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HEALTH AND SAFETY CODE - HSC

DIVISION 7. DEAD BODIES [7000 - 8030] (Division 7 enacted by Stats. 1939, Ch. 60.)

PART 1. GENERAL PROVISIONS [7000 - 7355] (Part 1 enacted by Stats. 1939, Ch. 60.)

CHAPTER 1. Definitions [7000 - 7025] (Chapter 1 enacted by Stats. 1939, Ch. 60.)

7000. The definitions in this chapter apply to this division, Division 8 (commencing with Section 8100) and Division 102 (commencing with Section 102100) of this code and Chapter 12 (commencing with Section 7600) of Division 3 of the Business and Professions Code.

(Amended by Stats. 2018, Ch. 571, Sec. 31. (SB 1480) Effective January 1, 2019.)

7001. "Human remains" or "remains" means the body of a deceased person, regardless of its stage of decomposition, and includes cremated, reduced, or hydrolyzed human remains.

(Amended by Stats. 2022, Ch. 399, Sec. 28. (AB 351) Effective January 1, 2023.)

7002. "Cremated remains" means the ashes and bone fragments of a human body that are left after cremation in a crematory, and includes ashes from the cremation container. "Cremation remains" does not include foreign materials, pacemakers, or prostheses.

(Amended by Stats. 2001, Ch. 436, Sec. 3. Effective January 1, 2002.)

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

(b) This section shall become operative on July 1, 2020.

(Added by Stats. 2017, Ch. 846, Sec. 27. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, by its own provisions.)

7002.7. (a) "Reduction facility" means a structure, room, or other space in a building or real property where natural, organic reduction of a human body occurs.

(b) "Reduced human remains" means the remains of a human body that have been reduced to soil through a process of reduction. "Reduced human remains" does not include foreign materials, pacemakers, or prostheses.

(c) "Reduction" means the process of transforming a human body into soil using the natural decomposition process, accelerated with the addition of organic materials through the following steps:

(1) The body of a deceased person is mixed together with natural materials and air and is periodically turned, eventually resulting in the body's reduction to a soil material.

(2) Large tanks, containers, or similar vessels hold human remains together with straw, wood chips, or other natural materials until the process is complete.

(3) The processing of the remains after removal from the reduction chamber pursuant to Section 7010.3.

(d) "Reduction chamber" means the enclosed space within which individual human remains are reduced and any other attached, nonenclosed, mechanical components that are necessary for the safe and proper functioning of the equipment. A reduction chamber shall meet or exceed the requirements set by the State Department of Public Health and the federal Centers for Disease Control and Prevention for destruction of human pathogens, including complying with Section 7714.3.

(e) "Reduced human remains container" means a receptacle into which human remains are placed after reduction.

(Added by Stats. 2022, Ch. 399, Sec. 29. (AB 351) Effective January 1, 2023.)

7003. (a) "Cemetery" means either of the following:

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

(A) A burial park, for earth interments.

(B) A mausoleum, for crypt or vault interments.

(C) A crematory and columbarium, for interment of cremated remains or hydrolyzed human remains.

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

(b) This section shall become operative on July 1, 2020.

(Repealed (in Sec. 28) and added by Stats. 2017, Ch. 846, Sec. 29. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, by its own provisions.)

7004. "Burial park" means a tract of land for the burial of human remains in the ground, used or intended to be used, and dedicated, for cemetery purposes.

(Enacted by Stats. 1939, Ch. 60.)

7005. Except in Part 5 (commencing with Section 9501) of Division 8, "mausoleum" means a structure or building for the entombment of human remains in crypts or vaults in a place used, or intended to be used, and dedicated, for cemetery purposes.

(Amended by Stats. 2001, Ch. 436, Sec. 5. Effective January 1, 2002.)

7006. "Crematory" means a building or structure containing one or more furnaces for the reduction of bodies of deceased persons to cremated remains.

(Enacted by Stats. 1939, Ch. 60.)

7006.1. (a) "Hydrolysis facility" means a building or structure containing one or more chambers for the reduction of bodies of deceased persons by alkaline hydrolysis.

(b) This section shall become operative on July 1, 2020.

(Added by Stats. 2017, Ch. 846, Sec. 30. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, by its own provisions.)

7006.3. "Cremation chamber" means the enclosed space within which the cremation of human remains is performed.

(Added by Stats. 1993, Ch. 1232, Sec. 6. Effective January 1, 1994.)

7006.4. (a) "Hydrolysis 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 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 applicable for destruction of human pathogens, specified in the hydrolysis chamber approval issued pursuant to Section 7639.08 of the Business and Professions Code.

(b) This section shall become operative on July 1, 2020.

(Added by Stats. 2017, Ch. 846, Sec. 31. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, by its own provisions.)

7006.5. "Cremation container" means a combustible, closed container resistant to leakage of bodily fluids into which the body of a deceased person is placed prior to insertion in a cremation chamber for cremation.

(Added by Stats. 1993, Ch. 1232, Sec. 7. Effective January 1, 1994.)

7006.6. (a) "Hydrolysis container" means a hydrolyzable body wrapping into which the body of a deceased person is placed prior to insertion into a hydrolysis chamber. The wrapping must consist of 100-percent protein-based material, such as silk, suede, leather, feather, fur, or wool.

(b) This section shall become operative on July 1, 2020.

(Added by Stats. 2017, Ch. 846, Sec. 32. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, by its own provisions.)

7006.7. “Cremated remains container” means a receptacle in which cremated remains are placed after cremation.

(Added by Stats. 1993, Ch. 1232, Sec. 8. Effective January 1, 1994.)

7006.8. (a) “Hydrolyzed human remains container” means a receptacle in which hydrolyzed human remains are placed after hydrolysis.

(b) This section shall become operative on July 1, 2020.

(Added by Stats. 2017, Ch. 846, Sec. 33. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, by its own provisions.)

7007. Except in Part 5 (commencing with Section 9501) of Division 8, “columbarium” means a structure, room, or other space in a building or structure containing niches for inurnment of cremated human remains in a place used, or intended to be used, and dedicated, for cemetery purposes.

(Amended by Stats. 2001, Ch. 436, Sec. 6. Effective January 1, 2002.)

7008. “Crematory and columbarium” means a building or structure containing both a crematory and columbarium.

(Enacted by Stats. 1939, Ch. 60.)

7009. “Interment” means the disposition of human remains by entombment or burial in a cemetery or, in the case of cremated remains, by inurnment, placement or burial in a cemetery, or burial at sea as provided in Section 7117.

(Amended by Stats. 1993, Ch. 1232, Sec. 9. Effective January 1, 1994.)

7010. “Cremation” means the process by which the following three steps are taken:

- (a) The reduction of the body of a deceased human to its essential elements by incineration.
- (b) The repositioning or moving of the body or remains during incineration to facilitate the process.
- (c) The processing of the remains after removal from the cremation chamber pursuant to Section 7010.3.

(Amended by Stats. 2001, Ch. 436, Sec. 7. Effective January 1, 2002.)

7010.1. (a) “Hydrolysis” means the process by which the following two steps are taken:

(1) The reduction of the body of a deceased person to its essential organic components and bone fragments by alkaline hydrolysis. “Alkaline hydrolysis” is a process using heat or heat and applied pressure, water, and potassium hydroxide or sodium hydroxide in a hydrolysis chamber.

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

(b) This section shall become operative on July 1, 2020.

(Added by Stats. 2017, Ch. 846, Sec. 34. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, by its own provisions.)

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

(b) For purposes of reduced human remains, “processing” means the removal of foreign objects, pursuant to Section 7051, and any necessary preparation for the reduced human remains to be integrated into the soil.

(Amended by Stats. 2022, Ch. 399, Sec. 30. (AB 351) Effective January 1, 2023.)

7010.5. “Residue” means human ashes, bone fragments, prostheses, and disintegrated material from the chamber itself, imbedded in cracks and uneven spaces of a cremation chamber, that cannot be removed through reasonable manual contact with sweeping or scraping equipment. Material left in the cremation chamber, after the completion of a cremation, that can be reasonably removed shall not be considered “residue.”

(Amended by Stats. 2001, Ch. 436, Sec. 8. Effective January 1, 2002.)

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

(b) This section shall become operative on July 1, 2020.

(Repealed (in Sec. 37) and added by Stats. 2017, Ch. 846, Sec. 38. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, by its own provisions.)

7010.8. (a) "Integrate into the soil" means the authorized addition and mixing of reduced human remains with existing soil in a defined area within a dedicated cemetery, conservation area, property where the person who has control over the disposition of the reduced human remains has obtained written permission of the property owner or governing agency, or other area in the state where integration is permitted pursuant to this division or Chapter 12 (commencing with Section 7600) of Division 3 of the Business and Professions Code. The reduced human remains are intended to act as a soil amendment.

(b) "Soil amendment" means any material added to a soil to improve its physical properties, including, but not limited to, water retention, permeability, water infiltration, drainage, aeration, or structure.

(Added by Stats. 2022, Ch. 399, Sec. 31. (AB 351) Effective January 1, 2023.)

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

(b) "Inurnment" also means placing reduced human remains in a reduced human remains container suitable for placement, burial, or shipment.

(Amended by Stats. 2022, Ch. 399, Sec. 32. (AB 351) Effective January 1, 2023.)

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

(b) This section shall become operative on July 1, 2020.

(Repealed (in Sec. 41) and added by Stats. 2017, Ch. 846, Sec. 42. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, by its own provisions.)

7012. "Entombment" means the process of placing human remains in a crypt or vault.

(Amended by Stats. 2001, Ch. 436, Sec. 10. Effective January 1, 2002.)

7013. "Burial" means the process of placing human remains in a grave.

(Amended by Stats. 2001, Ch. 436, Sec. 11. Effective January 1, 2002.)

7014. "Grave" means a space of earth in a burial park, used, or intended to be used, for the disposition of human remains.

(Amended by Stats. 2001, Ch. 436, Sec. 12. Effective January 1, 2002.)

7015. (a) "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.

(b) This section shall become operative on July 1, 2020.

(Repealed (in Sec. 43) and added by Stats. 2017, Ch. 846, Sec. 44. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, by its own provisions.)

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

(b) This section shall become operative on July 1, 2020.

(Repealed (in Sec. 45) and added by Stats. 2017, Ch. 846, Sec. 46. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, by its own provisions.)

7017. (a) "Hydrolysate" means the resultant liquid from the hydrolysis of human remains, which liquid is a sterile, benign, micronutrient-rich solution consisting of sugars, salts, peptides, and amino acids. Hydrolysate and calcium phosphate "ashes" are the two end results from the alkaline hydrolysis process.

(b) This section shall become operative on July 1, 2020.

(Added by Stats. 2017, Ch. 846, Sec. 47. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, by its own provisions.)

7018. "Cemetery authority" includes cemetery association, corporation sole, limited liability company, or other person owning or controlling cemetery lands or property.

(Amended by Stats. 2008, Ch. 114, Sec. 3. Effective January 1, 2009.)

7019. "Cemetery corporation," "cemetery association," or "cemetery corporation or association," means any corporation now or hereafter organized which is or may be authorized by its articles to conduct any one or more or all of the businesses of a cemetery, but do not mean or include a corporation sole.

(Enacted by Stats. 1939, Ch. 60.)

7020. "Cemetery business," "cemetery businesses," and "cemetery purposes" are used interchangeably and mean any and all business and purposes requisite to, necessary for, or incident to, establishing, maintaining, operating, improving, or conducting a cemetery, interring human remains, and the care, preservation, and embellishment of cemetery property, including, but not limited to, any activity or business designed for the benefit, service, convenience, education, or spiritual uplift of property owners or persons visiting the cemetery.

(Amended by Stats. 1955, Ch. 595.)

7021. "Directors" or "governing body" means the board of directors, board of trustees, or other policymaking body of a cemetery association.

(Amended by Stats. 2001, Ch. 436, Sec. 15. Effective January 1, 2002.)

7022. "Lot," "plot," or "interment plot" means space in a cemetery, used or intended to be used for the interment of human remains. Such terms include and apply to one or more than one adjoining graves, one or more than one adjoining crypts or vaults, or one or more than one adjoining niches.

(Enacted by Stats. 1939, Ch. 60.)

7023. "Plot owner," "owner," or "lot proprietor," means any person in whose name an interment plot stands of record as owner, in the office of a cemetery authority.

(Amended by Stats. 1939, Ch. 339.)

7024. "Permit for Disposition of Human Remains" includes "burial permit" and is a permit, issued pursuant to law, for the interment, disinterment, removal, reinterment or transportation of human remains.

(Amended by Stats. 1957, Ch. 363.)

7025. "Disposition" means the interment, integration into soil, or scattering of human remains within California, or the shipment outside of California, for lawful interment, integration into soil, or scattering elsewhere, including release of remains pursuant to Section 103060.

(Amended by Stats. 2022, Ch. 399, Sec. 33. (AB 351) Effective January 1, 2023.)