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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 2.7. Hydrolysis Facilities [7639 - 7639.19]** ( *Article 2.7 added by Stats. 2017, Ch. 846, Sec. 4. )*

**7639.** A corporation, partnership, or natural person may operate, establish, or maintain a hydrolysis facility with a valid hydrolysis facility license issued by the bureau.

(*Added by Stats. 2017, Ch. 846, Sec. 4. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, pursuant to Section 7639.19.*)

**7639.02.** A change in the ownership of a hydrolysis facility shall be reported to the bureau. A transfer in a single transaction or related transactions of more than 50 percent of the equitable interest in a licensed hydrolysis facility shall constitute a change of ownership. When a change in ownership in a licensed hydrolysis facility occurs, the existing hydrolysis facility license shall lapse and the new owner shall obtain a license from the bureau as otherwise provided in this act. The bureau shall not require an applicant under this section to obtain any new permit or license from any other governmental agency when the existing permit or license is valid.

(*Added by Stats. 2017, Ch. 846, Sec. 4. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, pursuant to Section 7639.19.*)

**7639.04.** The application for a hydrolysis facility license shall be made in writing on the form prescribed by the bureau and filed at the principal office of the bureau. The application shall be accompanied by the fees.

(*Added by Stats. 2017, Ch. 846, Sec. 4. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, pursuant to Section 7639.19.*)

**7639.06.** (a) The bureau shall require an applicant for a hydrolysis facility license to prove compliance with all applicable laws, rules, regulations, ordinances, and orders, and shall not issue a hydrolysis facility license until the bureau is satisfied that the public interest, human health, and environmental quality will be served by the applicant.

(b) The applicant for a hydrolysis facility license shall present to the bureau any state or locally required permits for business operations, including, but not limited to, any permits required by the following, to the extent applicable:

- (1) The local public health department.
- (2) The city, county, special district, joint powers authority, or other public agency that provides wastewater treatment services where the licensed hydrolysis facility is to be located.
- (3) The Department of Toxic Substances Control for the creation, collection, treatment, or transport of hazardous waste.
- (4) Any other state or locally required permit.

(c) The applicant for a hydrolysis facility license shall prove to the bureau that it has the appropriate permits and contracts for the disposal of hydrolysate and which of the following models the facility will be using for the disposal:

- (1) Discharge to the sewer collection system.
- (2) Containment, collection, and transport to an appropriate treatment facility.

(d) When applying to renew a hydrolysis facility license, an applicant shall present to the bureau records of annual maintenance of the hydrolysis chamber.

**7639.08.** (a) The bureau shall adopt, and may from time to time amend, rules and regulations prescribing standards for applicants for hydrolysis facility licenses. In reviewing an application for a hydrolysis facility license, the bureau may consider acts of the applicant, including acts of the incorporators, officers, directors, and stockholders of the applicant, which shall constitute grounds for the denial of a hydrolysis facility license pursuant to Division 1.5 (commencing with Section 475).

(b) Hydrolysis chamber manufacturers may apply to the State Department of Public Health for approval of a hydrolysis chamber upon finding that the hydrolysis chamber causes the destruction of pathogenic micro-organisms pursuant to paragraph (3) of subdivision (a) of Section 118215 of the Health and Safety Code.

(c) In its approval, the State Department of Public Health shall specify the minimum parameters of pH, time, temperature, and pressure that shall be used by each hydrolysis chamber to destroy all pathogenic micro-organisms. The department may use the guidance of the hydrolysis chamber operations and maintenance manual and biologic indicator spore testing to determine this, among other factors.

(d) The hydrolysis chamber manufacturer shall pay to the State Department of Public Health, the application and evaluation fee as outlined in Section 118245 of the Health and Safety Code.

(e) Every five years, licensed hydrolysis facilities that discharge hydrolysate to a sewer collection system shall submit to the Department of Public Health the results of biological indicator spore testing as well as the last 30 days of archived electronic hydrolysis chamber data that includes the pH, time, temperature, and pressure at which the chamber was operated. Based upon this information, the department shall evaluate whether the chamber continues to destroy pathogens. The licensee shall include this evaluation in its application to renew its license. If the chamber is determined not to destroy pathogens, the bureau shall not renew its license until this has been remedied. The department may charge a fee sufficient to cover the actual hourly costs of staff conducting its five year review of the alternative technology.

(f) Once a hydrolysis chamber has been approved pursuant to subdivision (b), it may be employed by a licensed hydrolysis facility for the final disposition of human remains.

(g) The bureau shall grant hydrolysis facility licenses only to applicants that will employ a hydrolysis chamber approved by the State Department of Public Health pursuant to subdivision (b).

(h) A hydrolysis facility shall ensure or conduct annual maintenance of the hydrolysis chamber.

(i) The bureau shall not renew a hydrolysis facility license without proof of annual maintenance of the hydrolysis chamber.

*(Amended by Stats. 2018, Ch. 92, Sec. 10. (SB 1289) Effective January 1, 2019. Section operative July 1, 2020, pursuant to Section 7639.19.)*

**7639.10.** (a) A licensed hydrolysis facility shall not conduct hydrolysis unless all of the following requirements are met:

(1) The licensee has a written contract with the person or persons entitled to custody of the remains clearly stating the location, manner, and time of disposition of the remains, in which the person or persons entitled to custody of the remains agree to pay the licensee's regular fee for hydrolysis, disposition, and other services rendered, and any other contractual provisions required by the bureau.

(2) Hydrolysis of remains occurs not more than 24 hours after delivery of the remains to the licensee unless the remains have been preserved in the interim by refrigeration or embalming.

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

(4) The licensee contains and collects all hydrolysate. Hydrolysate shall not be disposed of using a sewer collection system, except as prescribed in paragraph (8).

(5) The licensee ensures that any hydrolysate is transported by a state-licensed biomaterials handler to a publicly owned wastewater treatment plant or licensed industrial anaerobic digestion facility or waste-to-energy or biomass facility for the beneficial use or disposal of that hydrolysate, unless disposing of hydrolysate using a sewer collection system as prescribed in paragraph (8).

(6) Acceptance of hydrolysate from a licensed hydrolysis facility and a state-licensed biomaterials handler shall be voluntary and at the discretion of each individual facility described in paragraph (5).

(7) Acceptance of hydrolysate by a licensed industrial anaerobic digestion, waste-to-energy, or biomass facility, if the facility has an industrial process sewer connection to a sewer collection system, shall only be allowed with the consent of the publicly owned treatment works to which the sewer collection system is tributary.

(8) A licensed hydrolysis facility may dispose of hydrolysate using a sewer collection system only if all of the following conditions are met:

(A) The city, county, special district, joint powers authority, or other public agency that provides wastewater treatment and disposal services to the licensed hydrolysis facility expressly authorizes the disposal of hydrolysate into the sewer collection system. If issuance of a permit is required by another city, county, special district, joint powers authority, or other public agency that provides sewer collection services where the licensee is located, authorization from both agencies must be obtained.

(B) If the licensee receives the appropriate permissions required by subparagraph (A), the licensee shall comply with all local ordinances, pretreatment requirements, permitting requirements, waste discharge requirements, and all other applicable federal, state, and local laws, ordinances, and regulations governing the protection of water quality and public health, promotion of water recycling, and discharge into the sewer system.

(C) The licensee shall demonstrate compliance as deemed appropriate by the public agency or agencies authorizing the disposal of hydrolysate into the sewer collection system. At a minimum this should include annual water quality testing as prescribed by the public agency or agencies authorizing the disposal of hydrolysate into the sewer collection system.

(D) Authorization for disposal of hydrolysate using a sewer collection system shall be voluntary and at the discretion of each public agency described in subparagraph (A). Each public agency described in subparagraph (A) has the discretion to authorize or to prohibit the discharge of hydrolysate into a sewer collection system for any reason, including for purposes of promoting advanced water recycling systems.

(b) Existing alkaline hydrolysis facilities utilized by medical schools for the purpose of anatomical gifting shall not be subject to paragraphs (1) to (3), inclusive, of subdivision (a), and shall continue to be regulated under the guidelines of the state's anatomical gifting regulations.

*(Added by Stats. 2017, Ch. 846, Sec. 4. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, pursuant to Section 7639.19.)*

**7639.12.** A licensed hydrolysis facility shall not prohibit relatives or the responsible party from viewing the hydrolysis process.

*(Added by Stats. 2017, Ch. 846, Sec. 4. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, pursuant to Section 7639.19.)*

**7639.16.** It is a misdemeanor for any person, firm, or corporation to hydrolyze human remains, or to engage in the disposition of hydrolyzed human remains, without a valid, unexpired hydrolysis facility license. Each hydrolysis carried out in violation of this section is a separate violation.

*(Added by Stats. 2017, Ch. 846, Sec. 4. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, pursuant to Section 7639.19.)*

**7639.18.** A licensed hydrolysis facility shall be subject to, and shall be disciplined by the bureau in accordance with, Article 6 (commencing with Section 7686).

*(Added by Stats. 2017, Ch. 846, Sec. 4. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, pursuant to Section 7639.19.)*

**7639.19.** This article shall become operative on July 1, 2020.

*(Added by Stats. 2017, Ch. 846, Sec. 4. (AB 967) Effective January 1, 2018. Note: This section prescribes a delayed operative date for Article 2.7, commencing with Section 7639.)*