

AMENDED IN ASSEMBLY APRIL 8, 2013
AMENDED IN ASSEMBLY MARCH 19, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 764

Introduced by Assembly Member Linder

February 21, 2013

An act to add and repeal Article 9 (commencing with Section 9789.1) to Chapter 19 of Division 3 of the Business and Professions Code, relating to human remains.

LEGISLATIVE COUNSEL'S DIGEST

AB 764, as amended, Linder. Human Remains.

Existing law, the Cemetery Act, provides for the licensure and regulation of cemeteries, crematories, and their personnel by the Cemetery and Funeral Bureau within the Department of Consumer Affairs. Existing law establishes certified uniform program agencies, which are agencies certified by the Secretary for Environmental Protection to implement a specified unified program relating to hazardous waste and materials in accordance with certain requirements.

This bill would, until January 1, 2020, establish a pilot program that would authorize the bureau to issue a limited crematory license to no more than 5—alkaline hydrolysis facilities, subject to specified requirements. ~~The bill would also set forth requirements for participation in a pilot program at University of California, Los Angeles David Geffen School of Medicine, Department of Family Medicine.~~

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. Article 9 (commencing with Section 9789.1) is
2 added to Chapter 19 of Division 3 of the Business and Professions
3 Code, to read:

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Article 9. Hydrolysis

7 9789.1. *For purposes of this article, the following definitions*
8 *shall apply:*

9 (1) *“Hydrolysis facility” means a building or structure*
10 *containing one or more chambers for the reduction of bodies of*
11 *deceased persons by alkaline hydrolysis.*

12 (2) *“Hydrolysis chamber” means the enclosed space within*
13 *which the hydrolysis of human remains is performed and any other*
14 *attached, nonenclosed, mechanical components that are necessary*
15 *for the safe and proper functioning of the equipment. Allowable*
16 *hydrolysis chambers for the disposition of human remains shall*
17 *meet or exceed State Department of Public Health and federal*
18 *Centers for Disease Control and Prevention requirements for*
19 *complete destruction of human pathogens.*

20 (3) *“Hydrolysis container” means a hydrolyzable closed*
21 *container resistant to leakage of bodily fluids into which the body*
22 *of a deceased person is placed prior to insertion in a hydrolysis*
23 *chamber for alkaline hydrolysis.*

24 (4) *“Hydrolyzed remains” means bone fragments of a human*
25 *body that are left after hydrolysis in a hydrolysis facility.*
26 *“Hydrolyzed remains” does not include foreign materials,*
27 *pacemakers, or prostheses.*

28 (5) *“Hydrolyzed remains container” means a receptacle in*
29 *which hydrolyzed remains are placed after hydrolysis.*

30 (6) *“Hydrolysis” means the process by which the following*
31 *three steps are taken:*

32 (A) *The reduction of the body of a deceased person to its*
33 *essential chemical components by alkaline hydrolysis. Alkaline*
34 *hydrolysis is a chemical process using heat or heat and applied*
35 *pressure, water, and potassium hydroxide or sodium hydroxide to*
36 *dissolve human tissue within a hydrolysis container.*

37 (B) *Wherever possible, the least amount of potassium hydroxide*
38 *that is still effective for complete dissolution of the remains shall*

1 *be used within the hydrolysis container, to minimize the*
2 *downstream environmental impact of the effluent and to maximize*
3 *worker safety.*

4 *(C) The processing of the remains after removal from the*
5 *hydrolysis chamber pursuant to Section 7010.3 of the Health and*
6 *Safety Code.*

7 ~~9789.1.~~

8 9789.2. (a) Nothing in this chapter, Chapter 12, or any other
9 law, shall be construed to prohibit a hydrolysis facility from
10 engaging in the practice of alkaline hydrolysis of human remains
11 when authorized as part of the pilot program authorized by this
12 section.

13 (b) The bureau is authorized to issue a limited crematory license
14 to ~~an alkaline~~ a hydrolysis facility subject to the following:

15 (1) The bureau may issue limited crematory licenses to no more
16 than five ~~alkaline~~ hydrolysis facilities.

17 (2) Each ~~alkaline~~ hydrolysis facility shall meet the following
18 requirements:

19 (A) The ~~alkaline~~ hydrolysis facility shall be managed by a
20 licensed crematory manager, who has been certified as having
21 received training by the hydrolysis manufacturer, as approved by
22 the bureau.

23 (B) The ~~alkaline~~ hydrolysis facility shall comply with ~~local~~ all
24 applicable water treatment and wastewater control laws.

25 (C) The ~~alkaline~~ hydrolysis facility shall present to the bureau
26 any locally required permits for business operations and appropriate
27 state tax documentation.

28 (c) A licensed ~~alkaline~~ hydrolysis facility shall submit to annual
29 inspections by the bureau and any certified uniform program
30 agency. The facility may be additionally inspected at any time by
31 the bureau.

32 (d) Article 6.5 (commencing with Section 9740) and Article 8
33 (commencing with Section 9780) shall apply to the ~~alkaline~~
34 hydrolysis of human remains authorized through the pilot program
35 *by this section.*

36 97893. *The requirements of Division 7 (commencing with*
37 *Section 7000) of the Health and Safety Code apply to this article*
38 *as follows:*

39 (1) *The requirements related to the operation of crematories*
40 *apply to a hydrolysis facility authorized by this article.*

1 (2) *The requirements related to cremated remains shall apply*
2 *to hydrolyzed remains authorized by this article.*

3 ~~9789.2.~~

4 9789.4. This article shall remain in effect only until January
5 1, 2020, and as of that date is repealed, unless a later enacted
6 statute, that is enacted before January 1, 2020, deletes or extends
7 that date.

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