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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 8. CEMETERIES [8100 - 9703]** ( *Division 8 enacted by Stats. 1939, Ch. 60.*  )

**PART 4. PUBLIC CEMETERY DISTRICTS [9000 - 9093]** ( *Part 4 repealed and added by Stats. 2003, Ch. 57, Sec. 5.*  )

**CHAPTER 5.5. Interment Rights [9069.10 - 9069.40]** ( *Chapter 5.5 added by Stats. 2016, Ch. 592, Sec. 2.*  )

**9069.10.** An interment right does not include the right for disinterment of human remains except on consent of the cemetery district and the written consent of the surviving spouse, child, parent, or sibling, in that order of priority.

(*Added by Stats. 2016, Ch. 592, Sec. 2. (SB 1179) Effective January 1, 2017.*)

**9069.15.** (a) This chapter does not apply to, or prohibit, the removal of remains from one plot to another in the same cemetery or the removal of remains by a cemetery district upon the written order of any of the following:

(1) The superior court of the county in which the cemetery is located.

(2) The coroner having jurisdiction of the location of the cemetery.

(3) The health department having jurisdiction of the cemetery.

(b) The cemetery district shall maintain a duplicate copy of an order pursuant to subdivision (a).

(c) The cemetery district shall retain a true and correct record of a removal of remains pursuant to subdivision (a) that includes all of the following:

(1) The date the remains were removed.

(2) The name and the age at death of the person whose remains were removed if available.

(3) The cemetery and plot from which the remains were removed.

(4) (A) If the removed remains are reinterred, the plot number, cemetery name, and location to which the remains were reinterred.

(B) If the removed remains are disposed of other than by being reinterred, a record of the alternate disposition.

(5) If the removed remains are reinterred at the cemetery, the date of reinterment.

(d) The person making the removal shall deliver to the cemetery district operating the cemetery from which the remains were removed a true, full, and complete copy of the record containing all of the information specified in subdivision (c).

(*Added by Stats. 2016, Ch. 592, Sec. 2. (SB 1179) Effective January 1, 2017.*)

**9069.20.** (a) An interment right provides a transferable property interest to the person listed as the owner in the records of the cemetery district, subject to any written designation to the contrary signed by the owner and deposited with the cemetery district, or to the owner's successor pursuant to either this section or subdivision (a) of Section 9069.25. An interment right shall not be construed as conferring title to the property burdened by the transferable property interest.

(b) The owner of record of an interment right may designate in writing the person or persons, other than the owner of record, who may be interred in the plot to which the owner holds the interment right.

(c) The owner of an interment right shall, at the time of purchase, designate a successor owner or owners of the interment right in a signed written designation deposited with the district.

(d) Use of an interment right transferred from the owner to a successor pursuant to subdivision (c) shall be made in compliance with applicable provisions of state and local law, and of applicable requirements or policies established by the district board of trustees.

*(Added by Stats. 2016, Ch. 592, Sec. 2. (SB 1179) Effective January 1, 2017.)*

**9069.25.** (a) If the owner of an interment right dies without making a valid and enforceable disposition of the interment right by a specific devise in a testamentary device, or by a written designation pursuant to subdivision (c) of Section 9069.20, the interment right shall pass according to the laws of intestate succession as set forth in Sections 6400 to 6413, inclusive, of the Probate Code. In the event that the owner has no heirs at law, the district shall follow the abandonment procedures established under Section 9069.

(b) A surviving spouse, registered domestic partner, child, parent, or heir who has an interment right pursuant to this section may waive that interment right in favor of any other relative of the deceased owner or spouse of a relative of the deceased owner.

*(Added by Stats. 2016, Ch. 592, Sec. 2. (SB 1179) Effective January 1, 2017.)*

**9069.30.** When a public cemetery district acts to transfer ownership rights or make an interment on the basis of the affidavit, given under penalty of perjury pursuant to Section 9069.35, the district, and any employee or trustee of the district, shall not be liable for any claims, losses, or damages asserted in any action unless the district had actual knowledge that the facts stated in writing are false.

*(Added by Stats. 2016, Ch. 592, Sec. 2. (SB 1179) Effective January 1, 2017.)*

**9069.35.** A person who purports to be the successor owner of an interment right shall execute a written affidavit declaring, under penalty of perjury, all of the following:

(a) He or she is the person entitled to succeed to the interment right pursuant to Section 9069.20.

(b) He or she has exerted all reasonable efforts to find other persons who may have an equal or higher claim to succeed to the interment right.

(c) He or she is unaware, to the best of his or her knowledge, of any opposition challenging his or her right to succeed to the interment right.

*(Added by Stats. 2016, Ch. 592, Sec. 2. (SB 1179) Effective January 1, 2017.)*

**9069.40.** Upon the sale to a person of a plot in a cemetery within a district, the district shall notify the purchaser, in writing, of any interment rights, that this chapter governs the succession of ownership of the interment rights, and the district's duly adopted policies, rules, and regulations governing the use, sale, or other transfer of interment rights.

*(Added by Stats. 2016, Ch. 592, Sec. 2. (SB 1179) Effective January 1, 2017.)*