a
2 bridge or pier.

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

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

9
10 Article 8. Hydrolysis Facilities

11
12 8370. All hydrolyzed remains not disposed of in accordance
13 with this chapter, within one year, shall be interred.

14 8372. No hydrolysis facility shall make or enforce any rules
15 requiring that human remains be placed in a casket before
16 hydrolysis or that human remains be hydrolyzed in a casket, nor
17 shall a hydrolysis facility refuse to accept human remains for
18 hydrolysis for the reason that they are not in a casket. Every
19 director, officer, agent, or representative of a hydrolysis facility
20 who violates this section is guilty of a misdemeanor. Nothing in
21 this section shall be construed to prohibit the requiring of some
22 type of container or disposal unit.

23 8373. (a) A hydrolysis facility shall maintain on its premises,
24 or other business location within the state, an accurate record of
25 all hydrolyses performed, including all of the following
26 information:

- 27 (1) Name of referring funeral director, if any.
28 (2) Name of deceased.
29 (3) Date of hydrolysis.
30 (4) Name of hydrolysis-~~vessel~~ *chamber* operator.
31 (5) Date that body was inserted in hydrolysis-~~vessel~~ *chamber*.
32 (6) Date that body was removed from hydrolysis-~~vessel~~ *chamber*.
33 (7) Date that final processing of hydrolyzed remains was
34 completed.
35 (8) Disposition of hydrolyzed remains.
36 (9) Name and address of authorizing agent.
37 (10) The identification number assigned to the deceased,
38 pursuant to Section 8374.
39 (11) A photocopy of the disposition permit filed in connection
40 with the disposition.

1 (12) The pH of the hydrolysis effluent to be disposed of after
2 completion of the hydrolysis.

3 (13) The equilibrium temperature during the hydrolysis
4 procedure, and the time duration at that temperature.

5 (14) The pressure during the equilibrium temperature, if external
6 pressure is applied.

7 (15) Any documentation of compliance with appropriate
8 environmental and safety laws.

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

12 8374. (a) (1) (A) A hydrolysis facility shall maintain an
13 identification system allowing identification of each decedent
14 beginning from the time the hydrolysis facility accepts delivery
15 of human remains until the point at which it releases the hydrolyzed
16 remains to a third party. ~~After~~

17 (B) ~~After~~ hydrolysis, an identifying disk, tab, or other permanent
18 label shall be placed within the urn or hydrolyzed remains container
19 before the hydrolyzed remains are released from the hydrolysis
20 facility. ~~Each~~

21 (C) ~~Each~~ identification disk, tab, or label shall contain the
22 license number of the hydrolysis facility and shall have a unique
23 number that shall be recorded on all paperwork regarding the
24 decedent's case and in the hydrolysis facility log. Each hydrolysis
25 facility shall maintain a written procedure for identification of
26 remains.

27 (2) *The requirement described in subparagraph (B) of*
28 *paragraph (1) shall not apply to hydrolyzed remains placed in a*
29 *keepsake urn, as authorized in subdivision (b) of Section 7054.6,*
30 *if space does not permit.*

31 (b) A hydrolysis facility that fails, when requested by an official
32 of the Cemetery and Funeral Bureau, to produce a written
33 procedure for identification of remains, shall have 15 working
34 days from the time of the request to produce an identification
35 procedure for review by the ~~executive officer of the Cemetery~~
36 ~~Board~~ *Chief of the Cemetery and Funeral Bureau*. The license of
37 the hydrolysis facility shall be suspended pursuant to Chapter 5
38 (commencing with Section 11500) of Part 1 of Division 3 of Title
39 2 of the Government Code, if no identification procedure is
40 produced for review after 15 working days have elapsed.

1 8375. A hydrolysis facility regulated by the Cemetery and
2 Funeral Bureau shall knowingly hydrolyze only human remains
3 in hydrolysis chambers, along with the hydrolysis container.

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

13 8377. A hydrolysis facility shall not accept human remains for
14 hydrolysis unless the remains meet all of the following
15 requirements:

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

17 (b) The hydrolysis container shall be labeled with the identity
18 of the decedent.

19 (c) The remains have not been embalmed.

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

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

34 8380. (a) The hydrolysis facility licensee, or its authorized
35 representatives, shall provide instruction to all hydrolysis facility
36 personnel involved in the hydrolysis process. This instruction shall
37 lead to a demonstrated knowledge on the part of an employee
38 regarding identification procedures used during hydrolysis,
39 operation of the hydrolysis chamber and processing equipment,
40 safe work practices and procedures for the handling of corrosive

1 materials, and all laws relevant to the handling of a body and
2 hydrolyzed remains. This instruction shall be outlined in a written
3 plan maintained by the hydrolysis facility licensee for inspection
4 and comment by an inspector of the Cemetery and Funeral Bureau.

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

13 (c) A hydrolysis facility that fails, when requested by an official
14 of the bureau, to produce a written employee instruction plan or
15 record of employee training for inspection, shall have 15 working
16 days from the time of the request to produce a plan or training
17 record for review by the executive officer of the bureau. The license
18 of the hydrolysis facility shall be suspended, pursuant to Chapter
19 5 (commencing with Section 11500) of Part 1 of Division 3 of
20 Title 2 of the Government Code, if no plan or training record is
21 produced for review after 15 working days have elapsed.

22 *8381. This article shall remain in effect only until January 1,*
23 *2019, and as of that date is repealed, unless a later enacted statute,*
24 *that is enacted before January 1, 2019, deletes or extends that*
25 *date.*

26 *SEC. 42. Section 103055 of the Health and Safety Code is*
27 *amended to read:*

28 103055. (a) If the certificate of death is properly executed
29 and complete, the local registrar of births and deaths shall issue a
30 permit for disposition, that in all cases, shall specify any one of
31 the following:

32 (1) The name of the cemetery where the remains shall be
33 interred.

34 (2) Burial at sea as provided in Section 7117.

35 (3) The address or description of the place where remains shall
36 be buried or scattered.

37 (4) The address of the location where the cremated remains *or*
38 *hydrolyzed remains* will be kept, as provided in Section 7054.6,
39 under the conditions the state registrar may approve, including,
40 but not limited to, conditions in keeping with public sensibilities,

1 applicable laws, and reasonable assurances that the disposition
2 will be carried out in accordance with the prescribed conditions
3 and will not constitute a private or public nuisance.

4 (b) Notwithstanding any other provisions of this part relative
5 to issuance of a permit for disposition, whenever the death occurred
6 from a disease declared by the state department to be infectious,
7 contagious, or communicable and dangerous to the public health,
8 no permit for the disposition of the body shall be issued by the
9 local registrar, except under those conditions as may be prescribed
10 by the state department and local health officers.

11 *SEC. 43. Section 103060 of the Health and Safety Code is*
12 *amended to read:*

13 103060. A permit for disposition for the purpose of removing
14 cremated remains *or hydrolyzed remains* from the place of
15 cremation, *hydrolysis*, or interment shall include a description of
16 the final place of disposition sufficient to identify the place and
17 shall be issued by the local registrar to the person having the right
18 to control the disposition of the remains under Section 7100 upon
19 the application of that person.

20 A permit for disposition shall be issued under this section only
21 upon the signed acknowledgement by the person making
22 application that trespass and nuisance laws apply to the disposition
23 and that the permit gives no right of unrestricted access to property
24 not owned by the person for the purpose of disposing of the
25 remains.

26 The person to whom the permit for disposition was issued shall
27 sign the permit, endorse upon it the date of final disposition and,
28 within 10 days, return the first copy of the permit so endorsed to
29 the local registrar of the district in which the disposition took place.
30 The third copy of the permit shall be returned to the office of
31 issuance. After one year the local registrar may destroy any original
32 or duplicate permit retained by him or her pursuant to this section.

33 *SEC. 44. Section 103080 of the Health and Safety Code is*
34 *amended to read:*

35 103080. The person in charge of the place of interment, or the
36 funeral director or person acting as funeral director if no person
37 is in charge, shall sign the permit, endorse upon it the date of
38 interment, *hydrolysis*, or cremation, and, within 10 days, return
39 the first copy of the permit so endorsed to the local registrar of the
40 district in which the interment took place. The third copy of the

1 permit shall be returned to the office of issuance. After one year
2 the local registrar may destroy any original or duplicate permit
3 retained by the local registrar pursuant to this section.

4 ~~SEC. 42. No reimbursement is required by this act pursuant to~~
5 ~~Section 6 of Article XIII B of the California Constitution because~~
6 ~~the only costs that may be incurred by a local agency or school~~
7 ~~district will be incurred because this act creates a new crime or~~
8 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
9 ~~for a crime or infraction, within the meaning of Section 17556 of~~
10 ~~the Government Code, or changes the definition of a crime within~~
11 ~~the meaning of Section 6 of Article XIII B of the California~~
12 ~~Constitution.~~

13 *SEC. 45. No reimbursement is required by this act pursuant*
14 *to Section 6 of Article XIII B of the California Constitution for*
15 *certain costs that may be incurred by a local agency or school*
16 *district because, in that regard, this act creates a new crime or*
17 *infraction, eliminates a crime or infraction, or changes the penalty*
18 *for a crime or infraction, within the meaning of Section 17556 of*
19 *the Government Code, or changes the definition of a crime within*
20 *the meaning of Section 6 of Article XIII B of the California*
21 *Constitution.*

22 *However, if the Commission on State Mandates determines that*
23 *this act contains other costs mandated by the state, reimbursement*
24 *to local agencies and school districts for those costs shall be made*
25 *pursuant to Part 7 (commencing with Section 17500) of Division*
26 *4 of Title 2 of the Government Code.*