

Senate Bill No. 1490

CHAPTER 401

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

[Approved by Governor September 22, 2006. Filed with Secretary of State September 22, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1490, 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 manager, 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 that establish minimum standards of maintenance for endowment care cemeteries under its jurisdiction. The bill would require the bureau to obtain information from each of its licensees to determine if the endowment care fund 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.

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

SECTION 1. Section 9611 is added to the Business and Professions Code, to read:

9611. The bureau shall disclose on its Web site information about each cemetery subject to the jurisdiction of the bureau. In addition to the information required by Section 27, the bureau shall disclose the name of the owner of each cemetery, the name of the cemetery, the business address of the cemetery owner, and the physical address of the cemetery.

SEC. 2. Section 9612 is added to the Business and Professions Code, to read:

9612. Notwithstanding Section 8115 of the Health and Safety Code, in order to protect consumers, the bureau shall adopt regulations that establish minimum standards of maintenance for endowment care

cemeteries under the jurisdiction of the bureau. The regulations shall consider differences in cemetery size, location, topography, and type of interments. The regulations shall also consider the extent to which funds are available from the cemetery's endowment care funds to perform maintenance.

The standards established pursuant to this section shall not supersede any standards of a higher level of care established pursuant to Section 8115 of the Health and Safety Code.

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

9613. (a) The bureau shall survey each of its licensees to obtain information to determine if the endowment care fund levels of the licensee's cemetery are sufficient to cover the cost of future operation. The bureau shall also review the levels of endowment care funds that have previously been reported pursuant to this chapter by licensed cemeteries.

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