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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 6.6. Reduction Facilities [7714 - 7714.7]** ( *Article 6.6 added by Stats. 2022, Ch. 399, Sec. 26. )*

**7714.** A corporation, partnership, or natural person may operate, establish, or maintain a reduction facility with a valid reduction facility license issued by the bureau.

(*Added by Stats. 2022, Ch. 399, Sec. 26. (AB 351) Effective January 1, 2023.*)

**7714.1.** (a) The application for a reduction facility license shall be made in writing on the form prescribed by the bureau and filed at the principal office of the bureau. The application shall be accompanied by the fees required pursuant to Article 8 (commencing with Section 7725).

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

(c) The applicant for a reduction facility license shall present to the bureau any state or locally required permits for business operations, including, but not limited to, permits required by the local public health department or other state or locally required permits.

(*Added by Stats. 2022, Ch. 399, Sec. 26. (AB 351) Effective January 1, 2023.*)

**7714.2.** A change in the ownership of a reduction 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 reduction facility constitutes a change of ownership. When a change in ownership in a reduction facility occurs, the existing reduction facility license shall lapse and the new owner shall obtain a license from the bureau as required. The bureau shall not require an applicant under this section to obtain a new permit or license from any other governmental agency when the existing permit or license is valid.

(*Added by Stats. 2022, Ch. 399, Sec. 26. (AB 351) Effective January 1, 2023.*)

**7714.3.** (a) The bureau shall adopt, and may amend, rules and regulations prescribing standards for applicants for reduction facility licenses. In reviewing an application for a reduction facility license, the bureau may consider acts of the applicant, including acts of the incorporators, officers, directors, and stockholders of the applicant, that constitute grounds for the denial of a reduction facility license pursuant to Division 1.5 (commencing with Section 475).

(b) (1) The State Department of Public Health shall adopt, and may amend, rules and regulations prescribing the standards for reduction chambers to preserve the public health and safety and to ensure the destruction of pathogenic microorganisms. A reduction chamber manufacturer shall apply to the State Department of Public Health for approval of a reduction chamber for sale and use in the state.

(2) The department, to cover the reasonable regulatory costs of the department, shall charge an application fee for evaluation of a reduction chamber, not to exceed the reasonable regulatory costs of the evaluation, including time that the department spends on processing the application.

(3) A reduction facility and its employees shall not use a reduction chamber unless it has been approved by the State Department of Public Health pursuant to this subdivision.

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

(d) A reduction facility shall ensure or conduct annual maintenance of all reduction chambers in use by the facility.

(e) The bureau shall not renew a reduction facility license without proof of annual maintenance of all reduction chambers in use by the facility.

*(Added by Stats. 2022, Ch. 399, Sec. 26. (AB 351) Effective January 1, 2023.)*

**7714.4.** A licensed reduction facility shall not conduct reduction of human remains unless all of the following requirements are met:

(a) The facility is operated under the supervision of a manager qualified in accordance with rules operated by the bureau. A licensed crematory manager may be designated as a reduction facility manager with appropriate certification upon demonstrating an understanding of the applicable provisions of this code and the Health and Safety Code, as determined by the bureau.

(b) (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 reduction, disposition, and other services rendered, and any other contractual provisions required by the bureau.

(2) The contract shall include an estimate of the volume of the reduced human remains that will be received and shall offer the following options:

(A) The person entitled to custody of the remains may choose to receive all of the reduced human remains in one or more reduced human remains containers, the number of containers to be specified by the person.

(B) The person entitled to custody of the remains may choose to receive part of the reduced human remains in one or more reduced human remains containers, the amount received to be specified by the person and the balance of the remains to be integrated into the soil by the reduction facility in a conservation area pursuant to Section 7054.5 of the Health and Safety Code.

(C) The person entitled to custody of the remains may choose to receive none of the reduced human remains and to have the reduction facility integrate the remains into the soil in a conservation area pursuant to Section 7054.5 of the Health and Safety Code.

(3) If the person entitled to custody of the remains chooses not to receive all of the reduced human remains pursuant to subparagraph (B) or (C) of paragraph (2), the reduction facility shall notify the person of the location of the conservation area into which the reduced human remains will be integrated.

(c) Reduction of remains begins not more than 24 hours after delivery of the remains to the licensee, unless the remains have been preserved in the interim by refrigeration.

(d) The licensee has either of the following:

(1) (A) A contractual relationship with a licensed cemetery authority for final disposition of reduced 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.

(B) A licensed cemetery authority may begin the process of disposition of the reduced remains if they have not been removed from the cemetery by the authorized representative having the right to control disposition pursuant to Section 7100 of the Health and Safety Code within 60 days of the date of receipt and shall bear no liability for that disposal.

(2) A contractual relationship with, or ownership of, a conservation area where the reduction facility may lawfully integrate the reduced human remains into the soil pursuant to Section 7054.5 of the Health and Safety Code. The facility may integrate into the soil any reduced human remains 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.

*(Added by Stats. 2022, Ch. 399, Sec. 26. (AB 351) Effective January 1, 2023.)*

**7714.5.** It is a misdemeanor for a person, firm, or corporation to reduce human remains, or to dispose of reduced human remains, without a valid, unexpired reduction facility license. Each reduction of human remains carried out in violation of this section is a separate violation.

*(Added by Stats. 2022, Ch. 399, Sec. 26. (AB 351) Effective January 1, 2023.)*

**7714.6.** A reduction facility shall be subject to, and shall be disciplined by, the bureau in accordance with, Article 6 (commencing with Section 7686).

*(Added by Stats. 2022, Ch. 399, Sec. 26. (AB 351) Effective January 1, 2023.)*

**7714.7.** The licensing requirements of this article shall become operative on January 1, 2027.

*(Added by Stats. 2022, Ch. 399, Sec. 26. (AB 351) Effective January 1, 2023.)*