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AB-351 Reduction of human remains and the disposition of reduced human remains. (2021-2022)

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Assembly Bill No. 351

CHAPTER 399

An act to amend Sections 7672.1, 7672.10, and 7673 of, to amend, repeal, and add Sections 7607, 7611.9, 7653.35, 7653.36, 7672, 7672.2, 7672.4, 7672.6, 7672.7, 7673.1, and 7685.2 of, to add Section 7730.12 to, and to add Article 6.6 (commencing with Section 7714) to Chapter 12 of Division 3 of, the Business and Professions Code, and to amend Sections 7001, 7010.3, 7011, 7025, 7051, 7051.5, 7052, 7052.5, 7054, 7054.1, and 7116 of, to amend, repeal, and add Sections 7055, 103055, and 103060 of, to add Sections 7002.7, 7010.8, 7054.5, and 7054.9 to, and to add Article 9 (commencing with Section 8390) to Chapter 2 of Part 3 of Division 8 of, the Health and Safety Code, relating to human remains, and making an appropriation therefor.

[Approved by Governor September 18, 2022. Filed with Secretary of State September 18, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 351, Cristina Garcia. Reduction of human remains and the disposition of reduced human remains.

The Cemetery and Funeral Act provides for the licensure and regulation of cemeteries, crematoria, hydrolysis facilities, cremated remains disposers, funeral establishments, and their personnel by the Cemetery and Funeral Bureau within the Department of Consumer Affairs. Existing law creates the Cemetery and Funeral Fund, which is continuously appropriated for the purpose of implementing the act. Under existing law, the violation of the act is a misdemeanor. Existing law provides for the disposition of human remains and makes specified acts relating to human remains, including improperly disposing of human remains, a crime.

This bill, commencing January 1, 2027, would require the bureau to license and regulate reduction facilities, as defined, and would enact requirements applicable to reduction facilities substantially similar to those applicable to crematoria and hydrolysis facilities and would enact provisions relating to the disposition of reduced human remains by integration into the soil. By expanding the definition of crimes relating to the disposition of human remains and creating new crimes, this bill would impose a state-mandated local program. The bill would require the application for a reduction facility license to be made in writing on the form prescribed by the bureau and accompanied by a licensing fee. The bill would also require a licensed reduction facility to pay a specified fee to the bureau for every reduction during the preceding quarter. The bill would require the bureau to set the licensing and renewal fees and the per reduction fees in amounts that cumulatively do not exceed the reasonable costs of administering the licensing program and would cap the per reduction fee at a maximum of \$8.50 per reduction. By depositing moneys in a continuously appropriated fund, this bill would make an appropriation.

This bill would require the State Department of Public Health to adopt rules and regulations prescribing the standards for reduction chambers to preserve the public health and safety and to ensure the destruction of pathogenic microorganisms. The bill, commencing January 1, 2027, would require reduction chamber manufacturers to apply to the State Department of Public Health for approval of reduction chambers for use in the state and to charge a reduction chamber manufacturer a regulatory fee

for the evaluation of a reduction chamber, as specified. The bill would prohibit the use of a nonapproved reduction chamber by a reduction facility or its employees.

Existing law requires a local registrar of births and deaths to issue permits for the disposition of cremated and hydrolyzed remains.

This bill, commencing January 1, 2027, would require a local registrar of births or deaths to issue permits for the disposition of reduced human remains. By increasing the duties of local agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 7607 of the Business and Professions Code is amended to read:

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.

SEC. 2. Section 7607 is added to the Business and Professions Code, to read:

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.

SEC. 3. Section 7611.9 of the Business and Professions Code is amended to read:

7611.9. (a) A "cremated remains disposer" is a person who, for their own account or for another, disposes of, or offers to dispose of, cremated human remains or hydrolyzed human remains by scattering over or on land or sea.

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

SEC. 4. Section 7611.9 is added to the Business and Professions Code, to read:

7611.9. (a) A "cremated remains disposer" is a person who, for the person's own account or for another, disposes of, or offers to dispose of, cremated human remains or hydrolyzed human remains by scattering over or on land or sea. A "cremated remains disposer" also includes a person who, for the person's own account or for another, integrates into the soil, or offers to integrate into the soil, reduced human remains.

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

SEC. 5. Section 7653.35 of the Business and Professions Code is amended to read:

7653.35. (a) The bureau shall inspect the books, records, and premises of a hydrolysis facility licensed under this chapter. In making those inspections, the bureau shall have access to all books and records, the hydrolysis facility, the hydrolysis chamber, and the storage areas for human remains before and after hydrolysis, during regular office hours or the hours the hydrolysis facility is in operation. Prior notification of the inspection is not required to be given to the hydrolysis facility licensee. If a hydrolysis facility licensee fails to allow that inspection or any part thereof, it shall be grounds for the suspension or revocation of a license or other disciplinary action against the licensee. All proceedings under this section shall be conducted in accordance with the provisions of this chapter relating to disciplinary proceedings.

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

SEC. 6. Section 7653.35 is added to the Business and Professions Code, to read:

7653.35. (a) The bureau shall inspect the books, records, and premises of a reduction facility or a hydrolysis facility licensed under this chapter. In making those inspections, the bureau shall have access to all books and records, the hydrolysis or reduction facility, the hydrolysis chamber or reduction chamber, and the storage areas for human remains before and after reduction or hydrolysis, during regular office hours or the hours the facility is in operation. Prior notification of the inspection is not required to be given to the licensee. If a licensee fails to allow inspection or any part thereof, it shall be grounds for the suspension or revocation of a license or other disciplinary action against the licensee. All proceedings under this section shall be conducted in accordance with the provisions of this chapter relating to disciplinary proceedings.

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

SEC. 7. Section 7653.36 of the Business and Professions Code is amended to read:

7653.36. (a) The bureau shall annually conduct a minimum of one unannounced inspection of each licensed hydrolysis facility.

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

SEC. 8. Section 7653.36 is added to the Business and Professions Code, to read:

7653.36. (a) The bureau shall annually conduct a minimum of one unannounced inspection of each reduction facility and each licensed hydrolysis facility.

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

SEC. 9. Section 7672 of the Business and Professions Code is amended to read:

7672. (a) A person shall not dispose of or offer to dispose of cremated human remains or hydrolyzed human remains unless registered as a cremated remains disposer by the bureau. This article shall not apply to a person, partnership, or corporation holding a certificate of authority as a cemetery, crematory license, hydrolysis facility license, cemetery broker's license, cemetery salesperson's license, or funeral director's license, nor shall this article apply to a person having the right to control the disposition of the cremated remains or hydrolyzed human remains of a person or that person's designee if the person does not dispose of, or offer to dispose of, more than 10 cremated human remains or hydrolyzed human remains within any calendar year.

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

SEC. 10. Section 7672 is added to the Business and Professions Code, to read:

7672. (a) A person shall not dispose of, or offer to dispose of, cremated, reduced, or hydrolyzed human remains unless registered as a cremated remains disposer by the bureau. This article does not apply to a person, partnership, or corporation holding a certificate of authority as a cemetery, crematory license, reduction facility, hydrolysis facility license, cemetery broker's license, cemetery salesperson's license, or funeral director's license, nor shall this article apply to a person having the right to control the disposition of the cremated, reduced, or hydrolyzed human remains of a person or that person's designee if the person does not dispose of, or offer to dispose of, more than 10 human remains within a calendar year.

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

SEC. 11. Section 7672.1 of the Business and Professions Code is amended to read:

7672.1. (a) Registration shall be on the form prescribed by the bureau and shall include, but not be limited to, the full name of the registrant, business and residence addresses, description and identification of aircraft or boats that may be used in dispensing cremated human remains or hydrolyzed human remains, and the area to be served. Each registration application shall be accompanied by the cremated remains disposer fee.

(b) Every registered cremated remains disposer who dispenses human remains by air shall post a copy of the person's current pilot's license, and the address of the cremated remains or hydrolyzed human remains storage area at their place of business. Every registered cremated remains disposer who dispenses human remains by boat shall post a copy of the person's current boating license and the address of the cremated remains or hydrolyzed human remains storage area at their place of business.

(c) Commencing January 1, 2027, every registered cremated remains disposer who integrates reduced human remains into the soil shall post a copy of the address of the reduced human remains storage area at their place of business.

SEC. 12. Section 7672.2 of the Business and Professions Code is amended to read:

7672.2. (a) The bureau shall prepare and deliver to each registered cremated remains disposer a booklet that includes, but is not limited to, the following information: details about the registration and renewal requirements for cremated remains disposers; requirements for obtaining state permits to dispose of cremated human remains or hydrolyzed human remains; state storage requirements, if any; statutory duties pursuant to this article, and other applicable state laws.

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

SEC. 13. Section 7672.2 is added to the Business and Professions Code, to read:

7672.2. (a) The bureau shall prepare and deliver to each registered cremated remains disposer a booklet that includes, but is not limited to, the following information: details about the registration and renewal requirements for cremated remains disposers; requirements for obtaining state permits to dispose of cremated, reduced, or hydrolyzed human remains; state storage requirements, if any; statutory duties pursuant to this article, and other applicable state laws.

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

SEC. 14. Section 7672.4 of the Business and Professions Code is amended to read:

7672.4. (a) A cremated remains disposer who scatters cremated human remains or hydrolyzed human remains without specific written instructions from the person having the right to control the disposition of the remains or who scatters remains in a manner not in accordance with those instructions shall be subject to disciplinary action.

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

SEC. 15. Section 7672.4 is added to the Business and Professions Code, to read:

7672.4. (a) A cremated remains disposer who scatters cremated human remains or hydrolyzed human remains or who integrates reduced human remains into the soil without specific written instructions from the person having the right to control the disposition of the remains or who scatters or integrates into the soil human remains in a manner not in accordance with those instructions shall be subject to disciplinary action.

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

SEC. 16. Section 7672.6 of the Business and Professions Code is amended to read:

7672.6. (a) Every cremated remains disposer shall do both of the following:

(1) Dispose of cremated remains or hydrolyzed human remains within 60 days of the receipt of those remains, unless a written signed reason for a delay is presented to the person with the right to control the disposition of the remains under Section 7100 of the Health and Safety Code.

(2) Provide the bureau with the address and telephone number of any storage facility being used by the registrant to store cremated remains or hydrolyzed human remains. Cremated remains or hydrolyzed human remains shall be stored in a place free from exposure to the elements, and shall be responsibly maintained until disposal. The bureau and its representatives shall conduct, on an annual basis, random inspections of the operations of 5 to 10 percent of the registered cremated remains disposers, and is authorized to inspect any place used by a cremated remains disposer for the storage of cremated remains or hydrolyzed human remains without notice to the cremated remains disposer.

(b) A violation of the requirements of this section is grounds for disciplinary action.

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

SEC. 17. Section 7672.6 is added to the Business and Professions Code, to read:

7672.6. (a) Every cremated remains disposer shall do both of the following:

(1) Dispose of cremated, reduced, or hydrolyzed human remains within 60 days of the receipt of those remains, unless a written signed reason for a delay is presented to the person with the right to control the disposition of the remains under Section 7100 of the Health and Safety Code.

(2) Provide the bureau with the address and telephone number of any storage facility being used by the registrant to store cremated, reduced, or hydrolyzed human remains. Cremated, reduced, or hydrolyzed human remains shall be stored in a place free from exposure to the elements, and shall be responsibly maintained until disposal. The bureau and its representatives shall conduct, on an annual basis, random inspections of the operations of 5 to 10 percent of the registered cremated remains disposers, and may inspect any place used by a cremated remains disposer for the storage of cremated, reduced, or hydrolyzed human remains without notice to the cremated remains disposer.

(b) A violation of the requirements of this section is grounds for disciplinary action.

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

SEC. 18. Section 7672.7 of the Business and Professions Code is amended to read:

7672.7. (a) Each cremated remains disposer shall file, and thereafter maintain, an updated copy of, an annual report on a form prescribed by the bureau. The report shall include, but not be limited to, the names of the deceased persons whose cremated remains or hydrolyzed human remains were disposed of, the dates of receipt of the cremated remains or hydrolyzed human remains, the names and addresses of the persons who authorized disposal of those remains, the dates and locations of disposal of those remains, and the means and manner of disposition. The report shall cover the fiscal year ending on June 30 and shall be filed with the bureau no later than September 30 of each year.

(b) A cremated remains disposer that makes a willful and material false statement regarding the disposal of cremated remains or hydrolyzed human remains in the annual report filed or updated pursuant to subdivision (a) shall be subject to disciplinary action.

(c) A cremated remains disposer that makes a willful and material false statement in the annual report filed or updated pursuant to subdivision (a) shall be guilty of a misdemeanor.

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

SEC. 19. Section 7672.7 is added to the Business and Professions Code, to read:

7672.7. (a) Each cremated remains disposer shall file, and thereafter maintain, an updated copy of, an annual report on a form prescribed by the bureau. The report shall include, but not be limited to, the names of the deceased persons whose cremated, reduced, or hydrolyzed human remains were disposed of, the dates of receipt of the cremated, reduced, or hydrolyzed human remains, the names and addresses of the persons who authorized disposal of those remains, the dates and locations of disposal of those remains, and the means and manner of disposition. The report shall cover the fiscal year ending on June 30 and shall be filed with the bureau no later than September 30 of each year.

(b) A cremated remains disposer who makes a willful and material false statement regarding the disposal of cremated, reduced, or hydrolyzed human remains in the annual report filed or updated pursuant to subdivision (a) shall be subject to disciplinary action.

(c) A cremated remains disposer who makes a willful and material false statement in the annual report filed or updated pursuant to subdivision (a) shall be guilty of a misdemeanor.

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

SEC. 20. Section 7672.10 of the Business and Professions Code is amended to read:

7672.10. (a) A person who scatters cremated human remains or hydrolyzed human remains without a valid registration and who is not otherwise exempt from this article shall be guilty of a misdemeanor. The remains of each person scattered shall constitute a separate violation.

(b) Commencing January 1, 2027, a person who integrates reduced human remains into the soil without a valid registration and who is not otherwise exempt from this article shall be guilty of a misdemeanor. The remains of each person integrated into the soil shall constitute a separate violation.

SEC. 21. Section 7673 of the Business and Professions Code is amended to read:

7673. (a) A person who scatters any cremated human remains or hydrolyzed human remains without specific written instructions from the person having the right to control the disposition of the remains or who scatters remains in a manner not in accordance with those instructions shall be guilty of a misdemeanor.

(b) Commencing January 1, 2027, a person who integrates reduced human remains into the soil without specific written instructions from the person having the right to control the disposition of the remains, or who integrates reduced human remains into the soil in a manner not in accordance with those instructions shall be guilty of a misdemeanor.

SEC. 22. Section 7673.1 of the Business and Professions Code is amended to read:

7673.1. (a) A cremated remains disposer who stores cremated remains or hydrolyzed human remains in a reckless manner that results in either of the following is guilty of a public offense punishable by imprisonment in a county jail not exceeding one year or by a fine not to exceed five thousand dollars (\$5,000), or by both that fine and imprisonment:

- (1) Loss of all or part of the cremated remains or hydrolyzed human remains.
- (2) Inability to individually identify the cremated remains or hydrolyzed human remains.

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

SEC. 23. Section 7673.1 is added to the Business and Professions Code, to read:

7673.1. (a) A cremated remains disposer who stores cremated, reduced, or hydrolyzed human remains in a reckless manner that results in either of the following is guilty of a public offense punishable by imprisonment in a county jail not exceeding one year or by a fine not to exceed five thousand dollars (\$5,000), or by both that fine and imprisonment:

- (1) Loss of all or part of the human remains.
- (2) Inability to individually identify the human remains.

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

SEC. 24. Section 7685.2 of the Business and Professions Code is amended to read:

7685.2. (a) A funeral director shall not enter into a contract for furnishing services or property in connection with the burial or other disposal of human remains until the funeral director has first submitted to the potential purchaser of those services or property a written or printed memorandum containing the following information, provided that information is available at the time of execution of the contract:

- (1) The total charge for the funeral director's services and the use of the funeral director's facilities, including the preparation of the body and other professional services, and the charge for the use of automotive and other necessary equipment.
- (2) An itemization of charges for the following merchandise as selected: the casket, an outside receptacle, and clothing.
- (3) An itemization of fees or charges and the total amount of cash advances made by the funeral director for transportation, flowers, cemetery, crematory, or hydrolysis facility charges, newspaper notices, clergy honorarium, transcripts, telegrams, long distance telephone calls, music, and any other advances as authorized by the purchaser.
- (4) An itemization of any other fees or charges not included above.
- (5) The total of the amount specified in paragraphs (1) to (4), inclusive.

If the charge for any of the above items is not known at the time the contract is entered into, the funeral director shall advise the purchaser of the charge therefor, within a reasonable period after the information becomes available. All prices charged for items covered under Sections 7685 and 7685.1 shall be the same as those given under those sections.

(b) A funeral establishment shall obtain from the person with the right to control the disposition pursuant to Section 7100 of the Health and Safety Code, or the person prearranging the cremation or hydrolysis and disposition of the person's own remains, a signed declaration designating specific instructions with respect to the disposition of cremated remains or hydrolyzed human remains. The bureau shall make available a form upon which the declaration shall be made. The form shall include, but not be limited to, the names of the persons with the right to control the disposition of the cremated remains or hydrolyzed human remains and the person who is contracting for the cremation or hydrolysis services; the name of the deceased; the name of the funeral establishment in possession of the remains; the name of the crematorium or hydrolysis facility; and specific instructions regarding the manner, location, and other pertinent details regarding the disposition of cremated remains or hydrolyzed human remains. The form shall be signed and dated by the person arranging for the cremation or hydrolysis and the funeral director, employee, or agent of the funeral establishment in charge of arranging or prearranging the cremation or hydrolysis service.

(c) A funeral director entering into a contract to furnish cremation or hydrolysis services shall provide to the purchaser of cremation or hydrolysis services, either on the first page of the contract for cremation or hydrolysis services, or on a separate

page attached to the contract, a written or printed notice containing the following information:

(1) A person having the right to control disposition of cremated remains or hydrolyzed human remains may remove the remains in a durable container from the place of cremation, hydrolysis, or interment, pursuant to Section 7054.6 of the Health and Safety Code.

(2) If the cremated remains container or hydrolyzed human remains container cannot accommodate all cremated remains or hydrolyzed human remains of the deceased, the crematory or hydrolysis facility shall provide a larger cremated remains container or hydrolyzed human remains container at no additional cost, or place the excess in a second container that cannot easily come apart from the first, pursuant to Section 8345 of the Health and Safety Code.

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

SEC. 25. Section 7685.2 is added to the Business and Professions Code, to read:

7685.2. (a) A funeral director shall not enter into a contract for furnishing services or property in connection with the burial or other disposal of human remains until the funeral director has first submitted to the potential purchaser of those services or property a written or printed memorandum containing the following information, if that information is available at the time of execution of the contract:

(1) The total charge for the funeral director's services and the use of the facilities, including the preparation of the body and other professional services, and the charge for the use of automotive and other necessary equipment.

(2) An itemization of charges for the following merchandise as selected: the casket, an outside receptacle, and clothing.

(3) An itemization of fees or charges and the total amount of cash advances made by the funeral director for transportation, flowers, cemetery, crematory, reduction facility, or hydrolysis facility charges, newspaper notices, clergy honorarium, transcripts, telegrams, long distance telephone calls, music, and any other advances as authorized by the purchaser.

(4) An itemization of any other fees or charges not included above.

(5) The total of the amount specified in paragraphs (1) to (4), inclusive.

If the charge for any of the above items is not known at the time the contract is entered into, the funeral director shall advise the purchaser of the charge therefor, within a reasonable period after the information becomes available. All prices charged for items covered under Sections 7685 and 7685.1 shall be the same as those given under those sections.

(b) A funeral establishment shall obtain from the person with the right to control the disposition pursuant to Section 7100 of the Health and Safety Code, or the person prearranging the cremation, reduction, or hydrolysis and disposition of the person's own remains, a signed declaration designating specific instructions with respect to the disposition of cremated, reduced, or hydrolyzed human remains. The bureau shall make available a form upon which the declaration shall be made. The form shall include, but not be limited to, the names of the persons with the right to control the disposition of the human remains and the person who is contracting for the cremation, reduction, or hydrolysis services; the name of the deceased; the name of the funeral establishment in possession of the remains; the name of the crematorium, reduction facility, or hydrolysis facility; and specific instructions regarding the manner, location, and other pertinent details regarding the disposition of cremated, reduced, or hydrolyzed human remains. The form shall be signed and dated by the person arranging for the cremation, reduction, or hydrolysis and the funeral director, employee, or agent of the funeral establishment in charge of arranging or prearranging the cremation, reduction, or hydrolysis service.

(c) A funeral director entering into a contract to furnish cremation, reduction, or hydrolysis services shall provide to the purchaser of those services, either on the first page of the contract for cremation, reduction, or hydrolysis services, or on a separate page attached to the contract, a written or printed notice containing the following information:

(1) A person having the right to control disposition of cremated remains or hydrolyzed human remains may remove the remains in a durable container from the place of cremation, hydrolysis, or interment, pursuant to Section 7054.6 of the Health and Safety Code.

(2) If the cremated remains container or hydrolyzed human remains container cannot accommodate all cremated remains or hydrolyzed human remains of the deceased, the crematory or hydrolysis facility shall provide a larger cremated remains container or hydrolyzed human remains container at no additional cost, or place the excess in a second container that cannot easily come apart from the first, pursuant to Section 8345 of the Health and Safety Code.

(3) If the person is contracting for reduction services, the estimated volume of the reduced human remains. The person having the right to control the reduced human remains shall be given the option of receiving none, part, or all of the reduced human

remains and shall be notified, if receiving none or only part of the reduced human remains, of the location where the balance of the remains will be integrated into the soil.

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

SEC. 26. Article 6.6 (commencing with Section 7714) is added to Chapter 12 of Division 3 of the Business and Professions Code, to read:

Article 6.6. Reduction Facilities

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.

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.

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.

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.

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.

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.

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).

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

SEC. 27. Section 7730.12 is added to the Business and Professions Code, to read:

7730.12. (a) On or before January 1, 2027, the bureau shall establish the fee to obtain or renew a reduction facility license, which shall be set by the bureau pursuant to subdivision (c).

(b) Every licensee operating a reduction facility shall pay an additional charge per reduction made during the preceding quarter, to be set by the bureau pursuant to subdivision (c).

(c) The bureau shall set the fees in subdivisions (a) and (b) in amounts that cumulatively do not exceed the reasonable costs of administering the licensing program. The fee for individual reductions shall not exceed eight dollars and fifty cents (\$8.50) per reduction. All fees assessed pursuant to this section shall be deposited in the Cemetery and Funeral Fund and shall be used exclusively to administer the licensing program for reduction facilities.

SEC. 28. Section 7001 of the Health and Safety Code is amended to read:

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.

SEC. 29. Section 7002.7 is added to the Health and Safety Code, to read:

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.

SEC. 30. Section 7010.3 of the Health and Safety Code is amended to read:

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.

SEC. 31. Section 7010.8 is added to the Health and Safety Code, to read:

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.

SEC. 32. Section 7011 of the Health and Safety Code is amended to read:

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.

SEC. 33. Section 7025 of the Health and Safety Code is amended to read:

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.

SEC. 34. Section 7051 of the Health and Safety Code is amended to read:

7051. (a) A person who removes part of any human remains from a place where it has been interred, or from a place where it is deposited while awaiting interment, cremation, reduction, or hydrolysis, with intent to sell it or to dissect it, without authority of law, or written permission of the person or persons having the right to control the remains under Section 7100, or with malice or wantonness, has committed a public offense that is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

(b) This section does not prohibit the removal of foreign materials, pacemakers, or prostheses from cremated, reduced, or hydrolyzed human remains by an employee of a licensed crematory, reduction facility, or hydrolysis facility prior to final processing of remains. Dental gold or silver, jewelry, or mementos, to the extent that they can be identified, may be removed by the employee prior to final processing if the equipment is such that it will not process these materials. However, any dental gold and silver, jewelry, or mementos that are removed shall be returned to the urn, cremated remains container, reduced human remains container, or hydrolyzed human remains container, unless otherwise directed by the person or persons having the right to control the disposition.

SEC. 35. Section 7051.5 of the Health and Safety Code is amended to read:

7051.5. A person who removes or possesses dental gold or silver, jewelry, or mementos from human remains without specific written permission of the person or persons having the right to control those remains under Section 7100 is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code. The fact that residue and any unavoidable dental gold or dental silver, or other precious metals remain in the cremation chamber, reduction chamber, hydrolysis chamber, or other equipment or a container used in a prior cremation, reduction, or hydrolysis is not a violation of this section.

SEC. 36. Section 7052 of the Health and Safety Code is amended to read:

7052. (a) A person who willfully mutilates, disinters, removes from the place of interment, or commits an act of sexual penetration on, or has sexual contact with, remains known to be human, without authority of law, is guilty of a felony. This section does not apply to a person who, under authority of law, removes the remains for reinterment, or performs a cremation, reduction, or hydrolysis.

(b) For purposes of this section, the following definitions apply:

(1) "Sexual penetration" means the unlawful penetration of the vagina or anus, however slight, by any part of a person's body or other object, or any act of sexual contact between the sex organs of a person and the mouth or anus of a dead body, or any oral copulation of a dead human body for the purpose of sexual arousal, gratification, or abuse.

(2) "Sexual contact" means any willful touching by a person of an intimate part of a dead human body for the purpose of sexual arousal, gratification, or abuse.

SEC. 37. Section 7052.5 of the Health and Safety Code is amended to read:

7052.5. Notwithstanding the provisions of Section 7052, cremated, reduced, or hydrolyzed human remains may be removed from the place of interment for disposition as provided in Section 7054.5 or 7054.6 or for burial at sea as provided in Section 7117.

SEC. 38. Section 7054 of the Health and Safety Code is amended to read:

7054. (a) (1) Except as authorized pursuant to the sections referred to in subdivision (b), a person who deposits or disposes of human remains in any place, except in a cemetery, is guilty of a misdemeanor.

(2) Every licensee or registrant pursuant to Chapter 12 (commencing with Section 7600) of Division 3 of the Business and Professions Code and the agents and employees of the licensee or registrant, or an unlicensed person acting in a capacity in which a license from the Cemetery and Funeral Bureau is required, who, except as authorized pursuant to the sections referred to in subdivision (b), deposits or disposes of human remains in any place, except in a cemetery, is guilty of a misdemeanor that shall be punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding ten thousand dollars (\$10,000), or both that imprisonment and fine.

(b) (1) Cremated remains or hydrolyzed human remains may be disposed of pursuant to Sections 7054.6, 7116, 7117, and 103060.

(2) Reduced human remains may be disposed of pursuant to Sections 7054.5, 7116, and 103060.

(c) Subdivision (a) of this section shall not apply to the reburial of Native American remains under an agreement developed pursuant to subdivision (l) of Section 5097.94 of the Public Resources Code, or implementation of a recommendation or agreement made pursuant to Section 5097.98 of the Public Resources Code.

SEC. 39. Section 7054.1 of the Health and Safety Code is amended to read:

7054.1. Cremated, reduced, or hydrolyzed human remains shall not be removed from the place of cremation, reduction, or hydrolysis, and there shall not be a charge for the cremation, reduction, or hydrolysis, unless the remains have been processed so that they are suitable for inurnment. Every contract for cremation, reduction, or hydrolysis services shall include specific written notification of the processing to the person having the right to control the disposition of the remains under Section 7100.

SEC. 40. Section 7054.5 is added to the Health and Safety Code, to read:

7054.5. (a) Reduced human remains may be disposed of by integration into the topsoil by the person having the right to control the disposition of the remains pursuant to Section 7100.

(b) A reduction facility may integrate reduced human remains into the topsoil of a conservation area if the person having the right to control the disposition of those remains has agreed, in writing, to that disposition.

(c) Integration of reduced human remains into soil below the topsoil is a violation of Section 7054.

(d) For purposes of this section, the following definitions apply:

(1) "Conservation area" means an area of land that is protected and cannot be built on, that is only used for the conservation of nature.

(2) "Topsoil" means the outermost layer of soil.

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

SEC. 41. Section 7054.9 is added to the Health and Safety Code, to read:

7054.9. (a) Except with the express written permission of the person entitled to control the disposition of the reduced human remains, a person shall not do any of the following:

(1) Reduce the remains of more than one person at the same time and in the same reduction chamber, or introduce the remains of a second person into the reduction chamber until the reduction of preceding remains has been terminated and reasonable efforts have been employed to remove all fragments of preceding remains. The fact that there is residue in the reduction chamber or other equipment or a container used in a prior reduction does not violate this section.

(2) Dispose of reduced human remains in a manner or location that the remains are commingled with those of another person. This paragraph does not apply to the disposition of accumulated residue removed from equipment used in the reduction of human remains.

(3) Place reduced human remains or the remains of more than one person in the same reduced human remains container, except as follows:

(A) Members of the same family may be placed in a common container designed for the reduced remains of more than one person.

(B) Reduced human remains may be placed in a container that has been previously designated, at the time of sale, as being intended for the remains of more than one person.

(C) Disposal of the residue removed from equipment used in the reduction of human remains.

(b) (1) A person, including a corporation or partnership, that violates this section is guilty of a misdemeanor.

(2) Written authorization by the person entitled to control the disposition of the remains for the reduction facility to integrate the reduced human remains into the soil of a conservation area, as provided in Section 7054.5, is sufficient to comply with the permission requirement of subdivision (a).

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

SEC. 42. Section 7055 of the Health and Safety Code is amended to read:

7055. (a) A person, who for themselves or for another person, interrs, cremates, or hydrolyzes a body or permits the same to be done, or removes any remains, other than cremated remains or hydrolyzed human remains, from the primary registration district in which the death, cremation, or hydrolysis occurred or the body was found, except a removal by a funeral director in a funeral director's conveyance or an officer of a duly accredited medical college engaged in official duties with respect to the body of a decedent who has willfully donated their body to the medical college from that registration district or county to another registration district or county, or within the same registration district or county, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or removes interred human remains from the cemetery in which the interment occurred, removes cremated remains from the premises on which the cremation occurred, or removes hydrolyzed human remains from the premises on which the hydrolysis occurred without the authority of a removal permit is guilty of a misdemeanor and punishable as follows:

(1) For the first offense, by a fine of not less than ten dollars (\$10) nor more than five hundred dollars (\$500).

(2) For each subsequent offense, by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or imprisonment in the county jail for not more than 60 days, or by both.

(b) Notwithstanding subdivision (a), a funeral director of a licensed out-of-state funeral establishment may transport human remains out of this state without a removal permit when acting within the requirements specified in subdivision (b) of Section 103050.

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

SEC. 43. Section 7055 is added to the Health and Safety Code, to read:

7055. (a) A person who, for themselves or for another person, interrs, cremates, reduces, or hydrolyzes a body or permits the same to be done, or removes any remains, other than cremated, reduced, or hydrolyzed human remains, from the primary registration district in which the death, cremation, reduction, or hydrolysis occurred or the body was found, except a removal by a funeral director in a funeral director's conveyance or an officer of a duly accredited medical college engaged in official duties with respect to the body of a decedent who has willfully donated their body to the medical college from that registration district or county to another registration district or county, or within the same registration district or county, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or removes interred human remains from the cemetery in which the interment occurred, removes cremated remains from the premises on which the cremation occurred, removes reduced human remains from the premises on which the reduction occurred, or removes hydrolyzed human remains from the premises on which the hydrolysis occurred without the authority of a removal permit is guilty of a misdemeanor and punishable as follows:

(1) For the first offense, by a fine of not less than ten dollars (\$10) nor more than five hundred dollars (\$500).

(2) For each subsequent offense, by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) or imprisonment in the county jail for not more than 60 days, or by both.

(b) Notwithstanding subdivision (a), a funeral director of a licensed out-of-state funeral establishment may transport human remains out of this state without a removal permit when the funeral director is acting within the requirements specified in subdivision (b) of Section 103050.

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

SEC. 44. Section 7116 of the Health and Safety Code is amended to read:

7116. (a) Cremated remains or hydrolyzed human remains may be scattered in an area where no local prohibition exists, provided that the cremated remains or hydrolyzed human remains are not distinguishable to the public, are not in a container, and that the person who has control over disposition of the cremated remains or hydrolyzed human remains has obtained written permission of the property owner or governing agency to scatter on the property. A state or local agency may adopt an ordinance, regulation, or policy, as appropriate, authorizing, consistent with this section, or specifically prohibiting, the scattering of cremated human remains or hydrolyzed human remains on lands under the agency's jurisdiction. The scattering of the cremated remains or hydrolyzed human remains of more than one person in one location pursuant to this section shall not create a cemetery pursuant to Section 7003 or any other law.

(b) Commencing January 1, 2027, reduced human remains may be integrated into the soil in an area where no local prohibition exists, provided that the reduced human remains are not distinguishable to the public, are not in a container, and that the person who has control over disposition of the reduced human remains has obtained written permission of the property owner or governing agency to integrate into soil on the property. A state or local agency may adopt an ordinance, regulation, or policy, as appropriate, authorizing or specifically prohibiting the integration of reduced human remains into the soil on lands under the agency's jurisdiction. The integration into the soil of the reduced human remains of more than one person in one location pursuant to this section does not create a cemetery pursuant to Section 7003 or any other law.

SEC. 45. Article 9 (commencing with Section 8390) is added to Chapter 2 of Part 3 of Division 8 of the Health and Safety Code, to read:

Article 9. Reduction Facilities

8390. All reduced human remains not disposed of in accordance with this chapter shall be disposed of pursuant to Section 7714.4 of the Business and Professions Code.

8391. A reduction facility shall not make or enforce rules requiring that human remains be placed in a casket before reduction, nor shall a reduction facility refuse to accept human remains for reduction for the reason that they are not in a casket. A director, officer, agent, or representative of a reduction facility who violates this section is guilty of a misdemeanor. This section does not prohibit a facility from requiring some type of container or disposal unit.

8392. (a) A reduction facility shall maintain on its premises, or other business location within the state, an accurate record of all reductions performed, including all of the following information:

- (1) Name of the referring funeral director, if any.
- (2) Name of the deceased.
- (3) Date of the reduction.
- (4) Disposition of the reduced human remains, including split disposition where a portion of the remains are returned to the person entitled to control the disposition of the remains and a portion integrated into the soil in a conservation area pursuant to Section 7054.5.
- (5) Time and date that the body was inserted into the reduction chamber.
- (6) Time and date that the body was removed from the reduction chamber.
- (7) Time and date that final processing of the reduced human remains was complete.
- (8) Name and address of the authorizing agent.
- (9) Identification number assigned to the deceased, pursuant to Section 8393.
- (10) A photocopy of the disposition permit filed in connection with the disposition.
- (11) Any documentation of compliance with appropriate environmental and safety laws.

(b) A reduction facility shall maintain on its premises, or other business location within the state, records of the maintenance performed on the reduction chamber or chambers.

(c) Information described in this section shall be maintained for at least 10 years after the reduction is performed and shall be subject to inspection by the Cemetery and Funeral Bureau.

8393. (a) A reduction facility shall maintain an identification system allowing identification of each decedent beginning from the time the reduction facility accepts delivery of human remains until the point at which it releases the reduced human remains to a third party. After reduction, an identifying disk, tab, or other permanent label shall be placed with the reduced human remains container or containers before the reduced human remains are released from the licensed reduction facility. Each identification disk, tab, or label shall contain the license number of the reduction facility and shall have a unique number that shall be recorded on all documents regarding the decedent and in the reduction log. Each reduction facility shall maintain a written procedure for identification of remains.

(b) A reduction facility that fails, when requested by an official of the Cemetery and Funeral Bureau, to produce a written procedure for identification of remains shall have 15 working days from the time of the request to produce an identification procedure for review by the chief of the Cemetery and Funeral Bureau. The license of the reduction facility shall be suspended

pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, if no identification procedure is produced for review after 15 working days have elapsed.

8394. Within two hours after a reduction facility takes custody of a body that has not been embalmed, it shall refrigerate the body at a temperature not greater than 50 degrees Fahrenheit, unless the reduction process will begin within 24 hours of the time that the facility took custody.

8395. (a) The reduction facility licensee, or its authorized representatives, shall provide instruction to all facility personnel involved in the reduction process. This instruction shall lead to a demonstrated knowledge on the part of an employee regarding identification procedures used during reduction, operation of the reduction chamber and related equipment, and all laws relevant to the handling of a body and reduced human remains. This instruction shall be outlined in a written plan maintained by the reduction facility licensee for inspection and comment by an inspector of the Cemetery and Funeral Bureau.

(b) An employee shall not be allowed to operate a reduction chamber or related equipment until the employee has demonstrated to the certified manager of the reduction facility or authorized representative of the licensee that the employee understands the procedures required to ensure that health and safety conditions are maintained at the reduction facility and that reduced human remains are not commingled other than as authorized by law. The reduction facility licensee shall maintain a record to document that an employee has received the training specified in this section.

(c) A reduction facility that fails, when requested by an official of the bureau, to produce a written employee instruction plan or record of employee training for inspection shall have 15 working days from the time of the request to produce a plan or training record for review by the chief of the bureau. The license of a reduction facility shall be suspended, pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, if no plan or training record is produced for review after 15 working days have elapsed.

8396. This article shall become operative on January 1, 2027.

SEC. 46. Section 103055 of the Health and Safety Code is amended to read:

103055. (a) If the certificate of death is properly executed and complete, the local registrar of births and deaths shall issue a permit for disposition that, in all cases, shall specify any one of the following:

(1) The name of the cemetery where the remains shall be interred.

(2) Burial at sea as provided in Section 7117.

(3) The address or description of the place where remains shall be buried or scattered.

(4) The address of the location where the cremated remains or hydrolyzed human remains will be kept, as provided in Section 7054.6, under the conditions the state registrar may approve, including, but not limited to, conditions in keeping with public sensibilities, applicable laws, and reasonable assurances that the disposition will be carried out in accordance with the prescribed conditions and will not constitute a private or public nuisance.

(b) Notwithstanding any other provisions of this part relative to issuance of a permit for disposition, whenever the death occurred from a disease declared by the state department to be infectious, contagious, or communicable and dangerous to the public health, a permit for the disposition of the body shall not be issued by the local registrar, except under those conditions as may be prescribed by the state department and local health officers.

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

SEC. 47. Section 103055 is added to the Health and Safety Code, to read:

103055. (a) If the certificate of death is properly executed and complete, the local registrar of births and deaths shall issue a permit for disposition that, in all cases, shall specify any one of the following:

(1) The name of the cemetery where the remains shall be interred.

(2) Burial at sea as provided in Section 7117.

(3) The address or description of the place where remains shall be buried, scattered, or integrated into the soil.

(4) The address of the location where the cremated, reduced, or hydrolyzed human remains will be kept, as provided in Section 7054.5 or 7054.6, under the conditions the state registrar may approve, including, but not limited to, conditions in keeping with

public sensibilities, applicable laws, and reasonable assurances that the disposition will be carried out in accordance with the prescribed conditions and will not constitute a private or public nuisance.

(b) Notwithstanding any other provisions of this part relative to issuance of a permit for disposition, whenever the death occurred from a disease declared by the department to be infectious, contagious, or communicable and dangerous to the public health, a permit for the disposition of the body shall not be issued by the local registrar, except under those conditions as may be prescribed by the state department and local health officers.

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

SEC. 48. Section 103060 of the Health and Safety Code is amended to read:

103060. (a) A permit for disposition for the purpose of removing cremated remains or hydrolyzed human remains from the place of cremation, hydrolysis, or interment shall include a description of the final place of disposition sufficient to identify the place and shall be issued by the local registrar to the person having the right to control the disposition of the remains under Section 7100 upon the application of that person.

(b) A permit for disposition shall be issued under this section only upon the signed acknowledgment by the person making application that trespass and nuisance laws apply to the disposition and that the permit gives no right of unrestricted access to property not owned by the person for the purpose of disposing of the remains.

(c) The person to whom the permit for disposition was issued shall sign the permit, endorse upon it the date of final disposition and, within 10 days, return the first copy of the permit so endorsed to the local registrar of the district in which the disposition took place. The third copy of the permit shall be returned to the office of issuance. After one year, the local registrar may destroy any original or duplicate permit retained pursuant to this section.

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

SEC. 49. Section 103060 is added to the Health and Safety Code, to read:

103060. (a) A permit for disposition for the purpose of removing cremated, reduced, or hydrolyzed human remains from the place of cremation, reduction, hydrolysis, or interment shall include a description of the final place of disposition sufficient to identify the place and shall be issued by the local registrar upon application of the person having the right to control the disposition of the remains under Section 7100.

(b) A permit for disposition shall be issued under this section only upon the signed acknowledgment by the person making application that trespass and nuisance laws apply to the disposition and that the permit gives no right of unrestricted access to property not owned by the person for the purpose of disposing of the remains.

(c) The person to whom the permit for disposition was issued shall sign the permit, endorse upon it the date of final disposition and, within 10 days, return the first copy of the permit so endorsed to the local registrar of the district in which the disposition took place. The third copy of the permit shall be returned to the office of issuance. After one year, the local registrar may destroy any original or duplicate permit retained pursuant to this section.

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

SEC. 50. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.