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Code: Section:

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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11] (*Heading of Division 3 added by Stats. 1939, Ch. 30.)*

CHAPTER 12. Cemetery and Funeral Act [7600 - 7746] (*Heading of Chapter 12 amended by Stats. 2015, Ch. 395, Sec. 3.)*

ARTICLE 1. Administration [7600 - 7610.1] (*Article 1 added by Stats. 1939, Ch. 39.)*

7600. This chapter of the Business and Professions Code constitutes the chapter on cemetery and funeral law. It may be cited as the Cemetery and Funeral Act.

(*Amended by Stats. 2015, Ch. 395, Sec. 4. (AB 180) Effective January 1, 2016.*)

7601. The following terms as used in this chapter shall have meanings expressed in this section:

- (a) "Department" means the Department of Consumer Affairs.
- (b) "Director" means the Director of Consumer Affairs.
- (c) "Bureau" means the Cemetery and Funeral Bureau.

(*Amended by Stats. 2000, Ch. 568, Sec. 97. Effective January 1, 2001.*)

7601.1. Protection of the public shall be the highest priority for the Cemetery and Funeral Bureau in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

(*Added by Stats. 2002, Ch. 107, Sec. 31. Effective January 1, 2003.*)

7602. (a) (1) There is in the department the Cemetery and Funeral Bureau, under the supervision and control of the director.

(2) The director may appoint a chief at a salary to be fixed and determined by the director, with the approval of the Director of Finance. The duty of enforcing and administering this chapter is vested in the chief, and the chief is responsible to the director. The chief shall serve at the pleasure of the director.

(3) Every power granted or duty imposed upon the director under this chapter may be exercised or performed in the name of the director by a deputy director or by the chief, subject to conditions and limitations the director may prescribe.

(b) Notwithstanding any other law, the powers and duties of the bureau, as set forth in this chapter, shall be subject to review by the appropriate policy committees of the Legislature. The review shall be performed as if this chapter is scheduled to be repealed on January 1, 2029.

(*Amended by Stats. 2024, Ch. 589, Sec. 1. (AB 3254) Effective January 1, 2025.*)

7606. The bureau may establish necessary rules and regulations for the administration and enforcement of this act and the laws subject to its jurisdiction and prescribe the form of statements and reports provided for in this act. The rules and regulations shall be adopted, amended, or repealed in accordance with the provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(*Repealed and added by Stats. 2015, Ch. 395, Sec. 7. (AB 180) Effective January 1, 2016.*)

7607. (a) The bureau may inspect the premises in which the business of a funeral establishment, cemetery, or crematory is conducted, where embalming is practiced, or where human remains are stored.

(b) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

(Amended by Stats. 2022, Ch. 399, Sec. 1. (AB 351) Effective January 1, 2023. Repealed as of January 1, 2027, by its own provisions. See later operative version added by Sec. 2 of Stats. 2022, Ch. 399.)

7607. (a) The bureau may inspect the premises in which the business of a funeral establishment, reduction facility, cemetery, or crematory is conducted, where embalming is practiced, or where human remains are stored.

(b) This section shall become operative on January 1, 2027.

(Repealed (in Sec. 1) and added by Stats. 2022, Ch. 399, Sec. 2. (AB 351) Effective January 1, 2023. Operative January 1, 2027, by its own provisions.)

7608. (a) The Director of Consumer Affairs may employ and appoint all employees necessary to properly administer the work of the bureau, in accordance with civil service regulations.

With the approval of the Director of Finance, and, subject to the provisions of Section 159.5, the bureau shall employ investigators and attorneys to assist the bureau in prosecuting violations of this chapter, whose compensation and expenses shall be payable only out of the Cemetery and Funeral Fund.

(b) This section shall become operative on July 1, 2016.

(Repealed (in Sec. 9) and added by Stats. 2015, Ch. 395, Sec. 10. (AB 180) Effective January 1, 2016. Section operative July 1, 2016, by its own provisions.)

7609. This chapter does not apply to, or in any way interfere with, the duties of any officer of any public institution or of any duly accredited medical college, nor does it apply to any hospital licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code, or anyone engaged only in the furnishing of burial receptacles.

(Amended by Stats. 2015, Ch. 395, Sec. 11. (AB 180) Effective January 1, 2016.)

7610. All suits or actions commenced in the superior court against the bureau shall be filed and tried either in the County of Sacramento, or in the county of the residence of the plaintiff or petitioner, or in the county where the act occurred, which is the basis of the suit or action.

(Amended by Stats. 2000, Ch. 568, Sec. 102. Effective January 1, 2001.)

7610.1. In the enforcement of this act and the laws subject to its jurisdiction, the bureau has all the powers and is subject to all the responsibilities vested in and imposed upon the head of a department under Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code.

(Added by Stats. 2015, Ch. 395, Sec. 12. (AB 180) Effective January 1, 2016.)