

AMENDED IN ASSEMBLY AUGUST 21, 2006

AMENDED IN SENATE MAY 26, 2006

AMENDED IN SENATE MAY 18, 2006

AMENDED IN SENATE APRIL 20, 2006

AMENDED IN SENATE APRIL 6, 2006

SENATE BILL

No. 1490

Introduced by Senator Ducheny

(Coauthors: Senators Figueroa~~and~~, Florez, *and Scott*)

(Coauthor: Assembly Member Garcia)

February 23, 2006

An act to add Sections 9611, 9612, and 9613 to the Business and Professions Code, relating to cemeteries.

LEGISLATIVE COUNSEL'S DIGEST

SB 1490, as amended, Ducheny. Cemetery regulation.

Existing law establishes the Cemetery and Funeral Bureau within the Department of Consumer Affairs and sets forth its powers and duties, including, but not limited to, licensing and regulating a cemetery manger, salesperson, or broker, and requires the bureau to provide specified information about its licensees on its Internet Web site.

This bill would require the bureau to disclose additional information regarding cemeteries on its Internet Web site.

Existing law establishes certain requirements for administration of private endowment care cemeteries and establishes maintenance and investment requirements applicable to the endowment care trust funds.

This bill would require the bureau to adopt regulations to establish minimum standards of maintenance for endowment care cemeteries under its jurisdiction. The bill would require the bureau to ~~take specified actions~~ *obtain information from each of its licensees to determine the appropriate levels of if endowment care fund contributions and levels of the licensee’s cemetery are sufficient to cover the cost of future operation.* The bill would require the bureau to report its findings and recommendations to the Legislature by January 1, 2008.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9611 is added to the Business and
 2 Professions Code, to read:
 3 9611. The bureau shall disclose on its Web site information
 4 about each cemetery subject to the jurisdiction of the bureau. In
 5 addition to the information required by Section 27, the bureau
 6 shall disclose the name of the owner of each cemetery, the name
 7 of the cemetery, the business address of the cemetery owner, and
 8 the physical address of the cemetery.
 9 SEC. 2. Section 9612 is added to the Business and
 10 Professions Code, to read:
 11 9612. Notwithstanding Section 8115 of the Health and Safety
 12 Code, *in order to protect consumers*, the bureau shall adopt
 13 regulations that establish minimum standards of maintenance for
 14 endowment care cemeteries under the jurisdiction of the bureau.
 15 ~~The standards shall be those reasonably necessary to protect the~~
 16 ~~public health and safety, assure decent and respectful treatment~~
 17 ~~of human remains, and prevent the offensive deterioration of~~
 18 ~~cemetery grounds, structures, and places of interment.~~ The
 19 regulations shall consider differences in cemetery size, location,
 20 ~~and topography, and type of interments, and.~~ *The regulations*
 21 *shall also consider* the extent to which funds are available from
 22 the cemetery’s endowment care funds to perform maintenance.
 23 The standards established pursuant to this section shall not
 24 supersede any standards of a higher level of care established
 25 pursuant to Section 8115 of the Health and Safety Code.

1 SEC. 3. Section 9613 is added to the Business and
2 Professions Code, to read:

3 ~~9613. (a) In order to determine the appropriate levels of~~
4 ~~endowment care fund contributions that are necessary to~~
5 ~~establish an endowment care fund sufficient to carry out ongoing~~
6 ~~care and maintenance of a cemetery, the bureau shall do both of~~
7 ~~the following:~~

8 ~~(1) Analyze the levels of endowment care funds that have~~
9 ~~previously been reported pursuant to this chapter by licensed~~
10 ~~cemeteries.~~

11 ~~(2) With existing resources, survey the cemetery industry~~
12 ~~under its jurisdiction to obtain input regarding appropriate~~
13 ~~endowment care fund levels.~~

14 *The bureau shall survey each of its licensees to obtain*
15 *information to determine if the endowment care fund levels of the*
16 *licensee's cemetery are sufficient to cover the cost of future*
17 *operation. The bureau shall also review the levels of endowment*
18 *care funds that have previously been reported pursuant to this*
19 *chapter by licensed cemeteries.*

20 (b) The bureau shall report its findings and recommendations
21 to the Legislature by January 1, 2008.