

AMENDED IN SENATE JUNE 19, 2000

AMENDED IN ASSEMBLY APRIL 24, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2888**

**Introduced by Committee on Consumer Protection,  
Governmental Efficiency and Economic Development  
(Davis (Chair), Leach (Vice Chair), Correa, Cox, Lempert,  
Machado, and Wesson)**

March 9, 2000

An act to amend Sections 101, 119, 2415, 2486, 2533, 2733, 2761, 3735.3, 4935, 4938, 4939, 4945, 4955, 4970, 6980.59, 6980.74, 7304, 7309, 7311, 7312, 7314, 7317, 7319.5, 7321, 7321.5, 7324, 7326, 7330, 7331, 7331.5, 7332, 7333, 7334, 7335, 7336, 7337, 7337.5, 7338, 7340, 7341, 7342, 7344, 7347, 7349, 7353, 7354, 7355, 7356, 7357, 7359, 7362, 7362.1, 7362.2, 7362.3, 7364, 7365, 7366, 7367, 7389, 7390, 7391, 7392, 7393, 7394, 7395, 7395.1, 7396, 7400, 7403, 7404, 7405, 7406, 7407, 7408, 7409, 7414, 7414.1, 7414.3, 7414.4, 7414.6, 7415, 7416, 7421, 7422, 7507, 7533.5, 7582.19, 7583.20, 7599.32, 7601, 7602, 7606, 7607, 7608, 7610, 7616.2, 7618, 7619.2, 7621, 7625, 7626, 7626.5, 7628, 7629, 7631, 7635, 7641, 7642, 7643, 7646, 7647, 7647.5, 7650, 7661, 7662, 7664, 7665, 7666, 7667, 7668, 7669, 7670, 7685.2, 7685.3, 7685.5, 7686, 7686.5, 7687, 7690, 7708, 7709, 7711, 7725, 7725.2, 7725.5, 7727, 7735, 7737.3, 7740, 7740.5, 9603, 9625, 9630, 9631, 9650, 9650.1, 9650.2, 9650.3, 9650.4, 9651, 9652, 9652.1, 9653, 9654, 9655, 9656, 9656.1, 9656.2, 9656.25, 9656.3, 9656.4, 9656.45, 9656.5, 9657, 9658, 9659, 9662, 9663, 9676, 9679, 9680, 9682, 9683, 9685, 9700, 9700.5, 9700.6, 9701, 9702.1, 9702.2, 9702.5, 9703, 9704, 9710, 9711, 9712, 9713,



9714, 9715, 9716, 9717, 9718, 9719, 9720, 9726, 9727, 9727.1, 9727.2, 9728, 9729, 9730, 9737, 9740, 9741, 9741.1, 9742, 9744.5, 9745, 9746, 9749.5, 9751, 9752, 9753, 9754, 9755, 9756, 9759, 9760, 9761, 9762, 9763, 9764, 9765, 9766, 9767, 9769, 9780, 9781, 9782, 9783, 9784, 9785, 9786, 9787, and 9789 of, to add Sections 488, 7302, and 7303 to, and to repeal Sections 2535.3, 7305, 7306, 7307, 7308, 7427, 9705, and 9758 of, the Business and Professions Code, and to amend Sections 8113.6, 8343, 8344, 8344.5, 8346.5, 8347, 8574, 8585, 8731, 8734, 8740, 8743, 8744, 8747.5, 8748, 9600.5, and 9600.6 of the Health Safety Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2888, as amended, Committee on Consumer Protection, Governmental Efficiency and Economic Development. Professions and vocations.

(1) Existing law makes it a crime to engage in specified activities with respect to professional licenses, as defined, including using a fictitious license or any document that simulates a license.

This bill would additionally make it a crime to manufacture a license and to buy or receive a fraudulent, forged, or counterfeit license. By creating a new crime, this bill would impose a state-mandated local program.

(2) Under existing law, an applicant has the right to request a hearing if his or her application for a license to practice a profession or vocation has been denied.

This bill would authorize the licensing board to take various dispositive actions with respect to the application following these hearings.

(3) Existing law requires a certificate to practice podiatric medicine that is issued by the Division of Licensing of the Medical Board of California upon the recommendation of the California Board of Podiatric Medicine and specifies certain criteria for the issuance of this certificate, including that the applicant has passed after June 30, 1958, the examination administered by the National Board of Podiatric Medicine Examiners of the United States, or an equivalent examination



as specified, and has passed an oral and practical examination administered by the California Board of Podiatric Medicine.

This bill would change these criteria by specifying that, within the past 10 years, applicants must have passed all parts of the examination administered by the National Board of Podiatric Medical Examiners of the United States or an equivalent examination, as specified, and passed any oral and practical examination that the California Board of Podiatric Medicine may require of all applicants.

(4) Existing law authorizes a doctor of podiatric medicine to practice under a fictitious name if he or she obtains a fictitious name permit from the California Board of Podiatric Medicine. Under existing law, the board is required to issue the permit to an applicant if it finds, among other matters, that the proposed fictitious name contains specified permissible designations describing the applicant's practice.

This bill would include within the list of permissible designations describing the applicant's practice the terms "foot," "foot and ankle," "foot care," "foot health," and "foot specialist."

(5) Existing law provides for the licensure and regulation of the practice of speech-language pathologists and audiologists by the Speech-Language Pathology *and* Audiology Board and authorizes the board to take disciplinary action against licensees for specified acts of misconduct, the commission of which also constitutes a crime.

This bill would add incompetence or gross negligence in the practice of speech pathology or audiology as a ground for disciplinary action. Because the commission of these acts would be a crime, the bill would expand the scope of an existing criminal offense and, thereby, would impose a state-mandated local program. This bill would also delete provisions pertaining to the reinstatement of suspended and revoked licenses.

(6) The Nursing Practice Act requires licensure by the Board of Registered Nursing of persons engaged in the practice of nursing and authorizes the board to take disciplinary action against licensees for specified acts of misconduct, the commission of which also constitutes a crime. This act also authorizes the board to issue a clinical nurse



specialist certificate to a registered nurse who meets specified criteria.

This bill would authorize the board to issue a temporary certificate to practice as a clinical nurse specialist and would include as a ground of misconduct misrepresenting oneself as being certified as a clinical nurse specialist. Because the violation of this provision would be a crime, this bill would impose a state-mandated local program.

(7) The Respiratory Care Practice Act requires applicants for licensure as a respiratory care practitioner to verify completion of a specified training program before they are allowed to take the qualifying examination required for licensure.

This bill would require applicants to submit an official transcript from the training program before being permitted to take this examination.

(8) The Acupuncture Licensing Act provides for the licensure and regulation of the practice of acupuncture by the Acupuncture Board. Under this law, an exception is made from this licensure requirement for graduates of board-approved acupuncture schools who are participating in a postgraduate review course, not exceeding 6 months in duration.

This bill would increase this term from 6 months to one year and would correct references in this law to reflect that the board is the licensing and regulatory entity for this profession.

(9) Existing law provides for the issuance of licenses by the Bureau of Security and Investigative Services to individuals as well as to corporations and partnerships engaged in locksmith activities and requires corporate licensees to report to the bureau any change in their officers and to submit a license application for each new officer. Under existing law, the bureau is authorized to take disciplinary action against licensees for a violation of this provision and other specified acts of misconduct.

This bill would extend this reporting requirement to partnerships, requiring them to notify the bureau of the addition of any new partner and to submit a licensing application for him or her. This bill would also provide for the issuance of a Notice of Warning for the first violation of this



section and for the imposition of a fine for subsequent violations. Because all revenues generated from this fine would be paid into the State Treasury for credit to the Private Security Services Fund, which is continuously appropriated, this bill would make an appropriation. This bill would also authorize the bureau to suspend or revoke the license of a corporation or partnership based upon acts of misconduct committed by its officers or partners.

(10) The Barbering and Cosmetology Act, which becomes inoperative on July 1, 2005, absent a statute extending or repealing this inoperative date, provides for the licensure and regulation of the practice of barbering and cosmetology by the Director of the Department of Consumer Affairs. Under this act, students are exempted from the licensing requirement while they are enrolled at an approved school.

This bill would provide for the creation of a Bureau of Barbering and Cosmetology under the supervision and control of the director and would make conforming changes to several provisions in the act to reflect the bureau's establishment. This bill would also delete the provisions making the act inoperative on July 1, 2005, thereby extending its provisions indefinitely but would make the continued existence of the bureau subject to legislative review. This bill would also specify that the licensure exemption provided to students applies only to services performed in the schools in which they are enrolled.

(11) The Collateral Recovery Act, which regulates repossession agencies; the Private Investigator Act; the Private Security Services Act; and the Alarm Company Act, require corporate licensees to report any change in their corporate officers and to submit a licensing application for all new officers. Under the Alarm Company Act, an administrative fine of \$25 may be imposed for the 2nd and subsequent violations of this provision, the proceeds of which are deposited into the Private Security Services Fund, a continuously appropriated fund. Each of these acts also authorizes the revocation or suspension of the corporation's license for designated acts committed by the new officer, as specified. Under existing law, a violation of these provisions with respect to the Collateral Recovery Act, the Private



Security Services Act, and the Alarm Company Act constitutes a crime.

This bill would extend these provisions to partnerships licensed under the provisions of these acts, requiring those licensees to report the addition of a new partner and to file a license application for him or her and would also make partnership licenses subject to suspension or revocation for designated acts committed by the new partner, as specified. Because the violation of these provisions would be a crime, this bill would impose a state-mandated local program, and because multiple violations of this provision would be subject to a fine pursuant to the provisions of the Alarm Company Act, the proceeds of which would be deposited into a continuously appropriated fund, it would also make an appropriation.

(12) The Funeral Directors and Embalmers Law provides for the licensure of funeral directors and embalmers and the regulation of funeral establishments by the Funeral Directors and Embalmers Program, and the Cemetery Act provides for the licensure and regulation of cemetery practices by the Cemetery Program.

This bill would provide for these functions to be performed, instead, by the Cemetery and Funeral Bureau. This bill would also delete provisions that authorize the Cemetery Board to issue a temporary cemetery salesperson’s license upon specified conditions.

(13) 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 no reimbursement is required by this act for a specified reason.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

- 1 SECTION 1. Section 101 of the Business and
- 2 Professions Code is amended to read:
- 3 101. The department is comprised of:
- 4 (a) The Dental Board of California.



- 1 (b) The Medical Board of California.
- 2 (c) The State Board of Optometry.
- 3 (d) The California State Board of Pharmacy.
- 4 (e) The Veterinary Medical Board.
- 5 (f) The California Board of Accountancy.
- 6 ~~(g) The California State Board of Architectural~~
- 7 ~~Examiners.~~
- 8 (g) *The California Architects Board.*
- 9 ~~(h) The State Board Bureau~~ of Barbering and
- 10 Cosmetology.
- 11 (i) The Board for Professional Engineers and Land
- 12 Surveyors.
- 13 (j) The Contractors' State License Board.
- 14 (k) The Cemetery and Funeral Bureau.
- 15 (l) The Structural Pest Control Board.
- 16 (m) The Bureau of Home Furnishings and Thermal
- 17 Insulation.
- 18 (n) The Board of Registered Nursing.
- 19 (o) The Board of Behavioral Sciences.
- 20 (p) The State Athletic Commission.
- 21 (q) The State Board of Guide Dogs for the Blind.
- 22 (r) The Bureau of Security and Investigative Services.
- 23 (s) The Court Reporters Board of California.
- 24 (t) The Board of Vocational Nursing and Psychiatric
- 25 Technicians.
- 26 ~~(u) The California State Board of Landscape~~
- 27 ~~Architects.~~
- 28 ~~(v)~~
- 29 (u) The Bureau of Electronic and Appliance Repair.
- 30 ~~(w)~~
- 31 (v) The Division of Investigation.
- 32 ~~(x)~~
- 33 (w) The Bureau of Automotive Repair.
- 34 ~~(y)~~
- 35 (x) The State Board of Registration for Geologists and
- 36 Geophysicists.
- 37 ~~(z) The State Board of Nursing Home Administrators.~~
- 38 ~~(aa)~~
- 39 (y) The Respiratory Care Board *of California.*
- 40 ~~(ab) The Acupuncture Examining Committee.~~



- 1 (z) *The Acupuncture Board.*
- 2 ~~(ae)~~
- 3 (aa) The Board of Psychology.
- 4 ~~(ad)~~
- 5 (ab) The California Board of Podiatric Medicine.
- 6 ~~(ae)~~
- 7 (ac) The Physical Therapy Board *of California.*
- 8 ~~(af)~~
- 9 (ad) The Arbitration Review Program.
- 10 ~~(ag)~~
- 11 (ae) The Committee on Dental Auxiliaries.
- 12 ~~(ah) The Hearing Aid Dispensers Examining~~
- 13 ~~Committee.~~
- 14 ~~(ai) The Physician Assistant Examining Committee.~~
- 15 ~~(aj)~~
- 16 (af) *The Physician Assistant Committee.*
- 17 (ag) The Speech-Language Pathology and Audiology
- 18 Board.
- 19 ~~(ak)~~
- 20 (ah) The Tax Preparers Program.
- 21 ~~(af)~~
- 22 (ai) Any other boards, offices, or officers subject to its
- 23 jurisdiction by law.
- 24 SEC. 2. Section 119 of the Business and Professions
- 25 Code is amended to read:
- 26 119. Any person who does any of the following is
- 27 guilty of a misdemeanor:
- 28 (a) Displays or causes or permits to be displayed or has
- 29 in his or her possession either of the following:
- 30 (1) A canceled, revoked, suspended, or fraudulently
- 31 altered license.
- 32 (2) A fictitious license or any document simulating a
- 33 license or purporting to be or have been issued as a
- 34 license.
- 35 (b) Lends his or her license to any other person or
- 36 knowingly permits the use thereof by another.
- 37 (c) Displays or represents any license not issued to him
- 38 or her as being his or her license.
- 39 (d) Fails or refuses to surrender to the issuing
- 40 authority upon its lawful written demand any license,



1 registration, permit, or certificate which has been  
2 suspended, revoked, or canceled.

3 (e) Knowingly permits any unlawful use of a license  
4 issued to him or her.

5 (f) Photographs, photostats, duplicates, manufactures,  
6 or in any way reproduces any license or facsimile thereof  
7 in a manner that it could be mistaken for a valid license,  
8 or displays or has in his or her possession any such  
9 photograph, photostat, duplicate, reproduction, or  
10 facsimile unless authorized by this code.

11 (g) Buys or receives a fraudulent, forged, or  
12 counterfeited license knowing that it is fraudulent,  
13 forged, or counterfeited. For purposes of this subdivision,  
14 “fraudulent” means containing any misrepresentation of  
15 fact.

16 As used in this section, “license” includes “certificate,”  
17 “permit,” “authority,” and “registration” or any other  
18 indicia giving authorization to engage in a business or  
19 profession regulated by this code or referred to in Section  
20 1000 or 3600.

21 SEC. 3. Section 488 is added to the Business and  
22 Professions Code, to read:

23 488. Except as otherwise provided by law, following  
24 a hearing requested by an applicant pursuant to  
25 subdivision (b) of Section 485, the board may take any of  
26 the following actions:

27 (a) Grant the license effective upon completion of all  
28 licensing requirements by the applicant.

29 (b) Grant the license effective upon completion of all  
30 licensing requirements by the applicant, immediately  
31 revoke the license, stay the revocation, and impose  
32 probationary conditions on the license, which may  
33 include suspension.

34 (c) Deny the license.

35 (d) Take other action in relation to denying or  
36 granting the license as the board in its discretion may  
37 deem proper.

38 SEC. 4. Section 2415 of the Business and Professions  
39 Code is amended to read:



1 2415. (a) Any physician and surgeon or any doctor of  
2 podiatric medicine, as the case may be, who as a sole  
3 proprietor, or in a partnership, group, or professional  
4 corporation, desires to practice under any name that  
5 would otherwise be a violation of Section 2285 may  
6 practice under that name if the proprietor, partnership,  
7 group, or corporation obtains and maintains in current  
8 status a fictitious-name permit issued by the Division of  
9 Licensing, or, in the case of doctors of podiatric medicine,  
10 the California Board of Podiatric Medicine, under the  
11 provisions of this section.

12 (b) The division or the board shall issue a  
13 fictitious-name permit authorizing the holder thereof to  
14 use the name specified in the permit in connection with  
15 his, her, or its practice if the division or the board finds to  
16 its satisfaction that:

17 (1) The applicant or applicants or shareholders of the  
18 professional corporation hold valid and current licenses  
19 as physicians and surgeons or doctors of podiatric  
20 medicine, as the case may be.

21 (2) The professional practice of the applicant or  
22 applicants is wholly owned and entirely controlled by the  
23 applicant or applicants.

24 (3) The name under which the applicant or applicants  
25 propose to practice is not deceptive, misleading, or  
26 confusing, and contains one of the following designations:  
27 “medical group,” “medical clinic,” “medical  
28 corporation,” “medical associates,” “medical center,” or  
29 “medical office.” In the case of doctors of podiatric  
30 medicine, the same designations may be used substituting  
31 the words “podiatric medical,” “podiatric surgical,”  
32 “podiatry,” “podiatrists,” “foot,” “foot and ankle,” “foot  
33 care,” “foot health,” or “foot specialist” for the word  
34 “medical.”

35 (c) This section shall not apply to licensees who  
36 contract with, are employed by, or are on the staff of, any  
37 clinic licensed by the State Department of Health  
38 Services under Chapter 1 (commencing with Section  
39 1200) of Division 2 of the Health and Safety Code or any



1 medical school approved by the division or a faculty  
2 practice plan connected with such a medical school.

3 (d) Fictitious-name permits issued under this section  
4 shall be subject to Article 19 (commencing with Section  
5 2420) pertaining to renewal of licenses, except the  
6 division shall establish procedures for the renewal of  
7 fictitious-name permits every two years on an  
8 anniversary basis. For the purpose of the conversion of  
9 existing permits to this schedule the division may fix  
10 prorated renewal fees.

11 (e) The division or the board may revoke or suspend  
12 any permit issued if it finds that the holder or holders of  
13 the permit are not in compliance with the provisions of  
14 this section or any regulations adopted pursuant to this  
15 section. A proceeding to revoke or suspend a  
16 fictitious-name permit shall be conducted in accordance  
17 with Section 2230.

18 (f) A fictitious-name permit issued to any licensee in  
19 a sole practice is automatically revoked in the event the  
20 licensee's certificate to practice medicine or podiatric  
21 medicine is revoked.

22 (g) The division or the board may delegate to the  
23 executive director, or to another official of the board, its  
24 authority to review and approve applications for  
25 fictitious-name permits and to issue those permits.

26 (h) The California Board of Podiatric Medicine shall  
27 administer and enforce this section as to doctors of  
28 podiatric medicine.

29 SEC. 5. Section 2486 of the Business and Professions  
30 Code is amended to read:

31 2486. The division shall issue, upon the  
32 recommendation of the board, a certificate to practice  
33 podiatric medicine if the applicant meets all of the  
34 following requirements:

35 (a) The applicant has graduated from an approved  
36 school or college of podiatric medicine and meets the  
37 requirements of Section 2483.

38 (b) The applicant, within the past 10 years, has passed  
39 all required parts of the examination administered by the  
40 National Board of Podiatric Medical Examiners of the



1 United States or has passed, a written examination which  
2 is recognized by the board to be the equivalent in content  
3 to the examination administered by the National Board  
4 of Podiatric Medical Examiners of the United States.

5 (c) The applicant has satisfactorily completed the  
6 postgraduate training required by Section 2484.

7 (d) The applicant has passed within the past 10 years  
8 any oral and practical examination that may be required  
9 of all applicants by the board to ascertain clinical  
10 competence.

11 (e) The applicant has committed no acts or crimes  
12 constituting grounds for denial of a certificate under  
13 Division 1.5 (commencing with Section 475).

14 (f) The board determines that no disciplinary action  
15 has been taken against the applicant by any podiatric  
16 licensing authority and the applicant has not been the  
17 subject of adverse judgments or settlements resulting  
18 from the practice of podiatric medicine that the board  
19 determines constitutes evidence of a pattern of  
20 negligence or incompetence.

21 SEC. 6. Section 2533 of the Business and Professions  
22 Code is amended to read:

23 2533. The board may refuse to issue, or issue subject  
24 to terms and conditions, a license on the grounds  
25 specified in Section 480, or may suspend, revoke, or  
26 impose terms and conditions upon the license of any  
27 licensee if he or she has been guilty of unprofessional  
28 conduct. Unprofessional conduct shall include, but shall  
29 not be limited to, the following:

30 (a) Conviction of a crime substantially related to the  
31 qualifications, functions, and duties of a speech-language  
32 pathologist or audiologist, as the case may be. The record  
33 of the conviction shall be conclusive evidence thereof.

34 (b) Securing a license by fraud or deceit.

35 (c)(1) The use or administering to himself or herself,  
36 of any controlled substance; (2) the use of any of the  
37 dangerous drugs specified in Section 4022, or of alcoholic  
38 beverages, to the extent, or in a manner as to be  
39 dangerous or injurious to the licensee, to any other  
40 person, or to the public, or to the extent that the use



1 impairs the ability of the licensee to practice  
2 speech-language pathology of audiology safely; (3) more  
3 than one misdemeanor or any felony involving the use,  
4 consumption, or self-administration of any of the  
5 substances referred to in this section; or (4) any  
6 combination of paragraphs (1), (2), or (3). The record of  
7 the conviction shall be conclusive evidence of  
8 unprofessional conduct.

9 (d) Advertising in violation of Section 17500.

10 (e) Committing a dishonest or fraudulent act which is  
11 substantially related to the qualifications, functions, or  
12 duties of a licensee.

13 (f) Incompetence or gross negligence in the practice  
14 of speech-language pathology or audiology.

15 (g) Other acts that have endangered or are likely to  
16 endanger the health, welfare, and safety of the public.

17 SEC. 7. Section 2535.3 of the Business and Professions  
18 Code is repealed.

19 SEC. 8. Section 2733 of the Business and Professions  
20 Code is amended to read:

21 2733. (a) Upon approval of an application filed  
22 pursuant to subdivision (b) of Section 2732.1, and upon  
23 the payment of the fee prescribed by subdivision (k) of  
24 Section 2815, the board may issue a temporary license to  
25 practice professional nursing, and a temporary certificate  
26 to practice as a certified nurse midwife, certified nurse  
27 practitioner, certified public health nurse, certified  
28 clinical nurse specialist, or certified nurse anesthetist for  
29 a period of six months from the date of issuance.

30 A temporary license or temporary certificate shall  
31 terminate upon notice thereof by certified mail, return  
32 receipt requested, if it is issued by mistake or if the  
33 application for permanent licensure is denied.

34 (b) Upon written application, the board may reissue a  
35 temporary license or temporary certificate to any person  
36 who has applied for a regular renewable license pursuant  
37 to subdivision (b) of Section 2732.1 and who, in the  
38 judgment of the board has been excusably delayed in  
39 completing his or her application for or the minimum  
40 requirements for a regular renewable license, but the



1 board may not reissue a temporary license or temporary  
2 certificate more than twice to any one person.

3 SEC. 9. Section 2761 of the Business and Professions  
4 Code is amended to read:

5 2761. The board may take disciplinary action against  
6 a certified or licensed nurse or deny an application for a  
7 certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not  
9 limited to, the following:

10 (1) Incompetence, or gross negligence in carrying out  
11 usual certified or licensed nursing functions.

12 (2) A conviction of practicing medicine without a  
13 license in violation of Chapter 5 (commencing with  
14 Section 2000), in which event the record of conviction  
15 shall be conclusive evidence thereof.

16 (3) The use of advertising relating to nursing which  
17 violates Section 17500.

18 (4) Denial of licensure, revocation, suspension,  
19 restriction, or any other disciplinary action against a  
20 health care professional license or certificate by another  
21 state or territory of the United States, by any other  
22 government agency, or by another California health care  
23 professional licensing board. A certified copy of the  
24 decision or judgment shall be conclusive evidence of that  
25 action.

26 (b) Procuring his or her certificate or license by fraud,  
27 misrepresentation, or mistake.

28 (c) Procuring, or aiding, or abetting, or attempting, or  
29 agreeing, or offering to procure or assist at a criminal  
30 abortion.

31 (d) Violating or attempting to violate, directly or  
32 indirectly, or assisting in or abetting the violating of, or  
33 conspiring to violate any provision or term of this chapter  
34 or regulations adopted pursuant to it.

35 (e) Making or giving any false statement or  
36 information in connection with the application for  
37 issuance of a certificate or license.

38 (f) Conviction of a felony or of any offense  
39 substantially related to the qualifications, functions, and



1 duties of a registered nurse, in which event the record of  
2 the conviction shall be conclusive evidence thereof.

3 (g) Impersonating any applicant or acting as proxy for  
4 an applicant in any examination required under this  
5 chapter for the issuance of a certificate or license.

6 (h) Impersonating another certified or licensed  
7 practitioner, or permitting or allowing another person to  
8 use his or her certificate or license for the purpose of  
9 nursing the sick or afflicted.

10 (i) Aiding or assisting, or agreeing to aid or assist any  
11 person or persons, whether a licensed physician or not, in  
12 the performance of, or arranging for, a violation of any of  
13 the provisions of Article 12 (commencing with Section  
14 ~~2200~~ 2220) of Chapter 5.

15 (j) Holding oneself out to the public or to any  
16 practitioner of the healing arts as a “nurse practitioner”  
17 or as meeting the standards established by the board for  
18 a nurse practitioner unless meeting the standards  
19 established by the board pursuant to Article 8  
20 (commencing with Section 2834) or holding oneself out  
21 to the public as being certified by the board as a nurse  
22 anesthetist, nurse midwife, clinical nurse specialist, or  
23 public health nurse unless the person is at the time so  
24 certified by the board.

25 (k) Except for good cause, the knowing failure to  
26 protect patients by failing to follow infection control  
27 guidelines of the board, thereby risking transmission of  
28 blood-borne infectious diseases from licensed or certified  
29 nurse to patient, from patient to patient, and from patient  
30 to licensed or certified nurse. In administering this  
31 subdivision, the board shall consider referencing the  
32 standards, regulations, and guidelines of the State  
33 Department of Health Services developed pursuant to  
34 Section 1250.11 of the Health and Safety Code and the  
35 standards, guidelines, and regulations pursuant to the  
36 California Occupational Safety and Health Act of 1973  
37 (Part 1 (commencing with Section 6300), Division 5,  
38 Labor Code) for preventing the transmission of HIV,  
39 hepatitis B, and other blood-borne pathogens in health  
40 care settings. As necessary, the board shall consult with



1 the Medical Board of California, the Board of Podiatric  
2 Medicine, the ~~Board of Dental Examiners~~ *Dental Board*  
3 *of California*, and the Board of Vocational Nursing and  
4 Psychiatric Technicians, to encourage appropriate  
5 consistency in the implementation of this subdivision.

6 The board shall seek to ensure that licentiates and  
7 others regulated by the board are informed of the  
8 responsibility of licentiates to minimize the risk of  
9 transmission of blood-borne infectious diseases from  
10 health care provider to patient, from patient to patient,  
11 and from patient to health care provider, and of the most  
12 recent scientifically recognized safeguards for  
13 minimizing the risks of transmission.

14 SEC. 10. Section 3735.3 of the Business and  
15 Professions Code is amended to read:

16 3735.3. An applicant for a license as a respiratory care  
17 practitioner may not sit for the examination until an  
18 official transcript from the training program has been  
19 submitted directly from the program or institution to the  
20 board. The official transcript shall list the coursework  
21 taken, the grade received in each course, the date of  
22 graduation, and the degree conferred.

23 SEC. 11. Section 4935 of the Business and Professions  
24 Code is amended to read:

25 4935. (a) Any person who practices acupuncture or  
26 holds himself or herself out as practicing or engaging in  
27 the practice of acupuncture, unless he or she possesses a  
28 current and valid acupuncturist's license, is guilty of a  
29 misdemeanor.

30 (b) Notwithstanding any other provision of law, any  
31 person, other than a physician and surgeon, a dentist, or  
32 a podiatrist, who is not licensed under this article but is  
33 licensed under Division 2 (commencing with Section  
34 500), who practices acupuncture involving the  
35 application of a needle to the human body, performs any  
36 acupuncture technique or method involving the  
37 application of a needle to the human body, or directs,  
38 manages, or supervises another person in performing  
39 acupuncture involving the application of a needle to the  
40 human body is guilty of a misdemeanor.



1 (c) A person holds himself or herself out as engaging  
2 in the practice of acupuncture by the use of any title or  
3 description of services incorporating the words  
4 “acupuncture,” “acupuncturist,” “certified  
5 acupuncturist,” “licensed acupuncturist,” “oriental  
6 medicine,” or any combination of those words, phrases, or  
7 abbreviations of those words or phrases, or by  
8 representing that he or she is trained, experienced, or an  
9 expert in the field of acupuncture, oriental medicine, or  
10 Chinese medicine.

11 (d) Subdivision (a) shall not prohibit a person from  
12 administering acupuncture treatment as part of his or her  
13 educational training if he or she:

14 (1) Is engaged in a course or tutorial program in  
15 acupuncture, as provided in this chapter; or

16 (2) Is a graduate of a school of acupuncture approved  
17 by the board and participating in a postgraduate review  
18 course that does not exceed one year in duration at a  
19 school approved by the board.

20 SEC. 12. Section 4938 of the Business and Professions  
21 Code is amended to read:

22 4938. The board shall issue a license to practice  
23 acupuncture to any person who makes an application and  
24 meets the following requirements:

25 (a) Is at least 18 years of age.

26 (b) Furnishes satisfactory evidence of completion of  
27 one of the following:

28 (1) An educational and training program approved by  
29 the board pursuant to Section 4939.

30 (2) Satisfactory completion of a tutorial program in  
31 the practice of an acupuncturist which is approved by the  
32 board.

33 (3) In the case of an applicant who has completed  
34 education and training outside the United States and  
35 Canada, documented educational training and clinical  
36 experience which meets the standards established  
37 pursuant to Sections 4939 and 4941.

38 (c) Passes a written examination administered by the  
39 board that tests the applicant’s ability, competency, and  
40 knowledge in the practice of an acupuncturist. The



1 written examination shall be developed by the Office of  
2 Examination Resources of the Department of Consumer  
3 Affairs.

4 (d) Is not subject to denial pursuant to Division 1.5  
5 (commencing with Section 475).

6 (e) Completes a clinical internship training program  
7 approved by the board. The clinical internship training  
8 program shall not exceed nine months in duration and  
9 shall be located in a clinic in this state, which is approved  
10 by the board pursuant to Section 4939. The length of the  
11 clinical internship shall depend upon the grades received  
12 in the examination and the clinical training already  
13 satisfactorily completed by the individual prior to taking  
14 the examination. On and after January 1, 1987, individuals  
15 with 800 or more hours of documented clinical training  
16 shall be deemed to have met this requirement. The  
17 purpose of the clinical internship training program shall  
18 be to assure a minimum level of clinical competence.

19 Each applicant who qualifies for a license shall pay, as  
20 a condition precedent to its issuance and in addition to  
21 other fees required, the initial licensure fee.

22 SEC. 13. Section 4939 of the Business and Professions  
23 Code is amended to read:

24 4939. (a) The board shall establish standards for the  
25 approval of schools and colleges offering education and  
26 training in the practice of an acupuncturist, including  
27 standards for the faculty in those schools and colleges, and  
28 tutorial programs, completion of which will satisfy the  
29 requirements of Section 4938.

30 (b) Within three years of initial approval by the board  
31 each program so approved by the board shall receive full  
32 institutional approval under Article—4 3.5 (commencing  
33 with Section 94760) of Chapter 7 of Part 59 of the  
34 Education Code in the field of traditional oriental  
35 medicine, or in the case of institutions located outside of  
36 this state, approval by the appropriate governmental  
37 educational authority using standards equivalent to those  
38 of Article—4 3.5 (commencing with Section 94760) of  
39 Chapter 7 of Part 59 of the Education Code, or the board's  
40 approval of the program shall automatically lapse.



1 (c) This section shall become operative on January 1,  
2 1997.

3 SEC. 14. Section 4945 of the Business and Professions  
4 Code is amended to read:

5 4945. (a) The board shall establish standards for  
6 continuing education for acupuncturists.

7 (b) The board shall require each acupuncturist to  
8 complete 30 hours of continuing education every two  
9 years as a condition for renewal of his or her ~~certificate~~  
10 *license*. A provider of continuing education shall apply to  
11 the board for approval to offer continuing education  
12 courses for credit toward this requirement on a form  
13 developed by the board, shall pay a fee covering the cost  
14 of approval and for the monitoring of the provider by the  
15 board and shall set forth the following information on the  
16 application:

17 (1) Course content.

18 (2) Test criteria.

19 (3) Hours of continuing education credit requested for  
20 the course.

21 (4) Experience and training of instructors.

22 (5) Other information as required by the board.

23 (6) That interpreters or bilingual instruction will be  
24 made available, when necessary.

25 (c) Licensees residing out of state or out of the country  
26 shall comply with the continuing education  
27 requirements.

28 (d) Providers of continuing education shall be  
29 monitored by the board as determined by the board.

30 (e) If the board determines that any acupuncturist has  
31 not obtained the required number of hours of continuing  
32 education, it may renew the acupuncturist's license and  
33 require that the deficient hours of continuing education  
34 be made up during the following renewal period in  
35 addition to the current continuing education required for  
36 that period. If any acupuncturist fails to make up the  
37 deficient hours and complete the current requirement of  
38 hours of continuing education during the subsequent  
39 renewal period, then his or her license to practice



1 acupuncture shall not be renewed until all the required  
2 hours are completed and documented to the board.

3 (f) This section shall become operative January 1, 1996.

4 *SEC. 14.5. Section 4955 of the Business and*  
5 *Professions Code is amended to read:*

6 4955. The board may deny, suspend, or revoke, or  
7 impose probationary conditions upon, the license of any  
8 acupuncturist if he or she is guilty of unprofessional  
9 conduct that has endangered or is likely to endanger the  
10 health, safety, or welfare of the public.

11 Unprofessional conduct shall include, but not be  
12 limited to, the following:

13 (a) Securing a license by fraud or deceit.

14 (b) Committing a fraudulent or dishonest act as an  
15 acupuncturist resulting in substantial injury to another.

16 (c) Using any controlled substance as defined in  
17 Division 10 (commencing with Section 11000) of the  
18 Health and Safety Code, or dangerous drug or alcoholic  
19 beverage to an extent or in a manner dangerous to  
20 himself or herself, or to any other person, or to the public,  
21 and to an extent that the use impairs his or her ability to  
22 engage in the practice of acupuncture with safety to the  
23 public.

24 (d) Conviction of a crime substantially related to the  
25 qualifications, functions, or duties of an acupuncturist, the  
26 record of conviction being conclusive evidence thereof.

27 (e) Improper advertising.

28 (f) Violating or conspiring to violate the terms of this  
29 chapter.

30 (g) Gross negligence.

31 (h) Repeated negligent acts.

32 (i) Incompetence.

33 (j) Except for good cause, the knowing failure to  
34 protect patients by failing to follow infection control  
35 guidelines of the board, thereby risking transmission of  
36 blood-borne infectious diseases from licensee to patient,  
37 from patient to patient, and from patient to licensee. In  
38 administering this subdivision, the board shall consider  
39 referencing the standards, regulations, and guidelines of  
40 the State Department of Health Services developed



1 pursuant to Section 1250.11 of the Health and Safety Code  
2 and the standards, regulations, and guidelines pursuant to  
3 the California Occupational Safety and Health Act of 1973  
4 (Part 1 (commencing with Section 6300) of Division 5 of  
5 the Labor Code) for preventing the transmission of HIV,  
6 hepatitis B, and other blood-borne pathogens in health  
7 care settings. As necessary, the ~~committee~~ *board* shall  
8 consult with the Medical Board of California, the  
9 California Board of Podiatric Medicine, the *Dental* Board  
10 of ~~Dental Examiners of the State of California~~, the Board  
11 of Registered Nursing, and the Board of Vocational  
12 Nursing and Psychiatric Technicians, to encourage  
13 appropriate consistency in the implementation of this  
14 subdivision.

15 The board shall seek to ensure that licensees are  
16 informed of the responsibility of licensees and others to  
17 follow infection control guidelines, and of the most recent  
18 scientifically recognized safeguards for minimizing the  
19 risk of transmission of blood-borne infectious diseases.

20 (k) The revocation, suspension, or other discipline,  
21 restriction, or limitation imposed by another state upon  
22 a license or certificate to practice acupuncture issued by  
23 that state, or the revocation, suspension, or restriction of  
24 the authority to practice acupuncture by an agency of the  
25 federal government, on grounds that would have been  
26 grounds for disciplinary action in California of a licensee  
27 under this chapter.

28 SEC. 15. Section 4970 of the Business and Professions  
29 Code is amended to read:

30 4970. The amount of fees prescribed for ~~certified~~  
31 *licensed* acupuncturists shall be those set forth in this  
32 section unless a lower fee is fixed by the board in  
33 accordance with Section 4972:

34 (a) The application fee shall be seventy-five dollars  
35 (\$75).

36 (b) The examination and reexamination fees shall be  
37 the actual cost to the Acupuncture Board for the  
38 development and writing of, grading, and administering  
39 of each examination.



1 (c) The initial—~~certification~~ *license* fee shall be three  
2 hundred twenty-five dollars (\$325), except that if the  
3 ~~certificate~~ *license* will expire less than one year after its  
4 issuance, then the initial—~~certification~~ *license* fee shall be  
5 an amount equal to 50 percent of the initial—~~certification~~  
6 *license* fee.

7 (d) The renewal fee shall be three hundred  
8 twenty-five dollars (\$325) and in the event a lower fee is  
9 fixed by the board, shall be an amount sufficient to  
10 support the functions of the board in the administration  
11 of this chapter. The renewal fee shall be assessed on an  
12 annual basis until January 1, 1996, and on and after that  
13 date the board shall assess the renewal fee biennially.

14 (e) The delinquency fee shall be set in accordance  
15 with Section 163.5.

16 (f) The application fee for the approval of a school or  
17 college under Section 4939 shall be three thousand dollars  
18 (\$3,000).

19 (g) The duplicate wall—~~certificate~~ *license* fee is an  
20 amount equal to the cost to the board for the issuance of  
21 the duplicate—~~certificate~~ *license*.

22 (h) The duplicate renewal receipt fee is ten dollars  
23 (\$10).

24 (i) The endorsement fee is ten dollars (\$10).

25 (j) The fee for a duplicate—~~certificate~~ *license* for an  
26 additional office location as required under Section 4961  
27 shall be fifteen dollars (\$15).

28 SEC. 16. Section 6980.59 of the Business and  
29 Professions Code is amended to read:

30 6980.59. (a) A licensee shall notify the bureau within  
31 30 days of any change of its officers required to be named  
32 pursuant to Section 6980.21 and of the addition of any new  
33 partners. Applications, on forms prescribed by the  
34 director, shall be submitted by all new officers and  
35 partners. The director may deny the application of a new  
36 officer or partner if the director determines that the  
37 officer or partner has committed any act which  
38 constitutes grounds for the denial of a license pursuant to  
39 Section 6980.71.



1 (b) A Notice of Warning shall be issued for the first  
2 violation of this section. Thereafter, the director shall  
3 assess a fine of twenty-five dollars (\$25) for each  
4 subsequent violation of this section.

5 SEC. 17. Section 6980.74 of the Business and  
6 Professions Code is amended to read:

7 6980.74. (a) The bureau may suspend or revoke a  
8 license issued pursuant to this chapter for acts including,  
9 but not limited to, any of the following acts which shall  
10 also be unlawful:

11 (1) Misrepresentation or concealment of a material  
12 fact in a license application.

13 (2) Interference with authorized personnel engaged  
14 in the enforcement or administration of this chapter.

15 (3) Knowingly using or permitting the use of any of his  
16 or her skills, tools, or facilities for the commission of any  
17 crime.

18 (4) Conviction of a crime substantially related to the  
19 qualifications, functions, or duties of a locksmith.

20 (5) A violation of this chapter or the rules and  
21 regulations adopted under the authority of this chapter.

22 (b) The bureau may suspend or revoke a license issued  
23 to a corporation or to a partnership for the commission of  
24 any act listed in subdivision (a) by an officer of the  
25 corporation or by a partner in the partnership.

26 SEC. 18. Section 7302 is added to the Business and  
27 Professions Code, to read:

28 7302. The following definitions shall apply for  
29 purposes of this chapter:

30 (a) "Department" means the Department of  
31 Consumer Affairs.

32 (b) "Director" means the Director of Consumer  
33 Affairs.

34 (c) "Bureau" means the Bureau of Barbering and  
35 Cosmetology.

36 (d) "Bureau chief" means the bureau chief of the  
37 Bureau of Barbering and Cosmetology.

38 SEC. 19. Section 7303 is added to the Business and  
39 Professions Code, to read:



1 7303. There is in the Department of Consumer Affairs  
2 a Bureau of Barbering and Cosmetology under the  
3 supervision and control of the director.

4 The director may appoint a bureau chief at a salary to  
5 be determined and fixed by the director with the  
6 approval of the Director of Finance. The bureau chief  
7 shall serve at the pleasure of, and under the direction and  
8 supervision of, the director.

9 Every power granted to or duty imposed upon the  
10 director under this chapter may be exercised or  
11 performed in the name of the director by a deputy  
12 director or by the bureau chief, subject to the conditions  
13 and limitations prescribed by the director.

14 SEC. 20. Section 7304 of the Business and Professions  
15 Code is amended to read:

16 7304. The bureau shall be subject to review pursuant  
17 to Division 1.2 (commencing with Section 473).

18 SEC. 21. Section 7305 of the Business and Professions  
19 Code is repealed.

20 SEC. 22. Section 7306 of the Business and Professions  
21 Code is repealed.

22 SEC. 23. Section 7307 of the Business and Professions  
23 Code is repealed.

24 SEC. 24. Section 7308 of the Business and Professions  
25 Code is repealed.

26 SEC. 25. Section 7309 of the Business and Professions  
27 Code is amended to read:

28 7309. The bureau shall establish a principal office, and  
29 may establish branch offices and examination facilities in  
30 the state as may be deemed necessary for the bureau to  
31 conduct its business.

32 SEC. 26. Section 7311 of the Business and Professions  
33 Code is amended to read:

34 7311. The director shall adopt and use a common seal  
35 for the authentication of the bureau's records.

36 SEC. 27. Section 7312 of the Business and Professions  
37 Code is amended to read:

38 7312. The director shall do all of the following:



1 (a) Make rules and regulations in aid or furtherance of  
2 this chapter in accordance with the Administrative  
3 Procedure Act.

4 (b) Conduct and administer examinations of  
5 applicants for licensure.

6 (c) Issue licenses to those applicants that may be  
7 entitled thereto.

8 (d) Discipline persons who have been determined to  
9 be in violation of this chapter or the regulations adopted  
10 pursuant to this chapter.

11 (e) Adopt rules governing sanitary conditions and  
12 precautions to be employed as are reasonably necessary  
13 to protect the public health and safety in establishments,  
14 schools approved by the bureau, and in the practice of any  
15 profession provided for in this chapter. The rules shall be  
16 adopted in accordance with the Administrative  
17 Procedure Act, Chapter 3.5 (commencing with Section  
18 11340) of Title 2 of the Government Code, and shall be  
19 submitted to the State Department of Health Services  
20 and approved by that department prior to filing with the  
21 Secretary of State. A written copy of all those rules shall  
22 be furnished to each licensee.

23 SEC. 28. Section 7314 of the Business and Professions  
24 Code is amended to read:

25 7314. The bureau shall keep a record of its  
26 proceedings relating to its public meetings, meetings of  
27 committees, and records relating to the issuance, refusal,  
28 renewal, suspension and revocation of licenses.

29 The bureau shall keep a registration record of each  
30 licensee containing the name, address, license number  
31 and date issued. This record shall also contain any facts  
32 that the applicants may have stated in their application  
33 for examination for licensure.

34 SEC. 29. Section 7317 of the Business and Professions  
35 Code is amended to read:

36 7317. Except as provided in this article, it is unlawful  
37 for any person, firm, or corporation to engage in  
38 barbering, cosmetology, or electrolysis for compensation  
39 without a valid, unexpired license issued by the bureau,  
40 or in an establishment or mobile unit other than one



1 licensed by the bureau, or conduct or operate an  
2 establishment, or any other place of business in which  
3 barbering, cosmetology, or electrolysis is practiced unless  
4 licensed under this chapter. Persons licensed under this  
5 chapter shall limit their practice and services rendered to  
6 the public to only those areas for which they are licensed.  
7 Any violation of this section is a misdemeanor.

8 SEC. 30. Section 7319.5 of the Business and  
9 Professions Code is amended to read:

10 7319.5. Students engaged in performing services on  
11 the public while enrolled in a school approved by the  
12 bureau shall not be required to be licensed under this  
13 chapter if they perform those services at the approved  
14 school in which they are enrolled.

15 SEC. 31. Section 7321 of the Business and Professions  
16 Code is amended to read:

17 7321. The bureau shall admit to examination for a  
18 license as a cosmetologist to practice cosmetology any  
19 person who has made application to the bureau in proper  
20 form, paid the fee required by this chapter, and is  
21 qualified as follows:

22 (a) Is not less than 17 years of age.

23 (b) Has completed the 10th grade in the public schools  
24 of this state or its equivalent.

25 (c) Is not subject to denial pursuant to Section 480.

26 (d) Has done any of the following:

27 (1) Completed a course in cosmetology from a school  
28 approved by the bureau.

29 (2) Practiced cosmetology as defined in this chapter  
30 outside of this state for a period of time equivalent to the  
31 study and training of a qualified person who has  
32 completed a course in cosmetology from a school the  
33 curriculum of which complied with requirements  
34 adopted by the bureau. Each three months of practice  
35 shall be deemed the equivalent of 100 hours of training for  
36 qualification under paragraph (1) of this subdivision.

37 (3) Holds a license as a barber in this state and has  
38 completed a cosmetology crossover course in a school  
39 approved by the bureau.



1 (4) Completed a barbering course in a school  
2 approved by the bureau and has completed a  
3 cosmetology crossover course in a school approved by the  
4 bureau.

5 (5) Completed the apprenticeship program in  
6 cosmetology specified in Article 4 (commencing with  
7 Section 7332).

8 SEC. 32. Section 7321.5 of the Business and  
9 Professions Code is amended to read:

10 7321.5. The bureau shall admit to examination for a  
11 license as a barber to practice barbering, any person who  
12 has made application to the bureau in proper form, paid  
13 the fee required by this chapter, and is qualified as  
14 follows:

15 (a) Is not less than 17 years of age.

16 (b) Has completed the 10th grade in the public schools  
17 of this state or its equivalent.

18 (c) Is not subject to denial pursuant to Section 480.

19 (d) Has done any of the following:

20 (1) Completed a course in barbering from a school  
21 approved by the bureau.

22 (2) Completed an apprenticeship program in  
23 barbering approved by the bureau as conducted under  
24 the provisions of the Shelley-Maloney Apprentice Labor  
25 Standards Act of 1939, Chapter 4 (commencing with  
26 Section 3070) of Division 3 of the Labor Code.

27 (3) Practiced barbering as defined in this chapter  
28 outside of this state for a period of time equivalent to the  
29 study and training of a qualified person who has  
30 completed a course in barbering from a school the  
31 curriculum of which complied with requirements  
32 adopted by the bureau. Each three months of practice  
33 shall be deemed the equivalent of 100 hours of training for  
34 qualification under paragraph (1).

35 (4) Holds a license as a cosmetologist in this state and  
36 has completed a barber crossover course in a school  
37 approved by the bureau.

38 (5) Completed a cosmetology course in a school  
39 approved by the bureau and has completed a barber  
40 crossover course in a school approved by the bureau.



1 (6) Completed comparable military training as  
2 documented by submission of Verification of Military  
3 Experience and Training (V-MET) records.

4 SEC. 33. Section 7324 of the Business and Professions  
5 Code is amended to read:

6 7324. The bureau shall admit to examination for a  
7 license as an esthetician to practice skin care, any person  
8 who has made application to the bureau in proper form,  
9 paid the fee required by this chapter, and is qualified as  
10 follows:

- 11 (a) Is not less than 17 years of age.
- 12 (b) Has completed the 10th grade in the public schools
- 13 of this state or its equivalent.
- 14 (c) Is not subject to denial pursuant to Section 480.

15 (d) Has done any of the following:

16 (1) Completed a course in skin care from a school  
17 approved by the bureau.

18 (2) Practiced skin care, as defined in this chapter,  
19 outside of this state for a period of time equivalent to the  
20 study and training of a qualified person who has  
21 completed a course in skin care from a school the  
22 curriculum of which complied with requirements  
23 adopted by the bureau. Each three months of practice  
24 shall be deemed the equivalent of 100 hours of training for  
25 qualification under paragraph (1).

26 (3) Completed the apprenticeship program in skin  
27 care specified in Article 4 (commencing with Section  
28 7332).

29 SEC. 34. Section 7326 of the Business and Professions  
30 Code is amended to read:

31 7326. The bureau shall admit to examination for a  
32 license as a manicurist to practice nail care, any person  
33 who has made application to the bureau in proper form,  
34 paid the fee required by this chapter, and is qualified as  
35 follows:

- 36 (a) Is not less than 17 years of age.
- 37 (b) Has completed the 10th grade in the public schools
- 38 of this state or its equivalent.

39 (c) Is not subject to denial pursuant to Section 480.

40 (d) Has done any of the following:



1 (1) Completed a course in nail care from a school  
2 approved by the bureau.

3 (2) Practiced nail care, as defined in this chapter,  
4 outside of this state for a period of time equivalent to the  
5 study and training of a qualified person who has  
6 completed a course in nail care from a school the  
7 curriculum of which complied with requirements  
8 adopted by the bureau. Each three months of practice  
9 shall be deemed the equivalent of 100 hours of training for  
10 qualification under paragraph (1).

11 (3) Completed the apprenticeship program in nail  
12 care specified in Article 4 (commencing with Section  
13 7332).

14 SEC. 35. Section 7330 of the Business and Professions  
15 Code is amended to read:

16 7330. The bureau shall admit to examination for a  
17 license as an electrologist to practice electrolysis, any  
18 person who has made application to the bureau in proper  
19 form, paid the fee required by this chapter, and is  
20 qualified as follows:

21 (a) Is not less than 17 years of age.

22 (b) Has completed the 12th grade or an accredited  
23 senior high school course of study in public schools of this  
24 state or its equivalent.

25 (c) Is not subject to denial pursuant to Section 480.

26 (d) Has done any of the following:

27 (1) Completed a course of training in electrolysis from  
28 a school approved by the bureau.

29 (2) Practiced electrolysis, as defined in this chapter,  
30 for a period of 18 months outside of this state within the  
31 time equivalent to the study and training of a qualified  
32 person who has completed a course in electrolysis from a  
33 school the curriculum of which complied with  
34 requirements adopted by the bureau. Each three months  
35 of practice shall be deemed the equivalent of 100 hours  
36 of training for qualification under paragraph (1).

37 (3) Completed the apprenticeship program in  
38 electrology specified in Article 4 (commencing with  
39 Section 7332).



1 SEC. 36. Section 7331 of the Business and Professions  
2 Code is amended to read:

3 7331. Any person who fails to qualify for admission to  
4 an examination because the person's practice outside this  
5 state does not fulfill the requirements of this chapter shall  
6 receive credit for that practice or study and training  
7 outside this state, or for the number of hours of study and  
8 training completed outside this state, which is  
9 substantially equivalent to the study and training  
10 required in this state, as determined by the bureau.

11 Those persons shall be qualified for examination upon  
12 completion of supplementary study and training in an  
13 approved school in this state.

14 SEC. 37. Section 7331.5 of the Business and  
15 Professions Code is amended to read:

16 7331.5. It is the intent of the Legislature that no law  
17 which may hereafter be enacted increasing the number  
18 of hours of training in a school approved by the bureau or  
19 the length of training in an apprenticeship program  
20 approved by the bureau which are required for eligibility  
21 for any examination shall apply to a person who on the  
22 effective date of the law is a student in, or has completed  
23 the prescribed course of study in, a school or is an  
24 apprentice in an apprentice program. This section shall  
25 not apply to a person who does not apply for and take the  
26 first examination for which he or she is eligible occurring  
27 after the effective date of the law, unless compliance with  
28 this requirement is waived by the bureau for good cause  
29 as defined in regulations.

30 SEC. 38. Section 7332 of the Business and Professions  
31 Code is amended to read:

32 7332. An apprentice is any person who is licensed by  
33 the bureau to engage in learning or acquiring a  
34 knowledge of barbering, cosmetology, skin care, nail  
35 care, or electrology, in a licensed establishment under the  
36 supervision of a licensee approved by the bureau.

37 SEC. 39. Section 7333 of the Business and Professions  
38 Code is amended to read:

39 7333. The apprentice training program shall be  
40 conducted in compliance with the Shelley-Maloney



1 Apprentice Labor Standards Act of 1939, Chapter 4  
2 (commencing with Section 3070) of Division 3 of the  
3 Labor Code, according to apprenticeship standards  
4 approved by the administrator of apprenticeship. A copy  
5 of the act shall be maintained on file with the bureau.

6 SEC. 40. Section 7334 of the Business and Professions  
7 Code is amended to read:

8 7334. (a) The bureau may license as an apprentice in  
9 barbering, cosmetology, skin care, or nail care any person  
10 who has made application to the bureau upon the proper  
11 form, has paid the fee required by this chapter, and who  
12 is qualified as follows:

13 (1) Is over 16 years of age.

14 (2) Has completed the 10th grade in the public schools  
15 of this state or its equivalent.

16 (3) Is not subject to denial pursuant to Section 480.

17 (4) Has submitted evidence acceptable to the bureau  
18 that any training the apprentice is required by law to  
19 obtain shall be conducted in a licensed establishment and  
20 under the supervision of a licensee approved by the  
21 bureau.

22 (b) The bureau may license as an apprentice in  
23 electrolysis any person who has made application to the  
24 bureau upon the proper form, has paid the fee required  
25 by this chapter, and who is qualified as follows:

26 (1) Is not less than 17 years of age.

27 (2) Has completed the 12th grade or an accredited  
28 senior high school course of study in schools of this state  
29 or its equivalent.

30 (3) Is not subject to denial pursuant to Section 480.

31 (4) Has submitted evidence acceptable to the bureau  
32 that any training the apprentice is required by law to  
33 obtain shall be conducted in a licensed establishment and  
34 under the supervision of a licensee approved by the  
35 bureau.

36 (c) All persons making application as an apprentice in  
37 barbering shall also complete a minimum of 39 hours of  
38 preapprentice training in a facility approved by the  
39 bureau prior to serving the general public.



1 (d) All persons making application as an apprentice in  
2 cosmetology, skin care, nail care, or electrology shall also  
3 complete minimum preapprentice training for the  
4 length of time established by the bureau in a facility  
5 approved by the bureau prior to serving the general  
6 public.

7 (e) Apprentices may only perform services on the  
8 general public for which they have received technical  
9 training.

10 (f) Apprentices shall be required to obtain at least the  
11 minimum hours of technical instruction and minimum  
12 number of practical operations for each subject as  
13 specified in bureau regulations for courses taught in  
14 schools approved by the bureau, in accordance with  
15 Sections 3074 and 3078 of the Labor Code.

16 SEC. 41. Section 7335 of the Business and Professions  
17 Code is amended to read:

18 7335. (a) The license of an apprentice shall expire  
19 two years from the date the license was issued, or on the  
20 date the apprentice is issued a license following the  
21 license examination, or if the apprentice fails the license  
22 examination twice, on the date the results of the second  
23 examination are issued, whichever occurs first.

24 (b) No person holding a license as an apprentice shall  
25 work more than three months after completing the  
26 required training without applying for and taking the  
27 examination for licensure.

28 (c) The bureau may extend the two-year or  
29 three-month period described in subdivisions (a) and (b)  
30 upon a showing of good cause which shall include, but not  
31 be limited to, delays in applying for and taking the  
32 examination caused by the illness of, or accident to, the  
33 apprentice, or service in the armed forces of the United  
34 States.

35 SEC. 42. Section 7336 of the Business and Professions  
36 Code is amended to read:

37 7336. An apprentice may do any or all of the acts for  
38 which he or she is licensed only in the licensed  
39 establishment and under the supervision and  
40 employment of a licensee approved by the bureau.



1 SEC. 43. Section 7337 of the Business and Professions  
2 Code is amended to read:

3 7337. Every application for admission to examination  
4 and licensure shall be in writing, on forms prepared and  
5 furnished by the bureau.

6 Each application shall be accompanied by the required  
7 fee, and shall contain proof of the qualifications of the  
8 applicant for examination and licensure. It shall be  
9 verified by the oath of the applicant. Every applicant  
10 shall, as a condition of admittance to the examination  
11 facility, present satisfactory proof of identification.  
12 Satisfactory proof of identification shall be in the form of  
13 a valid, unexpired driver's license or identification card,  
14 containing the photograph of the person to whom it was  
15 issued, issued by any state, federal, or other government  
16 entity.

17 SEC. 44. Section 7337.5 of the Business and  
18 Professions Code is amended to read:

19 7337.5. (a) The bureau shall adopt regulations  
20 providing for the submittal of applications for admission  
21 to examination of students of approved cosmetology,  
22 electrology, or barbering schools who have completed at  
23 least 75 percent of the required course clock hours and  
24 curriculum requirements (60 percent for students of the  
25 manicurist course). The regulations shall include  
26 provisions that ensure that all proof of qualifications of the  
27 applicant are received by the bureau before the applicant  
28 is examined.

29 (b) An application for examination submitted under  
30 this section shall be known as a "preapplication" and an  
31 additional preapplication fee may be required.

32 (c) This section shall become operative on July 1, 1992.

33 (d) The bureau shall administer the licensing  
34 examination not later than 10 working days after  
35 graduation from an approved cosmetology, electrology,  
36 or barbering school to students who have submitted an  
37 application for admission for examination under the  
38 preapplication procedure.

39 SEC. 45. Section 7338 of the Business and Professions  
40 Code is amended to read:



1 7338. The examination of applicants for a license shall  
2 include both a practical demonstration and a written test  
3 and shall embrace the subjects typically taught in a  
4 program approved by the bureau.

5 The examination shall not be confined to any particular  
6 system or method. It shall be consistent in both practical  
7 and technical requirements, and of sufficient  
8 thoroughness to satisfy the bureau as to the applicant's  
9 skill in, and knowledge of, the practice of the occupation  
10 or occupations for which a license is sought.

11 In the conduct and grading of examinations, practical  
12 demonstrations shall prevail over written tests.

13 The scope of examinations shall be consistent with the  
14 definition of the activities licensed under this chapter,  
15 and shall be as the bureau, by regulation, may require to  
16 protect the health and safety of consumers of the services  
17 provided by licensees.

18 The bureau's examinations shall be limited to clearly  
19 job-related questions, activities, and practical services.  
20 Examinations shall also include written tests in antisepsis,  
21 disinfection, sanitation, the use of mechanical apparatus  
22 and electricity as applicable to the practice of barbering,  
23 cosmetology, or electrolysis. They may include other  
24 demonstrations and tests as the bureau, in its discretion,  
25 may require.

26 SEC. 46. Section 7340 of the Business and Professions  
27 Code is amended to read:

28 7340. All examinations shall be prepared by or under  
29 the direction of the bureau. The bureau shall establish  
30 standards and procedures governing administration and  
31 grading and shall exercise supervision as may be  
32 necessary to assure compliance therewith.

33 SEC. 47. Section 7341 of the Business and Professions  
34 Code is amended to read:

35 7341. The bureau shall mail or deliver to every person  
36 failing any examination provided for in this chapter the  
37 total grade received on the examination.

38 An unsuccessful applicant for licensure, after taking an  
39 examination and within 90 days after the results thereof  
40 have been declared, shall have the right to inspect his or



1 her examination paper in the city in which the  
2 examination was taken.

3 SEC. 48. Section 7342 of the Business and Professions  
4 Code is amended to read:

5 7342. Licenses in the practice of the occupation for  
6 which the license was sought shall be issued by the bureau  
7 to any applicant who satisfactorily passes an examination,  
8 who possesses the other qualifications required by law  
9 and who has remitted the license fee required by this  
10 chapter. The license shall entitle the holder to engage in  
11 the practice of that occupation in a licensed  
12 establishment.

13 SEC. 49. Section 7344 of the Business and Professions  
14 Code is amended to read:

15 7344. The bureau may contract or otherwise arrange  
16 for reasonably required physical accommodations and  
17 facilities to conduct examinations.

18 SEC. 50. Section 7347 of the Business and Professions  
19 Code is amended to read:

20 7347. Any person, firm, or corporation desiring to  
21 operate an establishment shall make an application to the  
22 bureau for a license accompanied by the fee prescribed  
23 by this chapter. The application shall be required  
24 whether the person, firm, or corporation is operating a  
25 new establishment or obtaining ownership of an existing  
26 establishment. If the applicant is obtaining ownership of  
27 an existing establishment, the bureau may establish the  
28 fee in an amount less than the fee prescribed by this  
29 chapter. The applicant, if an individual, or each officer,  
30 director, and partner, if the applicant is other than an  
31 individual, shall not have committed acts or crimes which  
32 are grounds for denial of licensure in effect at the time the  
33 new application is submitted pursuant to Section 480. A  
34 license issued pursuant to this section shall authorize the  
35 operation of the establishment only at the location for  
36 which the license is issued. Operation of the  
37 establishment at any other location shall be unlawful  
38 unless a license for the new location has been obtained  
39 upon compliance with this section, applicable to the  
40 issuance of a license in the first instance.



1 SEC. 51. Section 7349 of the Business and Professions  
2 Code is amended to read:

3 7349. It is unlawful for any person, firm, or  
4 corporation to hire, employ, or allow to be employed, or  
5 permit to work, in or about an establishment, any person  
6 who performs or practices any occupation regulated  
7 under this chapter and is not duly licensed by the bureau,  
8 except that a licensed cosmetology establishment may  
9 utilize a student extern, as described in Section 7395.1.

10 Any person violating this section is subject to citation  
11 and fine pursuant to Section 7406 and is also guilty of a  
12 misdemeanor.

13 SEC. 52. Section 7353 of the Business and Professions  
14 Code is amended to read:

15 7353. Within 90 days after issuance of the  
16 establishment license, the bureau or its agents or  
17 assistants shall inspect the establishment for compliance  
18 with the applicable requirements of this chapter and the  
19 applicable rules and regulations of the bureau adopted  
20 pursuant to this chapter. The bureau shall maintain a  
21 program of random and targeted inspections of  
22 establishments to ensure compliance with applicable laws  
23 relating to the public health and safety and the conduct  
24 and operation of establishments. The bureau or its  
25 authorized representatives shall inspect establishments  
26 to reasonably determine compliance levels and to  
27 identify market conditions that require targeted  
28 enforcement. The bureau shall not reduce the number of  
29 employees assigned to perform random inspections,  
30 targeted inspections, and investigations relating to field  
31 operations below the level funded by the annual Budget  
32 Act and described in supporting budget documents, and  
33 shall not redirect funds or personnel-years allocated to  
34 those inspection and investigation purposes to other  
35 purposes.

36 SEC. 53. Section 7354 of the Business and Professions  
37 Code is amended to read:

38 7354. For purposes of this article, “mobile unit”  
39 means any self-contained, self-supporting, enclosed  
40 mobile unit which is at least 24 feet in length which is



1 licensed as an establishment for the practice of any  
2 occupation licensed by the bureau and which complies  
3 with this article and all health and safety regulations  
4 established by the bureau.

5 SEC. 54. Section 7355 of the Business and Professions  
6 Code is amended to read:

7 7355. (a) Any person, firm, or corporation desiring to  
8 operate a mobile unit shall make an application to the  
9 bureau for a license containing the information and data  
10 set forth in subdivision (b). The applicant, if an  
11 individual, or each officer, director, and partner, if the  
12 applicant is other than an individual, shall not have  
13 committed acts or crimes which are grounds for denial of  
14 licensure pursuant to Section 480. A license issued  
15 pursuant to this section shall authorize the operation of  
16 the unit only within those geographical boundaries  
17 designated by the bureau. Operation of the unit outside  
18 of the geographical boundaries for which the license is  
19 issued shall be unlawful, unless a license for the expanded  
20 geographic area has been obtained upon compliance with  
21 this article applicable to the issuance of a license in the  
22 first instance.

23 (b) Each application shall include the following:

24 (1) A detailed floor plan showing the location of doors,  
25 windows, restroom facilities, sinks, lift or ramps,  
26 ventilation, equipment, and dimensions of the mobile  
27 unit in compliance with this article.

28 (2) Proof of purchase or lease of the mobile unit and  
29 shop equipment.

30 (3) The required fee.

31 (4) Copies of applicable county and city licenses or  
32 permits to provide the mobile barbering, cosmetology, or  
33 electrolysis services in each county and city of operation  
34 and the locations therein where the services will be  
35 offered.

36 (5) Proof of compliance with applicable city, county,  
37 and state plumbing, electrical, and fire laws.

38 (6) Proof of a valid California driver's license issued to  
39 an officer or employee responsible for driving the mobile  
40 unit.



1 (7) A permanent base address from which the mobile  
2 unit shall operate.

3 (c) After initial approval of the floor plan and  
4 application has been granted, the applicant shall schedule  
5 an appointment to show the mobile unit to the bureau, or  
6 representative of the bureau, for final approval.

7 SEC. 55. Section 7356 of the Business and Professions  
8 Code is amended to read:

9 7356. An application to transfer ownership or control  
10 of an existing licensed mobile unit shall be filed by the  
11 purchaser or lessor with the bureau within 10 days after  
12 purchase. Each application shall include the following:

13 (a) A detailed floor plan showing the location of doors,  
14 windows, restroom facilities, sinks, lift or ramps,  
15 ventilation, equipment, and dimensions of the mobile  
16 unit.

17 (b) Bills of sale or lease documents proving purchase  
18 or lease of existing equipment and the mobile unit.

19 (c) The existing mobile unit license.

20 (d) The required fee.

21 (e) Copies of applicable city and county licenses or  
22 permits to provide the mobile services in each county and  
23 city of operation issued in the new owner's name.

24 (f) Proof of compliance with applicable city, county,  
25 and state plumbing, electrical, and fire laws.

26 (g) Proof of a valid California driver's license issued to  
27 an officer or employee responsible for driving the mobile  
28 unit.

29 SEC. 56. Section 7357 of the Business and Professions  
30 Code is amended to read:

31 7357. (a) Mobile units shall comply with regulations  
32 adopted by the bureau that assure that the unit shall be  
33 kept clean, in good repair, and in compliance with this  
34 article.

35 (b) Each mobile unit shall be equipped with each of  
36 the following functioning systems:

37 (1) A self-contained, potable water supply. The  
38 potable water tanks shall be not less than 100 gallons, and  
39 the holding tanks shall be of adequate capacity. In the



1 event of depletion of potable water, operation shall cease  
2 until the supply is replenished.

3 (2) Continuous, on-demand hot water tanks which  
4 shall be not less than six-gallon capacity.

5 (3) Self-contained, recirculating, flush chemical toilet  
6 with holding tank.

7 (4) A covered galvanized, stainless steel, or other  
8 noncorrosive metal container for purposes of depositing  
9 hair clippings, refuse, and other waste materials.

10 (5) A split-lead generator with a remote starter,  
11 muffler, and a vent to the outside.

12 (6) A sealed combustible heater with an outside vent.

13 SEC. 57. Section 7359 of the Business and Professions  
14 Code is amended to read:

15 7359. It is unlawful for any person, firm or corporation  
16 to hire, employ, allow to be employed, or permit to work,  
17 in or about a mobile unit, any person who performs or  
18 practices any occupation regulated under this chapter  
19 who is not duly licensed by the bureau.

20 Any person violating this section is guilty of a  
21 misdemeanor.

22 SEC. 58. Section 7362 of the Business and Professions  
23 Code is amended to read:

24 7362. (a) A school approved by the bureau is one  
25 which is licensed by the Council for Private  
26 Postsecondary and Vocational Education, or a public  
27 school in this state, and provides a course of instruction  
28 approved by the bureau.

29 (b) The bureau shall determine by regulation the  
30 required subjects of instruction to be completed in all  
31 approved courses, including the minimum hours of  
32 technical instruction and minimum number of practical  
33 operations for each subject, and shall determine how  
34 much training is required before a student may begin  
35 performing services on paying patrons.

36 SEC. 59. Section 7362.1 of the Business and  
37 Professions Code is amended to read:

38 7362.1. A school of cosmetology approved by the  
39 bureau shall also meet all of the following:



1 (a) Possess the equipment and floor space necessary  
2 for comprehensive instruction of 25 cosmetology students  
3 or the number of students enrolled in the course,  
4 whichever is greater.

5 (b) Have entered on the roll of a proposed school of  
6 cosmetology at least 25 bona fide, full-time students for  
7 the cosmetology course. For purposes of this section, a  
8 bona fide, full-time student is a person who has been  
9 entered on the roll of a proposed school of cosmetology  
10 and has committed to attend a full course in cosmetology.

11 (c) Maintain a course of practical training and  
12 technical instruction for the full cosmetology course as  
13 specified in this chapter and in bureau regulations. A  
14 course of instruction in any branch of cosmetology shall  
15 be taught in a school of cosmetology.

16 SEC. 60. Section 7362.2 of the Business and  
17 Professions Code is amended to read:

18 7362.2. A school of barbering approved by the bureau  
19 shall also do all of the following:

20 (a) Possess the equipment and floor space necessary  
21 for comprehensive instruction of 15 barber students or  
22 the number of students enrolled in the course, whichever  
23 is greater.

24 (b) Have entered on the roll of a proposed school of  
25 barbering at least 15 bona fide, full-time students for the  
26 barbering course. For purposes of this section, a bona fide,  
27 full-time student is a person who has been entered on the  
28 roll of a proposed school of barbering and has committed  
29 to attend a full course in barbering.

30 (c) Maintain a course of practical training and  
31 technical instruction for the full barbering course as  
32 specified in this chapter and in bureau regulations.

33 SEC. 61. Section 7362.3 of the Business and  
34 Professions Code is amended to read:

35 7362.3. A school of electrology approved by the  
36 bureau shall also do all of the following:

37 (a) Possess the equipment and floor space necessary  
38 for comprehensive instruction of five electrology  
39 students or the number of students enrolled in the course,  
40 whichever is greater.



1 (b) Have entered on the roll of a proposed school of  
2 electrology at least five bona fide, full-time students for  
3 the electrology course. For purposes of this section, a  
4 bona fide, full-time student is a person who has been  
5 entered on the roll of a proposed school of electrology and  
6 has committed to attend a full course in electrology.

7 (c) Maintain a course of practical training and  
8 technical instruction for the full electrology course as  
9 specified in this chapter and in bureau regulations.

10 SEC. 62. Section 7364 of the Business and Professions  
11 Code is amended to read:

12 7364. A skin care course established by a school shall  
13 consist of not less than 600 hours of practical training and  
14 technical instruction in accordance with a curriculum  
15 established by bureau regulation.

16 SEC. 63. Section 7365 of the Business and Professions  
17 Code is amended to read:

18 7365. A nail care course established by a school shall  
19 consist of not less than 350 hours of practical training and  
20 technical instruction in accordance with a curriculum  
21 established by bureau regulation.

22 SEC. 64. Section 7366 of the Business and Professions  
23 Code is amended to read:

24 7366. An electrolysis course established by a school  
25 shall consist of not less than 600 hours of practical training  
26 and technical instruction in accordance with a  
27 curriculum established by bureau regulation.

28 SEC. 65. Section 7367 of the Business and Professions  
29 Code is amended to read:

30 7367. For students who change from one program of  
31 instruction to another, the bureau shall grant credit for  
32 training obtained in one course that is identical to  
33 training required in another course.

34 SEC. 66. Section 7389 of the Business and Professions  
35 Code is amended to read:

36 7389. The bureau shall develop or adopt a health and  
37 safety course on hazardous substances which shall be  
38 taught in schools approved by the bureau. Course  
39 development shall include pilot testing of the course and



1 training classes to prepare instructors to effectively use  
2 the course.

3 SEC. 67. Section 7390 of the Business and Professions  
4 Code is amended to read:

5 7390. A cosmetology or barbering instructor training  
6 course shall consist of not less than 600 hours of practical  
7 training and technical instruction in accordance with a  
8 curriculum established by bureau regulation.

9 SEC. 68. Section 7391 of the Business and Professions  
10 Code is amended to read:

11 7391. The bureau shall admit to examination for  
12 license as a cosmetology or barbering instructor any  
13 person who has made application to the bureau in the  
14 proper form, who has paid the fee required by this  
15 chapter, and who meets the following qualifications:

16 (a) Has completed the 12th grade or an accredited  
17 senior high school course of study in public schools of this  
18 state or its equivalent.

19 (b) Is not subject to denial pursuant to Section 480.

20 (c) Holds a valid license to practice cosmetology or  
21 barbering in this state.

22 (d) Has done at least one of the following:

23 (1) Completed a cosmetology or barbering instructor  
24 training course in an approved school in this state or  
25 equivalent training in an approved school in another  
26 state.

27 (2) Completed not less than the equivalent of 10  
28 months of practice as a teacher assistant or teacher aide  
29 in a school approved by the bureau.

30 (3) Practiced cosmetology or barbering in a licensed  
31 establishment in this state for a period of one year within  
32 the three years immediately preceding application, or its  
33 equivalent in another state. An applicant using practical  
34 experience to qualify under this section shall submit an  
35 affidavit signed by his or her employers attesting to the  
36 qualifying experience.

37 SEC. 69. Section 7392 of the Business and Professions  
38 Code is amended to read:

39 7392. Each licensed instructor shall complete at least  
40 30 clock hours of continuing education in the teaching of



1 vocational education during each two-year licensing  
2 period. This section does not apply to an instructor who  
3 holds a credential to teach vocational education full time  
4 in a public school in this state.

5 For purposes of this section, programs designed for  
6 continuing education in the teaching of vocational  
7 education may include, but not be limited to,  
8 development of understanding and competency in the  
9 learning process, instructional techniques, curriculum  
10 and media, instructional evaluation, counseling and  
11 guidance, and the special needs of students.

12 The bureau shall adopt regulations establishing  
13 standards for the approval of continuing education  
14 courses and for the effective administration and  
15 enforcement of its continuing education requirements.

16 SEC. 70. Section 7393 of the Business and Professions  
17 Code is amended to read:

18 7393. As a condition of the renewal of the license of an  
19 instructor, the bureau may periodically require  
20 instructors to demonstrate current competence through  
21 continuing education as provided for in this chapter.

22 SEC. 71. Section 7394 of the Business and Professions  
23 Code is amended to read:

24 7394. The bureau's continuing education  
25 requirements shall not apply to instructors whose licenses  
26 are on inactive status according to the records maintained  
27 by the bureau.

28 Instructors whose licenses are on inactive status may  
29 not be employed as instructors in schools approved by the  
30 bureau.

31 Instructors whose licenses are on inactive status must  
32 complete at least 30 hours of continuing education in the  
33 teaching of vocational education as a condition of  
34 reinstatement to active status.

35 SEC. 72. Section 7395 of the Business and Professions  
36 Code is amended to read:

37 7395. If an instructor with an active license status does  
38 not provide proof of compliance with the continuing  
39 education requirements provided for in this chapter  
40 within 45 days of a request from the bureau, the



1 instructor's license shall revert to inactive status until  
2 proof of compliance is provided to the bureau.

3 SEC. 73. Section 7395.1 of the Business and  
4 Professions Code is amended to read:

5 7395.1. (a) A student who is enrolled in a school of  
6 cosmetology approved by the Council for Private  
7 Postsecondary and Vocational Education in a course  
8 approved by the bureau may, upon completion of a  
9 minimum of 60 percent of the clock hours required for  
10 graduation in the course, work as an unpaid extern in a  
11 cosmetology establishment participating in the  
12 educational program of the school of cosmetology.

13 (b) A person working as an extern shall receive clock  
14 hour credit toward graduation, but that credit shall not  
15 exceed eight hours per week and shall not exceed 10  
16 percent of the total clock hours required for completion  
17 of the course.

18 (c) The externship program shall be conducted in  
19 cosmetology establishments meeting all of the following  
20 criteria:

21 (1) The establishment is licensed by the bureau.

22 (2) The establishment has a minimum of four licensees  
23 working at the establishment, including employees and  
24 owners or managers.

25 (3) All licensees at the establishment are in good  
26 standing with the bureau.

27 (4) Licensees working at the establishment work for  
28 salaries or commissions rather than on a space rental basis.

29 (5) No more than one extern shall work in an  
30 establishment for every four licensees working in the  
31 establishment. No regularly employed licensee shall be  
32 displaced or have his or her work hours reduced or  
33 altered to accommodate the placement of an extern in an  
34 establishment. Prior to placement of the extern, the  
35 establishment shall agree in writing sent to the school and  
36 to all affected licensees that no reduction or alteration of  
37 any licensee's current work schedule shall occur. This  
38 shall not prevent a licensee from voluntarily reducing or  
39 altering his or her work schedule.



1 (6) Externs shall wear conspicuous school  
2 identification at all times while working in the  
3 establishment, and shall carry a school laminated  
4 identification, that includes a picture, in a form approved  
5 by the bureau.

6 (d) (1) A school participating in the externship  
7 program shall provide the participating establishment  
8 and the extern with a syllabus containing applicable  
9 information specified in Section 73880 of Title 5 of the  
10 California Code of Regulations. The extern, the school,  
11 and the establishment shall agree to the terms of and sign  
12 the syllabus prior to the extern beginning work at the  
13 establishment. No less than 90 percent of the  
14 responsibilities and duties of the extern shall consist of the  
15 acts included within the practice of cosmetology as  
16 defined in Section 7316.

17 (2) The establishment shall consult with the assigning  
18 school regarding the extern's progress during the unpaid  
19 externship. The owner or manager of the establishment  
20 shall monitor and report on the student's progress to the  
21 school on a regular basis, with assistance from supervising  
22 licensees.

23 (3) A participating school shall assess the extern's  
24 learning outcome from the externship program. The  
25 school shall maintain accurate records of the extern's  
26 educational experience in the externship program and  
27 records that indicate how the extern's learning outcome  
28 translates into course credit.

29 (e) Participation in an externship program made  
30 available by a school shall be voluntary, may be  
31 terminated by the student at any time, and shall not be  
32 a prerequisite for graduation.

33 (f) The cosmetology establishment that chooses to  
34 utilize the extern is liable for the extern's general liability  
35 insurance, as well as cosmetology malpractice liability  
36 insurance, and shall furnish proof to the participating  
37 school that the establishment is covered by both forms of  
38 liability insurance and that the extern is covered under  
39 that insurance.



1 (g) (1) It is the purpose of the externship program  
2 authorized by this section to provide students with skills,  
3 knowledge, and attitudes necessary to acquire  
4 employment in the field for which they are being trained,  
5 and to extend formalized classroom instruction.

6 (2) Instruction shall be based on skills, knowledge,  
7 attitudes, and performance levels in the area of  
8 cosmetology for which the instruction is conducted.

9 (3) An extern may perform only acts listed within the  
10 definition of the practice of cosmetology as provided in  
11 Section 7316, if a licensee directly supervises those acts,  
12 except that an extern may not use or apply chemical  
13 treatments unless the extern has received appropriate  
14 training in application of those treatments from an  
15 approved cosmetology school. An extern may work on a  
16 paying client only in an assisting capacity and only with  
17 the direct and immediate supervision of a licensee.

18 (4) The extern shall not perform any work in a manner  
19 that would violate law.

20 SEC. 74. Section 7396 of the Business and Professions  
21 Code is amended to read:

22 7396. The form and content of a license issued by the  
23 bureau shall be determined in accordance with Section  
24 164.

25 The license shall prominently state that the holder is  
26 licensed as a barber, cosmetologist, esthetician,  
27 manicurist, electrologist, apprentice, barber instructor,  
28 or cosmetology instructor.

29 SEC. 75. Section 7400 of the Business and Professions  
30 Code is amended to read:

31 7400. Every licensee of the bureau, except  
32 establishments shall, within 30 days after a change of  
33 address, notify the bureau of the new address, and, upon  
34 receipt of the notification, the bureau shall make the  
35 necessary changes in the register.

36 SEC. 76. Section 7403 of the Business and Professions  
37 Code is amended to read:

38 7403. (a) The bureau may revoke, suspend, or deny  
39 at any time any license required by this chapter on any  
40 of the grounds for disciplinary action provided in this



1 article. The proceedings under this article shall be  
2 conducted in accordance with Chapter 5 (commencing  
3 with Section 11500) of Part 1 of Division 3 of Title 2 of the  
4 Government Code, and the bureau shall have all the  
5 powers granted therein.

6 (b) In any case in which the administrative law judge  
7 recommends that the bureau revoke, suspend or deny a  
8 license, the administrative law judge may, upon  
9 presentation of suitable proof, order the licensee to pay  
10 the bureau the reasonable costs of the investigation and  
11 adjudication of the case. For purposes of this section,  
12 “costs” include charges by the bureau for investigating  
13 the case, charges incurred by the office of the Attorney  
14 General for investigating and presenting the case, and  
15 charges incurred by the Office of Administrative  
16 Hearings for hearing the case and issuing a proposed  
17 decision.

18 (c) The costs to be assessed shall be fixed by the  
19 administrative law judge and shall not, in any event, be  
20 increased by the bureau. When the bureau does not adopt  
21 a proposed decision and remands the case to an  
22 administrative law judge, the administrative law judge  
23 shall not increase the amount of any costs assessed in the  
24 proposed decision.

25 (d) The bureau may enforce the order for payment in  
26 the superior court in the county where the administrative  
27 hearing was held. This right of enforcement shall be in  
28 addition to any other rights the bureau may have as to any  
29 licensee directed to pay costs.

30 (e) In any judicial action for the recovery of costs,  
31 proof of the bureau’s decision shall be conclusive proof of  
32 the validity of the order of payment and the terms for  
33 payment.

34 (f) Notwithstanding any other provision of law, all  
35 costs recovered under this section shall be deposited in  
36 the bureau’s contingent fund as a scheduled  
37 reimbursement in the fiscal year in which the costs are  
38 actually recovered.

39 SEC. 77. Section 7404 of the Business and Professions  
40 Code is amended to read:



1 7404. The grounds for disciplinary action are as  
2 follows:

3 (a) Unprofessional conduct which includes, but is not  
4 limited to, any of the following:

5 (1) Incompetence or gross negligence, including  
6 failure to comply with generally accepted standards for  
7 the practice of barbering, cosmetology, or electrology or  
8 disregard for the health and safety of patrons.

9 (2) Repeated similar negligent acts.

10 (3) Conviction of any crime substantially related to  
11 the qualifications, functions, or duties of the license  
12 holder, in which case, the records of conviction or a  
13 certified copy shall be conclusive evidence thereof.

14 (4) Advertising by means of knowingly false or  
15 deceptive statements.

16 (b) Failure to comply with the requirements of this  
17 chapter.

18 (c) Failure to comply with the rules governing health  
19 and safety adopted by the bureau and approved by the  
20 State Department of Health Services, for the regulation  
21 of establishments, or any practice licensed and regulated  
22 under this chapter.

23 (d) Failure to comply with the rules adopted by the  
24 bureau for the regulation of establishments, or any  
25 practice licensed and regulated under this chapter.

26 (e) Continued practice by a person knowingly having  
27 an infectious or contagious disease.

28 (f) Habitual drunkenness, habitual use of or addiction  
29 to the use of any controlled substance.

30 (g) Obtaining or attempting to obtain practice in any  
31 occupation licensed and regulated under this chapter, or  
32 money, or compensation in any form, by fraudulent  
33 misrepresentation.

34 (h) Failure to display the license or health and safety  
35 rules and regulations in a conspicuous place.

36 (i) Engaging, outside of a licensed establishment and  
37 for compensation in any form whatever, in any practice  
38 for which a license is required under this chapter, except  
39 that when such service is provided because of illness or  
40 other physical or mental incapacitation of the recipient of



1 the service and when performed by a licensee obtained  
2 for the purpose from a licensed establishment.

3 (j) Permitting a license to be used where the holder is  
4 not personally, actively, and continuously engaged in  
5 business.

6 (k) The making of any false statement as to a material  
7 matter in any oath or affidavit, which is required by the  
8 provisions of this chapter.

9 (l) Refusal to permit or interference with an  
10 inspection authorized under this chapter.

11 (m) Any action or conduct which would have  
12 warranted the denial of a license.

13 (n) Failure to surrender a license that was issued in  
14 error or by mistake.

15 SEC. 78. Section 7405 of the Business and Professions  
16 Code is amended to read:

17 7405. A plea or verdict of guilty or a conviction  
18 following a plea of nolo contendere is deemed to be a  
19 conviction within the meaning of this article. The bureau  
20 may order the license suspended or revoked, or may  
21 decline to issue a license, when the time for appeal has  
22 elapsed, or the judgment of conviction has been affirmed  
23 on appeal or when an order granting probation is made  
24 suspending the imposition of sentence, irrespective of a  
25 subsequent order under Section 1203.4 of the Penal Code  
26 allowing the person to withdraw his plea of guilty and to  
27 enter a plea of not guilty, or setting aside the verdict of  
28 guilty, or dismissing the accusation, information or  
29 indictment.

30 SEC. 79. Section 7406 of the Business and Professions  
31 Code is amended to read:

32 7406. In addition to the authority to conduct  
33 disciplinary proceedings under this chapter, the bureau,  
34 through its duly authorized representatives, shall have  
35 authority to assess administrative fines for the violation of  
36 any section of this chapter or the violation of any rules and  
37 regulations adopted by the bureau under this chapter.

38 SEC. 80. Section 7407 of the Business and Professions  
39 Code is amended to read:



1 7407. The bureau shall establish by regulation a  
2 schedule of administrative fines for violations of this  
3 chapter. All moneys collected under this section shall be  
4 deposited in the bureau's contingent fund.

5 The schedule shall indicate for each type of violation  
6 whether, in the bureau's discretion, the violation can be  
7 corrected.

8 SEC. 81. Section 7408 of the Business and Professions  
9 Code is amended to read:

10 7408. The bureau, through its duly authorized  
11 representatives, shall issue a citation with respect to any  
12 violation for which an administrative fine may be  
13 assessed. Each citation shall be in writing and shall  
14 describe with particularity the nature of the violation,  
15 including a reference to the specific provision alleged to  
16 have been violated. The administrative fine, if any, shall  
17 attach at the time the citation is written. The citation shall  
18 include an order to correct any condition or violation  
19 which lends itself to correction, as determined by the  
20 bureau pursuant to Section 7406.

21 SEC. 82. Section 7409 of the Business and Professions  
22 Code is amended to read:

23 7409. Any licensee served with a citation may avoid  
24 the payment of the associated administrative fine by  
25 presentation of written proof satisfactory to the bureau,  
26 or its bureau chief, that the violation has been corrected.  
27 This provision applies only to a licensee's first violation in  
28 any three-year period of any single provision of this  
29 chapter or the rules and regulations adopted pursuant to  
30 this chapter. Proof of correction shall be presented to the  
31 bureau, through its bureau chief, in a time and manner  
32 prescribed by the bureau. The bureau may, in its  
33 discretion, extend for a reasonable period the time within  
34 which to correct the violation upon the showing of good  
35 cause. Notices of correction filed after the prescribed date  
36 shall not be acceptable and the administrative fine shall  
37 be paid.

38 SEC. 83. Section 7414 of the Business and Professions  
39 Code is amended to read:



1 7414. Persons who fail to pay administrative fines that  
2 were not contested or were contested but the appeal has  
3 been adjudicated, shall not be issued a license or allowed  
4 to renew any licenses issued to them until all fines are paid  
5 in addition to any application, renewal, or delinquency  
6 fees which are required.

7 SEC. 84. Section 7414.1 of the Business and  
8 Professions Code is amended to read:

9 7414.1. All records required by law to be kept by  
10 tanning facilities subject to the Filante Tanning Facility  
11 Act of 1988 (Chapter 23 (commencing with Section  
12 22700) of Division 8), including, but not limited to,  
13 records relating to written warning statements, the sign  
14 required to be posted, the qualifications of facility  
15 operators, statements of acknowledgment, parental  
16 consent forms, and injury reports, shall be open to  
17 inspection by the bureau, or its authorized  
18 representatives, during any inspection, or during any  
19 investigation initiated in response to a complaint that the  
20 tanning facility has violated any provision of the Filante  
21 Tanning Facility Act of 1988. A copy of any or all of those  
22 records shall be provided to the bureau, or its authorized  
23 representatives, immediately upon request.

24 SEC. 85. Section 7414.3 of the Business and  
25 Professions Code is amended to read:

26 7414.3. (a) Any representative of the bureau  
27 designated by the director shall have the authority to  
28 issue a written notice to appear in court pursuant to  
29 Chapter 5c (commencing with Section 853.5) of Title 3 of  
30 Part 2 of the Penal Code. Representatives so designated  
31 are not peace officers and are not entitled to safety  
32 member retirement benefits, as a result of that  
33 designation. Except as otherwise provided, the  
34 representative's authority is limited to the issuance of  
35 written notices to appear for infraction violations of the  
36 Filante Tanning Facility Act of 1988 and only when the  
37 violation is committed in the presence of the  
38 representative.

39 (b) There shall be no civil liability on the part of, and  
40 no cause of action shall arise against, any representative,



1 acting pursuant to subdivision (a) and within the scope  
2 of his or her authority, for false arrest or false  
3 imprisonment arising out of any arrest which is lawful or  
4 which the representative, at the time of that arrest, had  
5 reasonable cause to believe was lawful.

6 (c) This section shall become effective July 1, 1994.

7 SEC. 86. Section 7414.4 of the Business and  
8 Professions Code is amended to read:

9 7414.4. The bureau, and its authorized  
10 representatives, may disseminate information to tanning  
11 facilities regarding compliance with the Filante Tanning  
12 Facility Act of 1988.

13 SEC. 87. Section 7414.6 of the Business and  
14 Professions Code is amended to read:

15 7414.6. The bureau may adopt regulations concerning  
16 the operation of tanning facilities in licensed  
17 establishments.

18 SEC. 88. Section 7415 of the Business and Professions  
19 Code is amended to read:

20 7415. Licenses issued under this chapter, unless  
21 specifically excepted, shall be issued for a two-year period  
22 and shall expire at midnight on the last day of the month  
23 of issuance by the bureau.

24 SEC. 89. Section 7416 of the Business and Professions  
25 Code is amended to read:

26 7416. The bureau shall, with the cooperation of the  
27 department, modify its license renewal applications to all  
28 licensees to designate whether or not they are currently  
29 employed in the occupation for which they are licensed.

30 SEC. 90. Section 7421 of the Business and Professions  
31 Code is amended to read:

32 7421. The fees shall be set by the bureau, within the  
33 limits set forth in this article, in amounts necessary to  
34 cover the expenses of the bureau in performing its duties  
35 under this chapter.

36 SEC. 91. Section 7422 of the Business and Professions  
37 Code is amended to read:

38 7422. All fees collected on behalf of the bureau and all  
39 receipts of every kind and nature, shall be reported to the  
40 Controller at the beginning of each month for the month



1 preceding. At the same time the entire amount of  
2 collections shall be paid into the State Treasury, and shall  
3 be credited to the Barbering and Cosmetology  
4 Contingent Fund, which fund is hereby created.

5 The moneys in the contingent fund shall be  
6 appropriated to the bureau pursuant to the annual  
7 Budget Act and out of it shall be paid all salaries and all  
8 other expenses necessarily incurred in carrying into  
9 effect this chapter.

10 SEC. 92. Section 7427 of the Business and Professions  
11 Code is repealed.

12 SEC. 93. Section 7507 of the Business and Professions  
13 Code is amended to read:

14 7507. A licensee shall notify the bureau within 30 days  
15 of any change of its corporate officers or of the addition  
16 of any partners. Applications, on forms prescribed by the  
17 director, shall be submitted by all new officers and  
18 partners. The director may suspend or revoke a license  
19 issued under this chapter if the director determines that  
20 a new officer or partner has committed any act that  
21 constitutes grounds for the denial of a license pursuant to  
22 Section 7503.5.

23 SEC. 94. Section 7533.5 of the Business and  
24 Professions Code is amended to read:

25 7533.5. (a) A licensee shall notify the bureau within  
26 30 days of any change in its corporate officers or of any  
27 addition of a new partner.

28 (b) Applications, on forms prescribed by the director,  
29 shall be submitted by all new officers and partners. The  
30 director may suspend or revoke a license issued under  
31 this chapter if the director determines that the new  
32 officer or partner of a licensee has committed any of the  
33 acts constituting grounds to deny an application for a  
34 license or to take disciplinary action against a licensee  
35 pursuant to Section 7538 or 7538.5, respectively.

36 ~~SEC. 95. Section 7582.19 of the Business and~~  
37 ~~Professions Code is amended to read:~~

38 ~~7582.19. (a) A licensee shall notify the bureau within~~  
39 ~~30 days of any change in its corporate officers or of any~~  
40 ~~addition of a new partner.~~



1 ~~(b) Applications, on forms prescribed by the director,~~  
2 ~~shall be submitted by all new officers and partners. The~~  
3 ~~director may suspend or revoke a license issued under~~  
4 ~~this chapter if the director determines that the new~~  
5 ~~officer or partner of a licensee has committed any of the~~  
6 ~~acts constituting grounds to deny an application for a~~  
7 ~~license or to take disciplinary action against a licensee~~  
8 ~~pursuant to Sections 7582.24 or 7582.25, respectively.~~

9 *SEC. 95. Section 7582.19 of the Business and*  
10 *Professions Code is amended to read:*

11 7582.19. (a) A licensee shall, ~~within 30 days after such~~  
12 ~~change,~~ notify the bureau *within 30 days* of any change  
13 in its corporate officers *or of any addition of a new*  
14 *partner.*

15 (b) Applications, on forms prescribed by the director,  
16 shall be submitted by all new officers *and partners*. The  
17 director may suspend or revoke a license issued under  
18 this chapter if ~~he or she~~ *the director* determines that ~~at~~  
19 ~~the time the person became an~~ *the new officer or partner*  
20 of a licensee, ~~any of the facts stated in~~ *has committed any*  
21 *of the acts constituting grounds to deny an application for*  
22 *a license or to take disciplinary action against a licensee*  
23 *pursuant to Section 7582.24 or 7582.25* ~~existed as to such~~  
24 ~~person respectively.~~

25 *SEC. 96. Section 7583.20 of the Business and*  
26 *Professions Code is amended to read:*

27 7583.20. (a) A registration issued under this chapter  
28 expires two years following the date of issuance or on the  
29 assigned renewal date. Every security guard issued a  
30 registration under this chapter that expires on or after  
31 January 1, 1997, and who is also issued or renews a firearms  
32 qualification card on or after January 1, 1997, shall be  
33 placed on a cyclical renewal so that the registration  
34 expires on the expiration date of the firearms  
35 qualification card. Notwithstanding any other provision  
36 of law, the bureau is authorized to extend or shorten the  
37 first term of registration following January 1, 1997, and to  
38 prorate the required registration fee in order to  
39 implement this cyclical renewal. At least 60 days prior to  
40 the expiration, a registrant seeking to renew a guard



1 registration shall forward to the bureau a completed  
2 registration renewal application and the renewal fee. The  
3 renewal application shall be on a form prescribed by the  
4 director, dated and signed by the applicant, certifying  
5 under penalty of perjury that the information in the  
6 application is true and correct.

7 (b) The licensee shall provide to any employee  
8 information regarding procedures for renewal or  
9 registration.

10 (c) In the event a registrant fails to request a renewal  
11 of his or her registration as provided for in this chapter,  
12 the registration shall expire as indicated on the  
13 registration. If the registration is renewed within 60 days  
14 after its expiration, the registrant, as a condition  
15 precedent to renewal, shall pay the renewal fee and the  
16 delinquency fee.

17 (d) The delinquency fee is 50 percent of the renewal  
18 fee in effect on the date of expiration, but not less than  
19 twenty-five dollars (\$25).

20 (e) If the renewed registration card has not been  
21 delivered to the registrant prior to the expiration of the  
22 prior registration, the registrant may present evidence of  
23 renewal to substantiate continued registration for a  
24 period not to exceed 90 days after the date of expiration.

25 (f) A registration may not be renewed or reinstated  
26 until all fines assessed pursuant to Section 7587.7 and not  
27 resolved in accordance with the provisions of that section  
28 have been paid.

29 SEC. 97. Section 7599.32 of the Business and  
30 Professions Code is amended to read:

31 7599.32. (a) A licensee shall notify the bureau within  
32 30 days of any change of its officers required to be named  
33 pursuant to Section 7593.4 and of any addition of a new  
34 partner.

35 (b) Applications, on forms prescribed by the director,  
36 shall be submitted by all new officers and partners. The  
37 director may suspend or revoke a license issued under  
38 this chapter if the director determines that the new  
39 officer or partner has committed any act which



1 constitutes grounds for the denial of a license pursuant to  
2 Section 7591.10.

3 (c) A Notice of Warning may be issued for the first  
4 violation of this section and a fine of twenty-five dollars  
5 (\$25) for each subsequent violation.

6 SEC. 98. Section 7601 of the Business and Professions  
7 Code is amended to read:

8 7601. The following terms as used in this chapter shall  
9 have meanings expressed in this section:

10 (a) "Department" means the Department of  
11 Consumer Affairs.

12 (b) "Director" means the Director of Consumer  
13 Affairs.

14 (c) "Bureau" means the Cemetery and Funeral  
15 Bureau.

16 SEC. 99. Section 7602 of the Business and Professions  
17 Code is amended to read:

18 7602. There is in the department the Cemetery and  
19 Funeral Bureau, under the supervision and control of the  
20 director.

21 The director may appoint a chief at a salary to be fixed  
22 and determined by the director, with the approval of the  
23 Director of Finance. The duty of enforcing and  
24 administering this chapter is vested in the chief, and he  
25 or she is responsible to the director therefor. The chief  
26 shall serve at the pleasure of the director.

27 Every power granted or duty imposed upon the  
28 director under this chapter may be exercised or  
29 performed in the name of the director by a deputy  
30 director or by the chief, subject to such conditions and  
31 limitations as the director may prescribe.

32 SEC. 100. Section 7606 of the Business and Professions  
33 Code is amended to read:

34 7606. The bureau may, pursuant to the provisions of  
35 the Administrative Procedure Act, adopt and enforce  
36 reasonably necessary rules and regulations relating to:

- 37 (a) The practice of embalming;
- 38 (b) The business of a funeral director;



1 (c) The sanitary conditions of places where such  
2 practice or business is conducted with particular regard  
3 to plumbing, sewage, ventilation and equipment;

4 (d) Specifying conditions for approval of funeral  
5 establishments for apprentices and for approval of  
6 embalming schools;

7 (e) The scope of examinations;

8 (f) Carrying out generally the various provisions of  
9 this chapter for the protection of the peace, health, safety,  
10 welfare and morals of the public.

11 SEC. 101. Section 7607 of the Business and Professions  
12 Code is amended to read:

13 7607. The bureau may inspect the premises in which  
14 the business of a funeral director is conducted or where  
15 embalming is practiced.

16 SEC. 102. Section 7608 of the Business and Professions  
17 Code is amended to read:

18 7608. The Director of Consumer Affairs may employ  
19 and appoint all employees necessary to properly  
20 administer the work of the bureau, in accordance with  
21 civil service regulations.

22 With the approval of the Director of Finance, and,  
23 subject to the provisions of Section 159.5, the bureau shall  
24 employ investigators and attorneys to assist the bureau in  
25 prosecuting violations of this chapter, whose  
26 compensation and expenses shall be payable only out of  
27 the State Funeral Directors and Embalmers Fund.

28 SEC. 103. Section 7610 of the Business and Professions  
29 Code is amended to read:

30 7610. All suits or actions commenced in the superior  
31 court against the bureau shall be filed and tried either in  
32 the County of Sacramento, or in the county of the  
33 residence of the plaintiff or petitioner, or in the county  
34 where the act occurred, which is the basis of the suit or  
35 action.

36 SEC. 104. Section 7616.2 of the Business and  
37 Professions Code is amended to read:

38 7616.2. A licensed funeral establishment shall at all  
39 times employ a licensed funeral director to manage,  
40 direct, or control its business or profession.



1 Notwithstanding any other provisions of this chapter,  
2 licensed funeral establishments within close geographical  
3 proximity of each other, may request the bureau to allow  
4 a licensed funeral director to manage, direct, or control  
5 the business or profession of more than one facility.

6 SEC. 105. Section 7618 of the Business and Professions  
7 Code is amended to read:

8 7618. An application for a funeral director's license  
9 shall be written on a form provided by the bureau,  
10 verified by the applicant, accompanied by the fee fixed  
11 by this chapter and filed at its Sacramento office.

12 SEC. 106. Section 7619.2 of the Business and  
13 Professions Code is amended to read:

14 7619.2. The bureau shall grant a funeral director's  
15 license to any applicant who complies with this article,  
16 notwithstanding Section 7619, if the applicant can  
17 demonstrate that he or she has complied with Section  
18 7622 on or before July 1, 1999.

19 SEC. 107. Section 7621 of the Business and Professions  
20 Code is amended to read:

21 7621. The applicant shall also furnish the bureau with  
22 satisfactory proof that the facility in which he or she  
23 intends to conduct business as a funeral director is or will  
24 be constructed, equipped and maintained in all respects  
25 as a licensed funeral establishment as defined in this  
26 chapter.

27 SEC. 108. Section 7625 of the Business and Professions  
28 Code is amended to read:

29 7625. Upon receipt of an application for a license, the  
30 bureau shall cause an investigation to be made of the  
31 physical status or plans and specifications of the proposed  
32 funeral establishment, and of the other qualifications  
33 required of the applicant under this chapter, and for this  
34 purpose may subpoena witnesses, administer oaths, and  
35 take testimony.

36 The bureau shall grant a license if it finds that the  
37 proposed funeral establishment is or will be constructed  
38 and equipped as required by this chapter and that the  
39 applicant is qualified in all other respects as required by  
40 this chapter.



1 SEC. 109. Section 7626 of the Business and Professions  
2 Code is amended to read:

3 7626. The bureau shall examine and pass upon the  
4 qualifications of the applicant as to ability and experience  
5 before passing upon the physical status or plans and  
6 specifications of the proposed funeral establishment.

7 SEC. 110. Section 7626.5 of the Business and  
8 Professions Code is amended to read:

9 7626.5. Where a hearing is held to determine whether  
10 an application for a license should be granted, the  
11 proceeding shall be conducted in accordance with  
12 Chapter 5 of Part 1 of Division 3 of Title 2 of the  
13 Government Code, and the bureau shall have all of the  
14 powers granted therein.

15 SEC. 111. Section 7628 of the Business and Professions  
16 Code is amended to read:

17 7628. Any person, partnership, association,  
18 corporation, or other organization desiring to change the  
19 location of a licensed funeral establishment shall apply  
20 therefor on forms furnished by the bureau and shall  
21 include a fee fixed by this chapter.

22 The application shall be granted by the bureau upon  
23 the filing with the bureau of a favorable report from an  
24 inspector concerning the physical status or plans and  
25 specifications of the proposed licensed funeral  
26 establishment to the effect that it conforms to the  
27 requirements of this article.

28 SEC. 112. Section 7629 of the Business and Professions  
29 Code is amended to read:

30 7629. No funeral establishment shall be conducted or  
31 held forth as being conducted or advertised as being  
32 conducted under any name which might tend to mislead  
33 the public or which would be sufficiently like the name  
34 of any other licensed funeral director so as to constitute  
35 an unfair method of competition.

36 Any funeral director desiring to change the name  
37 appearing on his or her license may do so by applying to  
38 the bureau and paying the fee fixed by this chapter.

39 SEC. 113. Section 7631 of the Business and Professions  
40 Code is amended to read:



1 7631. In case of the death of a licensed funeral  
2 director, who leaves an established business as part or all  
3 of the assets of his or her estate, the bureau may issue a  
4 special temporary license to his or her legal  
5 representative, unless the legal representative has  
6 committed acts or crimes constituting grounds for denial  
7 of licensure under Section 480.

8 SEC. 114. Section 7635 of the Business and Professions  
9 Code is amended to read:

10 7635. (a) Any person employed by, or an agent of, a  
11 licensed funeral establishment, who consults with the  
12 family or representatives of a family of a deceased person  
13 for the purpose of arranging for services as set forth in  
14 subdivision (a) of Section 7615, shall receive documented  
15 training and instruction which results in a demonstrated  
16 knowledge of all applicable federal and state laws, rules,  
17 and regulations including those provisions dealing with  
18 vital statistics, the coroner, anatomical gifts, and other  
19 laws, rules, and regulations pertaining to the duties of a  
20 funeral director. A written outline of the training  
21 program, including documented evidence of the training  
22 time, place, and participants, shall be maintained in the  
23 funeral establishment and shall be available for  
24 inspection and comment by an inspector of the bureau.

25 (b) This section shall not apply to anyone who has  
26 successfully passed the funeral director's examination  
27 pursuant to Section 7622.

28 SEC. 115. Section 7641 of the Business and Professions  
29 Code is amended to read:

30 7641. It is unlawful for any person to embalm a body,  
31 or engage in, or hold himself or herself out as engaged in  
32 practice as an embalmer, unless he or she is licensed by  
33 the bureau. However, this section shall have no effect on  
34 students and instructors of embalming in embalming  
35 colleges approved by the bureau.

36 SEC. 116. Section 7642 of the Business and Professions  
37 Code is amended to read:

38 7642. An application for an embalmer's license shall  
39 be written on a form provided by the bureau, verified by



1 the applicant, and accompanied by the fee fixed by this  
2 chapter.

3 SEC. 117. Section 7643 of the Business and Professions  
4 Code is amended to read:

5 7643. In order to qualify for a license as an embalmer,  
6 the applicant shall comply with all of the following  
7 requirements:

8 (a) Be over 18 years of age.

9 (b) Not have committed acts or crimes constituting  
10 grounds for denial of licensure under Section 480.

11 (c) Furnish proof showing completion of a high school  
12 course or instead he or she may furnish the bureau with  
13 evidence that he or she has been licensed and has  
14 practiced as an embalmer for a minimum of three years  
15 within the seven years preceding his or her application in  
16 any other state or country and that the license has never  
17 been suspended or revoked for unethical conduct.

18 (d) Have completed at least two years of  
19 apprenticeship under an embalmer licensed and  
20 engaged in practice as an embalmer in this state in a  
21 funeral establishment which shall have been approved  
22 for apprentices by the bureau and while so apprenticed  
23 shall have assisted in embalming not fewer than 100  
24 human remains; provided, however, that a person who  
25 has been licensed and has practiced as an embalmer for  
26 a minimum of three years within the seven years  
27 preceding his or her application in any other state or  
28 country and whose license has never been suspended or  
29 revoked for unethical conduct shall not be required to  
30 serve any apprenticeship in this state.

31 (e) Have successfully completed a course of  
32 instruction of not less than one academic year in an  
33 embalming school approved by the bureau and  
34 accredited by the American Board of Funeral Service  
35 Education.

36 SEC. 118. Section 7646 of the Business and Professions  
37 Code is amended to read:

38 7646. The bureau shall require the applicant to pass an  
39 examination, which shall include the following subjects:

40 (a) Theory and practice of embalming.



1 (b) Anatomy, including histology, embryology and  
2 dissection.

3 (c) Pathology and bacteriology.

4 (d) Hygiene, including sanitation and public health.

5 (e) Chemistry, including toxicology.

6 (f) Restorative art, including plastic surgery and  
7 demisurgery.

8 (g) Laws, rules and regulations of the bureau,  
9 including those sections of the Health and Safety Code  
10 which pertain to the funeral industry.

11 SEC. 119. Section 7647 of the Business and Professions  
12 Code is amended to read:

13 7647. The bureau shall examine applicants for  
14 embalmer’s licenses at least once annually.

15 Examinations shall be held at such times and places as  
16 may be determined by the bureau.

17 Notice of the time and place of such examinations shall  
18 be given as determined by the bureau.

19 SEC. 120. Section 7647.5 of the Business and  
20 Professions Code is amended to read:

21 7647.5. Where a hearing is held to determine whether  
22 an application for a license should be granted, the  
23 proceeding shall be conducted in accordance with  
24 Chapter 5 (commencing with Section 11500) of Part 1 of  
25 Division 3 of Title 2 of the Government Code, and the  
26 bureau shall have all of the powers granted therein.

27 SEC. 121. Section 7650 of the Business and Professions  
28 Code is amended to read:

29 7650. From time to time, the bureau may examine the  
30 requirements for the issuance of licenses to embalmers in  
31 other states of the United States and cause a record to be  
32 kept of those states in which standards are maintained for  
33 embalmers, not lower than those provided in this  
34 chapter.

35 SEC. 122. Section 7661 of the Business and Professions  
36 Code is amended to read:

37 7661. An application for registration as an embalmer’s  
38 apprentice shall be made upon a form provided by the  
39 bureau, verified by the applicant and accompanied by the  
40 fee fixed by this chapter.



1 SEC. 123. Section 7662 of the Business and Professions  
2 Code is amended to read:

3 7662. In order to qualify as an apprentice embalmer,  
4 an applicant shall comply with all of the following  
5 requirements:

6 (a) Be over 18 years of age.

7 (b) Not have committed acts or crimes constituting  
8 grounds for denial of licensure under Section 480.

9 (c) Furnish proof showing completion of a high school  
10 course or instead he or she may furnish the bureau with  
11 evidence that he or she has been licensed and has  
12 practiced as an embalmer for a minimum of three years  
13 within the seven years preceding his or her application in  
14 any other state or country and that the license has never  
15 been suspended or revoked for unethical conduct.

16 SEC. 124. Section 7664 of the Business and Professions  
17 Code is amended to read:

18 7664. Certificates of apprenticeship issued pursuant  
19 to this article shall expire when the holder has been issued  
20 a license as an embalmer, or six years from the date of  
21 registration, whichever first occurs. The certificates may  
22 not be renewed, but an apprentice embalmer who has not  
23 completed his or her term of apprenticeship at the time  
24 his or her certificate expires may apply for reregistration  
25 upon compliance with Section 7661. The bureau may,  
26 when the circumstances warrant, allow an apprentice  
27 credit under a reregistration for the time actually served  
28 under a previous registration, but no reregistration shall  
29 have the effect of continuing the term of apprenticeship  
30 beyond the period specified in ~~Sections 7666 and 7666.5~~  
31 *Section 7666*.

32 SEC. 125. Section 7665 of the Business and Professions  
33 Code is amended to read:

34 7665. All registered apprentice embalmers shall  
35 comply with the following requirements during their  
36 period of apprenticeship:

37 (a) Shall file a report of apprenticeship as follows:

38 (1) On or before January 15 of each year covering the  
39 period of apprenticeship ending as of December 31  
40 preceding.



1 (2) Upon change of supervising embalmer or  
2 employer, or both.

3 (3) Upon completion of apprenticeship.

4 (4) Upon application for leave of absence for a period  
5 in excess of 15 days.

6 (5) Upon suspending apprenticeship to attend  
7 embalming college.

8 (6) Upon application for reregistration after  
9 suspension or revocation of registration where complete  
10 report of previous registration has not been filed.

11 (b) The information contained in the report shall  
12 consist of a concise summary of the work done by the  
13 apprentice during the period covered thereby, shall be  
14 verified by the apprentice and certified to as correct by  
15 his or her supervising embalmer and employer. Upon  
16 request of the bureau, each funeral director in whose  
17 establishment an apprenticeship is being, or has been,  
18 served, and each embalmer under whose instruction or  
19 supervision an apprenticeship is being or has been served,  
20 shall promptly file with the bureau a report or such other  
21 information as may be requested relating to the  
22 apprenticeship. Failure to comply with the request is  
23 cause for revocation by the bureau of the approval  
24 granted to the funeral director or embalmer for the  
25 training of apprentices and is also a cause for disciplinary  
26 action against the funeral director or embalmer.

27 SEC. 126. Section 7666 of the Business and Professions  
28 Code is amended to read:

29 7666. (a) The term of apprenticeship shall be two  
30 years. However if an apprentice after having served his  
31 or her apprenticeship fails to pass the examination for an  
32 embalmer's license he or she may continue for one  
33 additional term of apprenticeship, which shall be the  
34 maximum apprenticeship permitted and provided  
35 further that an apprentice may, upon filing an application  
36 therefor, be permitted to continue the apprenticeship for  
37 a period not to exceed six months, if approved, for any of  
38 the following reasons:

39 (1) While awaiting the processing of applications  
40 submitted to the bureau.



1 (2) While awaiting notification of grades of  
2 embalmers' examinations administered by the bureau.

3 (3) While awaiting the commencement of a class of an  
4 embalming school or college when the apprentice  
5 intends to enroll in the school or college.

6 Applications filed for an extension of apprenticeship  
7 shall be filed by the applicant with the bureau not fewer  
8 than 15 days prior to the date the applicant requests the  
9 extension to commence.

10 (b) Terms of apprenticeship may be served before,  
11 after, or divided by the embalming college course at the  
12 option of the apprentice; provided, however, that the  
13 term of apprenticeship must be completed, excluding  
14 time spent in active military service, within six years from  
15 the date of original registration, or from the date an  
16 apprentice successfully passes the examination for  
17 embalmer's license required in Section 7646 of this code,  
18 whichever first occurs, and provided further that if the  
19 term of apprenticeship is not completed within the  
20 six-year period, the bureau may require that the  
21 applicant serve the additional term of apprenticeship, not  
22 to exceed two years.

23 (c) A student attending an embalming college may  
24 register as an apprentice during his or her college term  
25 but shall receive no credit for apprenticeship on the term  
26 required by this code unless he or she is also a full-time  
27 employee of a funeral director.

28 (d) An apprentice while serving his or her required  
29 term of apprenticeship shall be a full-time employee in  
30 the funeral establishment in which he or she is employed.

31 SEC. 127. Section 7667 of the Business and Professions  
32 Code is amended to read:

33 7667. (a) The bureau shall have the power to grant  
34 leaves of absence and extensions of leaves of absence and  
35 approve absences during the term of apprenticeship.

36 (b) A leave of absence, including any extensions, shall  
37 not be approved for a longer period than an aggregate of  
38 one year.



1 (c) No credit will be given to an apprentice on his or  
2 her apprenticeship for the period during which he or she  
3 is absent from duty on leave.

4 (d) Application for a leave of absence and for an  
5 extension thereof shall be made by the apprentice on a  
6 form provided by the bureau.

7 (e) Upon termination of a leave of absence, the  
8 apprentice shall report that fact to the bureau within 10  
9 days of his or her resumption of apprenticeship by  
10 returning to the bureau, his or her certificate of  
11 registration accompanied by a statement as to the  
12 resumption of apprenticeship which statement shall be  
13 certified as correct by the funeral director in whose  
14 establishment he or she is to resume his or her duties and  
15 by the embalmer under whose supervision he or she is to  
16 resume his or her apprenticeship.

17 (f) Failure to report within 10 days after the expiration  
18 date of any leave of absence shall be cause for cancellation  
19 of the registration of an apprentice.

20 SEC. 128. Section 7668 of the Business and Professions  
21 Code is amended to read:

22 7668. The bureau may suspend or revoke a certificate  
23 of apprenticeship, after notice and upon complaint and  
24 hearing in accordance with the provisions of Article 6, if  
25 the apprentice is guilty of any of the following acts or  
26 omissions:

27 (a) Failure to devote full-time employment to the  
28 duties of his or her apprenticeship.

29 (b) Failure to make any report required by this  
30 chapter.

31 (c) Absence from duty except as provided in this code.

32 (d) Being on duty as an apprentice while under the  
33 influence of any controlled substance, as defined in  
34 Division 10 (commencing with Section 11000) of the  
35 Health and Safety Code, or any dangerous drug as defined  
36 in Article 2 (commencing with Section 4015) of Chapter  
37 9 of the Business and Professions Code, or alcoholic  
38 beverages or other intoxicating substances, to an extent  
39 dangerous or injurious to himself, herself, any person, or  
40 the public to the extent that such use impairs his or her



1 ability to conduct with safety to the public the practice  
2 authorized by his or her certification.

3 (e) Disobedience of proper orders or instructions of  
4 his or her superior.

5 (f) Violation of any provision of this chapter or any  
6 rule or regulation of the bureau.

7 (g) Soliciting business for a funeral director or for an  
8 embalmer in violation of this chapter.

9 (h) Fraud or misrepresentation in obtaining a  
10 certificate of registration as an apprentice.

11 (i) Conviction of a crime substantially related to the  
12 qualifications, functions and duties of an apprentice, in  
13 which case the record of conviction, or a certified copy,  
14 shall be conclusive evidence of the conviction.

15 SEC. 129. Section 7669 of the Business and Professions  
16 Code is amended to read:

17 7669. An apprentice who has had his or her certificate  
18 of apprenticeship suspended or revoked may, within one  
19 year after the suspension or revocation apply for  
20 reregistration upon compliance with the law in effect at  
21 the time he or she so applies and payment of the  
22 apprentice application fee fixed by this chapter. No  
23 reregistration shall have the effect of continuing an  
24 apprenticeship beyond the period specified in Section  
25 7666.

26 The bureau may, when the circumstances warrant,  
27 allow an apprentice credit under a reregistration for the  
28 time actually served under a previous registration, but if  
29 the previous registration has been suspended or revoked  
30 for unprofessional conduct, not more than 75 percent of  
31 the time previously served shall be credited on the  
32 reregistration.

33 SEC. 130. Section 7670 of the Business and Professions  
34 Code is amended to read:

35 7670. (a) The apprenticeship required by this article  
36 shall be served in a licensed funeral establishment that  
37 shall have been previously approved for apprenticeship  
38 training by the bureau. In order to qualify for approval  
39 the funeral director shall submit to the bureau an



1 application, accompanied by the fee fixed by this chapter,  
2 showing:

3 (1) That not less than 50 human remains per  
4 apprentice employed have been embalmed in the  
5 establishment during the 12 months immediately  
6 preceding the date of the application.

7 (2) That the applicant has, and will continue to have,  
8 in full-time employment, for each two apprentices  
9 employed in his or her establishment, a California  
10 embalmer who has had not less than two years' practical  
11 experience as a California licensed embalmer  
12 immediately preceding the date of the application.

13 (3) That the licensed funeral establishment of that  
14 applicant meets the requirements of law as to equipment,  
15 cleanliness and sanitation as determined by an inspection  
16 report filed with the bureau.

17 (b) Licensed funeral establishments under common  
18 ownership within close geographical proximity of each  
19 other may request any of the following from the bureau:

20 (1) To be treated in aggregate for the purpose of  
21 meeting the requirements of paragraph (1) of  
22 subdivision (a).

23 (2) To designate one additional supervising embalmer  
24 per registered apprentice.

25 (3) To allow a registered apprentice to serve in any or  
26 all of the licensed funeral establishments requested and  
27 approved pursuant to this section.

28 (c) Approval granted under this section shall be  
29 renewed annually upon application by the funeral  
30 director, showing continued compliance with the  
31 foregoing provisions of this section, filed with the bureau  
32 not later than January 15 of each year. An application for  
33 renewal shall be accompanied by the fee fixed by this  
34 chapter.

35 SEC. 131. Section 7685.2 of the Business and  
36 Professions Code is amended to read:

37 7685.2. (a) No funeral director shall enter into a  
38 contract for furnishing services or property in connection  
39 with the burial or other disposal of human remains until  
40 he or she has first submitted to the potential purchaser of



1 those services or property a written or printed  
2 memorandum containing the following information,  
3 provided that information is available at the time of  
4 execution of the contract:

5 (1) The total charge for the funeral director's services  
6 and the use of his or her facilities, including the  
7 preparation of the body and other professional services,  
8 and the charge for the use of automotive and other  
9 necessary equipment.

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

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

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

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

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

30 (b) A funeral establishment shall obtain from the  
31 person with the right to control the disposition pursuant  
32 to Section 7100 of the Health and Safety Code, or the  
33 person prearranging the cremation and disposition of his  
34 or her own remains, a signed declaration designating  
35 specific instructions with respect to the disposition of  
36 cremated remains. The bureau shall make available a  
37 form upon which the declaration shall be made. The form  
38 shall include, but not be limited to, the names of the  
39 persons with the right to control the disposition of the  
40 cremated remains and the person who is contracting for



1 the cremation services; the name of the deceased; the  
2 name of the funeral establishment in possession of the  
3 remains; the name of the crematorium; and specific  
4 instructions regarding the manner, location, and other  
5 pertinent details regarding the disposition of cremated  
6 remains. The form shall be signed and dated by the  
7 person arranging for the cremation and the funeral  
8 director, employee, or agent of the funeral establishment  
9 in charge of arranging or prearranging the cremation  
10 service.

11 (c) A funeral director entering into a contract to  
12 furnish cremation services shall provide to the purchaser  
13 of cremation services, either on the first page of the  
14 contract for cremation services, or on a separate page  
15 attached to the contract, a written or printed notice  
16 containing the following information:

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

21 (2) If the cremated remains container cannot  
22 accommodate all cremated remains of the deceased, the  
23 crematory shall provide a larger cremated remains  
24 container at no additional cost, or place the excess in a  
25 second container that cannot easily come apart from the  
26 first, pursuant to Section 8345 of the Health and Safety  
27 Code.

28 SEC. 132. Section 7685.3 of the Business and  
29 Professions Code is amended to read:

30 7685.3. The current address, telephone number, and  
31 name of the Department of Consumer Affairs, Cemetery  
32 and Funeral Bureau shall appear on the first page of any  
33 contract for goods and services offered by a funeral  
34 director. At a minimum, the information shall be in  
35 8-point boldface type and make this statement:

36  
37 “FOR MORE INFORMATION ON FUNERAL,  
38 CEMETERY, AND CREMATION MATTERS,  
39 CONTACT: DEPARTMENT OF CONSUMER



1 AFFAIRS, (ADDRESS), (TELEPHONE NUMBER).”

2

3 SEC. 133. Section 7685.5 of the Business and  
4 Professions Code is amended to read:

5 7685.5. (a) The bureau shall make available to  
6 funeral establishments and cemetery authorities a copy of  
7 a consumer guide for funeral and cemetery purchases for  
8 purposes of reproduction and distribution. The funeral  
9 and cemetery guide that is approved by the bureau, in  
10 consultation with the funeral and cemetery industries  
11 and any other interested parties, shall be made available  
12 in printed form and electronically through the Internet.

13 (b) A funeral establishment shall prominently display  
14 and make available to any individual who, in person,  
15 inquires about funeral or cemetery purchases, a copy of  
16 the consumer guide for funeral and cemetery purchases,  
17 reproduced as specified in subdivision (a).

18 SEC. 134. Section 7686 of the Business and Professions  
19 Code is amended to read:

20 7686. The bureau may suspend or revoke licenses,  
21 after proper notice and hearing to the licensee, if the  
22 licensee has been found guilty by the bureau of any of the  
23 acts or omissions constituting grounds for disciplinary  
24 action. The proceedings under this article shall be  
25 conducted in accordance with Chapter 5 of Part 1 of  
26 Division 3 of Title 2 of the Government Code, and the  
27 bureau shall have all the powers granted therein.

28 SEC. 135. Section 7686.5 of the Business and  
29 Professions Code is amended to read:

30 7686.5. All accusations against licensees shall be filed  
31 with the bureau within two years after the performance  
32 of the act or omission alleged as the ground for  
33 disciplinary action; provided, however, that the  
34 foregoing provision shall not constitute a defense to an  
35 accusation alleging fraud or misrepresentation as a  
36 ground for disciplinary action. The cause for disciplinary  
37 action in such case shall not be deemed to have accrued  
38 until discovery, by the bureau, of the facts constituting  
39 the fraud or misrepresentation, and, in such case, the



1 accusation shall be filed within three years after such  
2 discovery.

3 SEC. 136. Section 7687 of the Business and Professions  
4 Code is amended to read:

5 7687. Upon receipt of a complaint, the bureau may  
6 make or cause to be made such investigation as it deems  
7 necessary.

8 SEC. 137. Section 7690 of the Business and Professions  
9 Code is amended to read:

10 7690. The bureau may discipline every accused  
11 licensee whose default has been entered or who has been  
12 tried and found guilty, after formal hearing, of any act or  
13 omission constituting a ground for disciplinary action.

14 Any of the following penalties may be imposed by the  
15 bureau:

- 16 (a) Suspension of the disciplinary order.
- 17 (b) Reprimand, public or private.
- 18 (c) Probation.
- 19 (d) Suspension of the right to practice.
- 20 (e) Revocation of the right to practice.
- 21 (f) Such other penalties as the bureau deems fit.

22 SEC. 138. Section 7708 of the Business and Professions  
23 Code is amended to read:

24 7708. The bureau, after a hearing, may deny the  
25 application of a funeral establishment, funeral director,  
26 embalmer, or apprentice embalmer on proof that the  
27 applicant has committed acts or crimes constituting  
28 grounds for denial of licensure under Section 480. The  
29 record of conviction, or a certified copy thereof, shall be  
30 conclusive evidence of the conviction.

31 SEC. 139. Section 7709 of the Business and Professions  
32 Code is amended to read:

33 7709. A plea or verdict of guilty or a conviction  
34 following a plea of nolo contendere is deemed to be a  
35 conviction within the meaning of this article. The bureau  
36 may order the license suspended or revoked, or may  
37 decline to issue a license, when the time for appeal has  
38 elapsed, or the judgment of conviction has been affirmed  
39 on appeal or when an order granting probation is made  
40 suspending the imposition of sentence, irrespective of a



1 subsequent order under the provisions of Section 1203.4  
2 of the Penal Code allowing such person to withdraw his  
3 plea of guilty and to enter a plea of not guilty, or setting  
4 aside the verdict of guilty, or dismissing the accusation,  
5 information or indictment.

6 SEC. 140. Section 7711 of the Business and Professions  
7 Code is amended to read:

8 7711. When a funeral establishment, funeral director  
9 or embalmer has had his, or her, or its license suspended,  
10 canceled, or revoked by the bureau, the bureau, upon  
11 written application by the licensee affected, upon not less  
12 than 10 days' notice to all parties of record in the  
13 particular case, and after hearing all evidence offered in  
14 support of and in opposition to that application, may, in  
15 its discretion, and upon those terms as it may deem just,  
16 reinstate the applicant.

17 SEC. 141. Section 7725 of the Business and Professions  
18 Code is amended to read:

19 7725. Licenses issued under this chapter shall expire  
20 at 12 p.m. on January 31 of each year, if not in each  
21 instance renewed. To renew an unexpired license, the  
22 holder thereof shall on or before the date on which it  
23 would otherwise expire, apply for renewal on a form  
24 prescribed by the bureau, and pay the renewal fee  
25 prescribed by this chapter.

26 On or before the 10th day of December of each year,  
27 the bureau shall mail to each licensed funeral  
28 establishment, funeral director, and embalmer,  
29 addressed to him or her at his or her last known address,  
30 a notice that a renewal fee is due and payable.

31 SEC. 142. Section 7725.2 of the Business and  
32 Professions Code is amended to read:

33 7725.2. Except as otherwise provided in this article, a  
34 license which has expired may be renewed at any time  
35 within five years after its expiration on filing of an  
36 application for renewal on a form prescribed by the  
37 bureau and payment of the renewal fee in effect on the  
38 last regular renewal date. If the license is not renewed  
39 within 30 days after its expiration the licensee, as a  
40 condition precedent to renewal, shall also pay the



1 delinquency fee prescribed by this chapter. Renewal  
2 under this section shall be effective on the date on which  
3 the application is filed, on the date on which the renewal  
4 fee is paid, or on the date on which the delinquency fee,  
5 if any, is paid, whichever last occurs. If so renewed, the  
6 license shall continue in effect through the date provided  
7 in Section 7725 which next occurs after the effective date  
8 of the renewal, when it shall expire if it is not again  
9 renewed.

10 If a license is not renewed within one year following its  
11 expiration, the bureau may require as a condition of  
12 renewal that the holder of the license pass an examination  
13 on the appropriate subjects provided by this chapter.

14 SEC. 143. Section 7725.5 of the Business and  
15 Professions Code is amended to read:

16 7725.5. A license which is not renewed within five  
17 years after its expiration may not be renewed, restored,  
18 reissued, or reinstated thereafter. The holder of the  
19 expired license may obtain a new license only if the  
20 holder pays all of the fees, and meets all of the  
21 requirements, other than requirements relating to  
22 education, set forth in this chapter for obtaining an  
23 original license, except that the bureau may issue a new  
24 license to the holder without an examination if the holder  
25 establishes to the bureau's satisfaction that, with due  
26 regard for the public interest, the holder is qualified to  
27 engage in the activity in which the holder again seeks to  
28 be licensed. The bureau may, by appropriate regulation,  
29 provide for the waiver or refund of all or any part of the  
30 application fee in those cases in which a license is issued  
31 without an examination under this section.

32 The provisions of this section do not apply to  
33 certificates of apprenticeship.

34 SEC. 144. Section 7727 of the Business and Professions  
35 Code is amended to read:

36 7727. On or before the 10th day of each month, the  
37 department shall pay into the State Treasury and report  
38 to the State Controller all the fees received for the  
39 bureau. The fees shall be received by the State Treasurer  
40 and placed in the State Funeral Directors and Embalmers



1 Fund, which fund is available for expenditures necessary  
2 for the proper administration of this chapter.

3 SEC. 145. Section 7735 of the Business and Professions  
4 Code is amended to read:

5 7735. No funeral establishment licensed under the  
6 laws of the State of California, or the agents or employees  
7 of a funeral establishment, shall enter into or solicit any  
8 preneed arrangement, contract, or plan, hereinafter  
9 referred to as "contract," requiring the payment to the  
10 licensee of money or the delivery to the licensee of  
11 securities to pay for the final disposition of human  
12 remains or for funeral services or for the furnishing of  
13 personal property or funeral merchandise, wherein the  
14 use or delivery of those services, property or merchandise  
15 is not immediately required, unless the contract requires  
16 that all money paid directly or indirectly and all securities  
17 delivered under that agreement or under any agreement  
18 collateral thereto, shall be held in trust for the purpose for  
19 which it was paid or delivered until the contract is  
20 fulfilled according to its terms; provided, however, that  
21 any payment made or securities deposited pursuant to  
22 this article shall be released upon the death of the person  
23 for whose benefit the trust was established as provided in  
24 Section 7737. The income from the corpus may be used  
25 to pay for a reasonable annual fee for administering the  
26 trust, including a trustee fee, to be determined by the  
27 bureau, and to establish a reserve of not to exceed 10  
28 percent of the corpus as a revocation fee in the event of  
29 cancellation on the part of the beneficiary. In addition to  
30 annual fees and reserves authorized by this section, a  
31 trustee may, at its election, pay taxes on the earnings on  
32 any trust pursuant to Section 17760.5 of the Revenue and  
33 Taxation Code. In no event, however, shall taxes paid on  
34 the earnings of any trust be considered part of the fees or  
35 reserves authorized by this section.

36 None of the trust corpus shall be used for payment of  
37 any commission nor shall any of the trust corpus be used  
38 for other expenses of trust administration, or for the  
39 payment of taxes on the earnings of the trust.



1 SEC. 146. Section 7737.3 of the Business and  
2 Professions Code is amended to read:

3 7737.3. All commingled preneed trust funds held by  
4 a funeral establishment shall be subject to an annual,  
5 independent certified financial audit with a copy of the  
6 audit to be submitted to the bureau for review within 120  
7 days of the close of the fund's fiscal year. Any findings of  
8 noncompliance with existing law regarding preneed trust  
9 funds shall be identified by the auditor in a separate  
10 report for review and action by the bureau. Audits and  
11 reports of noncompliance shall be filed simultaneously.

12 SEC. 147. Section 7740 of the Business and Professions  
13 Code is amended to read:

14 7740. The bureau is authorized to enforce of its own  
15 initiative the provisions of this article and may adopt such  
16 rules and regulations as in its opinion may be necessary to  
17 perform such duties and to safeguard the trust funds  
18 subject to this chapter.

19 SEC. 148. Section 7740.5 of the Business and  
20 Professions Code is amended to read:

21 7740.5. A funeral establishment shall pay to the  
22 bureau the fee fixed by this chapter for filing with the  
23 bureau any report on preneed trust funds required by  
24 rules and regulations of the bureau adopted pursuant to  
25 Section 7740.

26 SEC. 149. Section 9603 of the Business and Professions  
27 Code is amended to read:

28 9603. The following terms as used in this chapter shall  
29 have the meanings expressed in this section:

30 (a) "Department" means the Department of  
31 Consumer Affairs.

32 (b) "Director" means the Director of Consumer  
33 Affairs.

34 (c) "Bureau" means the Cemetery and Funeral  
35 Bureau.

36 SEC. 150. Section 9625 of the Business and Professions  
37 Code is amended to read:

38 9625. There is in the department, the Cemetery and  
39 Funeral Bureau, under the supervision and control of the  
40 director.



1 The director may appoint a chief at a salary to be fixed  
2 and determined by the director, with the approval of the  
3 Director of Finance. The duty of enforcing and  
4 administering this chapter is vested in the chief, and he  
5 or she is responsible to the director therefor. The chief  
6 shall serve at the pleasure of the director.

7 SEC. 151. Section 9630 of the Business and Professions  
8 Code is amended to read:

9 9630. The bureau may establish necessary rules and  
10 regulations for the administration and enforcement of  
11 this act and the laws subject to its jurisdiction and  
12 prescribe the form of statements and reports provided for  
13 in this act. The rules and regulations shall be adopted,  
14 amended, or repealed in accordance with the provisions  
15 of the Administrative Procedure Act.

16 SEC. 152. Section 9631 of the Business and Professions  
17 Code is amended to read:

18 9631. In the enforcement of this act and the laws  
19 subject to its jurisdiction, the bureau has all the powers  
20 and is subject to all the responsibilities vested in and  
21 imposed upon the head of a department under Chapter  
22 2 (commencing with Section 11150) of Part 1 of Division  
23 3 of Title 2 of the Government Code.

24 SEC. 153. Section 9650 of the Business and Professions  
25 Code is amended to read:

26 9650. (a) Each cemetery authority shall file with the  
27 bureau annually, on or before June 1, or within five  
28 months after close of their fiscal year provided approval  
29 has been granted by the bureau as provided for in Section  
30 9650.1, a written report in a form prescribed by the  
31 bureau setting forth the following:

32 (1) The number of square feet of grave space and the  
33 number of crypts and niches sold or disposed of under  
34 endowment care by specific periods as set forth in the  
35 form prescribed.

36 (2) The amount collected and deposited in both the  
37 general and special endowment care funds segregated as  
38 to the amounts for crypts, niches and grave space by  
39 specific periods as set forth either on the accrual or cash  
40 basis at the option of the cemetery authority.



1 (3) A statement showing separately the total amount  
2 of the general and special endowment care funds  
3 invested in each of the investments authorized by law and  
4 the amount of cash on hand not invested, which  
5 statement shall actually show the financial condition of  
6 the funds.

7 (4) A statement showing separately the location,  
8 description, and character of the investments in which  
9 the special endowment care funds are invested. The  
10 statement shall show the valuations of any securities held  
11 in the endowment care fund as valued pursuant to  
12 Section 9659.

13 (5) A statement showing the transactions entered into  
14 between the corporation or any officer, employee or  
15 stockholder thereof and the trustees of the endowment  
16 care funds with respect to those endowment care funds.  
17 The statement shall show the dates, amounts of the  
18 transactions, and shall contain a statement of the reasons  
19 for those transactions.

20 (b) The report shall be verified by the president or  
21 vice president and one other officer of the cemetery  
22 corporation. The information submitted pursuant to  
23 paragraphs (2), (3), (4), and (5) shall be accompanied by  
24 an annual audit report of the endowment care fund and  
25 special care fund signed by a certified public accountant  
26 or public accountant. The scope of the audit shall include  
27 the inspection, review, and audit of the general purpose  
28 financial statements of the endowment care fund and  
29 special care fund, which shall include the balance sheet,  
30 the statement of revenues, expenditures, and changes in  
31 fund balance.

32 (c) If a cemetery authority files a written request prior  
33 to the date the report is due, the bureau may, in its  
34 discretion, grant an additional 30 days within which to file  
35 the report.

36 SEC. 154. Section 9650.1 of the Business and  
37 Professions Code is amended to read:

38 9650.1. Each cemetery authority requesting a change  
39 of filing date of the endowment care fund report from a  
40 calendar year to a fiscal year or a change in fiscal year shall



1 file a petition with the bureau prior to the close of the year  
2 of request. The bureau may approve such petition  
3 provided that no report shall be for a period of more than  
4 12 months.

5 SEC. 155. Section 9650.2 of the Business and  
6 Professions Code is amended to read:

7 9650.2. The report shall state the name of the trustee  
8 or trustees of the endowment care fund. Any change of  
9 trustee shall be reported to the bureau within a period of  
10 30 days after the change is made.

11 SEC. 156. Section 9650.3 of the Business and  
12 Professions Code is amended to read:

13 9650.3. A copy of each annual audit report shall be  
14 transmitted to the bureau and shall be a public record. It  
15 shall also be open for public inspection at the offices of the  
16 cemetery authority during normal business hours. If the  
17 cemetery authority does not maintain offices in the  
18 county in which its cemetery is located, it shall file a copy  
19 of the annual audit report with the county clerk of the  
20 county, which shall be subject to public inspection.

21 SEC. 157. Section 9650.4 of the Business and  
22 Professions Code is amended to read:

23 9650.4. (a) Any cemetery authority that does not file  
24 its report within the time prescribed by Section 9650 may  
25 be assessed a fine by the bureau in an amount not to  
26 exceed four hundred dollars (\$400) per month for a  
27 maximum of five months. The amount of the fine shall be  
28 established by regulation in accordance with the  
29 Administrative Procedure Act (Chapter 3.5  
30 (commencing with Section 11340) of Part 1 of Division 3  
31 of Title 2 of the Government Code). Failure to pay the  
32 fine within 15 days after receipt of written notification of  
33 the assessment or, where a timely request for waiver or  
34 reduction of the fine has been filed, within 15 days after  
35 receipt of written notification of the bureau's decision in  
36 the matter, shall be cause for disciplinary action.

37 (b) A cemetery authority may request waiver or  
38 reduction of a fine by making a written request therefor.  
39 The request shall be postmarked within the time  
40 specified above for payment of the fine and shall be



1 accompanied by a statement showing good cause for the  
2 request.

3 (c) The bureau may waive or reduce the fine where a  
4 timely request is made and where it determines, in its  
5 discretion, that the cemetery authority has made a  
6 sufficient showing of good cause for the waiver or  
7 reduction.

8 SEC. 158. Section 9651 of the Business and Professions  
9 Code is amended to read:

10 9651. The bureau shall examine the reports filed with  
11 it as to their compliance with the requirements of the  
12 Health and Safety Code as to the amount of endowment  
13 care funds collected and as to the manner of investment  
14 of such funds.

15 SEC. 159. Section 9652 of the Business and Professions  
16 Code is amended to read:

17 9652. The bureau shall examine the endowment care  
18 funds of a cemetery authority:

19 (a) Whenever it deems necessary and at least once  
20 every five years;

21 (b) Whenever the cemetery authority in charge of  
22 endowment care funds fails to file the report required by  
23 this article; or

24 (c) Whenever the accountant or auditor qualifies his  
25 or her certification of the report that is prepared and  
26 signed by a certified public accountant licensed in the  
27 state and prepared in accordance with Section 9650.

28 (d) The reasonable and necessary cost of the  
29 examination performed under subdivision (b) or (c) shall  
30 be paid by the cemetery authority.

31 A certified copy of the actual costs, or a good faith  
32 estimate of the costs where actual costs are not available,  
33 signed by the director or his or her designee, shall be  
34 prima facie evidence of the reasonable and necessary  
35 costs of the examination.

36 The actual and necessary expense of the examination  
37 under subdivision (a) shall, in the discretion of the  
38 bureau, be paid by the cemetery authority whenever the  
39 examination requires more than one day and the need for  
40 continuing the examination is directly related to



1 identified omissions and errors in the management of  
2 endowment care funds.

3 SEC. 160. Section 9652.1 of the Business and  
4 Professions Code is amended to read:

5 9652.1. If any cemetery authority refuses to pay such  
6 expenses, the bureau shall refuse it a certificate of  
7 authority and shall revoke any existing certificate of  
8 authority. All examination expense moneys collected by  
9 the bureau shall be paid into the State Treasury to the  
10 credit of the Cemetery Fund.

11 SEC. 161. Section 9653 of the Business and Professions  
12 Code is amended to read:

13 9653. (a) In making the examination the program:

14 (1) Shall have free access to the books and records  
15 relating to the trust funds, their collection and  
16 investment, and the number of graves, crypts and niches  
17 under endowment care.

18 (2) Shall inspect and examine the trust funds to  
19 determine their condition and the existence of the  
20 investments.

21 (3) Shall ascertain if the cemetery corporation has  
22 complied with all the laws applicable to trust funds.

23 (b) Upon request by the bureau, a cemetery authority  
24 shall provide records to substantiate the expenditures of  
25 the income of the trust funds. If a cemetery authority fails  
26 to reasonably comply with this request, the bureau may  
27 have access to books, records, and accounts of a cemetery  
28 authority for purposes of ascertaining compliance with  
29 applicable laws.

30 SEC. 162. Section 9654 of the Business and Professions  
31 Code is amended to read:

32 9654. The bureau may administer oaths and examine  
33 under oath any person relative to the endowment care  
34 fund. Such examination shall be conducted in the  
35 principal office of the person or body in charge of the  
36 endowment care fund and shall be private.

37 SEC. 163. Section 9655 of the Business and Professions  
38 Code is amended to read:

39 9655. If any examination made by the bureau, or any  
40 report filed with it, shows that there has not been



1 collected and deposited in the endowment care funds the  
2 minimum amounts required by the Health and Safety  
3 Code since September 19, 1939, the bureau shall require  
4 such cemetery corporation to comply with Sections 8743  
5 and 8744 of the Health and Safety Code.

6 SEC. 164. Section 9656 of the Business and Professions  
7 Code is amended to read:

8 9656. Whenever the bureau finds, after notice and  
9 hearing, that any endowment care funds have been  
10 invested in violation of the Health and Safety Code, it  
11 shall by written order mailed to the person or body in  
12 charge of the fund require the reinvestment of the funds  
13 in conformity to that code within a period which shall be  
14 not less than two years if the investment was made prior  
15 to October 1, 1949, not less than six months if the  
16 investment was made on or after October 1, 1949, and  
17 before the effective date of the amendment of this section  
18 by the 1969 Regular Session of the Legislature, and not  
19 less than 30 days if the investment is made on or after the  
20 effective date of the amendment. The period may be  
21 extended by the bureau in its discretion.

22 SEC. 165. Section 9656.1 of the Business and  
23 Professions Code is amended to read:

24 9656.1. The superior court of the county in which the  
25 principal office of the cemetery authority in charge of  
26 endowment care funds is located shall, upon the filing by  
27 the bureau of a verified application showing any of the  
28 following conditions hereinafter enumerated to exist,  
29 issue its order vesting title to any endowment care funds  
30 of a cemetery authority in the bureau, and directing the  
31 bureau forthwith to take possession of all necessary books,  
32 records, property, real and personal, and assets, and to  
33 conduct as conservator, the management of such  
34 endowment care funds, or so much thereof as to the  
35 bureau may seem appropriate:

36 (a) That the cemetery authority has refused to submit  
37 its books, papers, accounts, or affairs to the reasonable  
38 examination of the bureau.

39 (b) That the cemetery authority has neglected to  
40 observe an order of the bureau to make good within the



1 time prescribed by law any deficiency in its investments  
2 of endowment care funds.

3 (c) That the cemetery authority is found, after an  
4 examination, to be in such condition that its further  
5 management of its endowment care funds will be  
6 hazardous to its members, plotholders, or to the public.

7 (d) That the cemetery authority has violated its  
8 articles of incorporation or any law of the state.

9 (e) That any officer, director, agent, servant or  
10 employee of the cemetery authority person refuses to be  
11 examined under oath relative to the endowment care  
12 funds thereof.

13 (f) That any person has embezzled or otherwise  
14 wrongfully diverted any of the endowment care funds of  
15 the cemetery authority.

16 The order shall continue in force and effect until, on the  
17 application either of the bureau or of the cemetery  
18 authority, it shall, after a full hearing, appear to the court  
19 that the ground for the order does not exist or has been  
20 removed and that the cemetery authority can properly  
21 resume title and possession of its property and the  
22 management of its endowment care funds.

23 SEC. 166. Section 9656.2 of the Business and  
24 Professions Code is amended to read:

25 9656.2. When it has been alleged by verified petition  
26 pursuant to Section 9652 or when the bureau on its own  
27 investigation determines that there is probable cause to  
28 believe that any of the conditions set forth in Section  
29 9656.1 exist or that irreparable loss and injury to the  
30 endowment care funds of a cemetery authority has  
31 occurred or may occur unless the bureau so acts  
32 immediately, the bureau, without notice and before  
33 applying to the court for any order, may take possession  
34 of the endowment care funds and the books, records, and  
35 accounts relating thereto of the cemetery authority, and  
36 retain possession subject to the order of the court. Any  
37 person having possession of and refusing to deliver any  
38 assets, books or records of a cemetery authority against  
39 which a seizure order has been issued by the bureau shall  
40 be guilty of a misdemeanor and punishable by a fine not



1 exceeding one thousand dollars (\$1,000) or imprisonment  
2 not exceeding one year, or by both that fine and  
3 imprisonment.

4 SEC. 167. Section 9656.25 of the Business and  
5 Professions Code is amended to read:

6 9656.25. If any city, county, or city and county  
7 exercises its authority to address public health, safety, or  
8 welfare issues in connection with a cemetery within its  
9 jurisdiction and if the certificate of authority of the  
10 cemetery has been revoked or suspended or has not been  
11 renewed, and the bureau holds the endowment care fund  
12 of the certificate of authority under applicable provisions  
13 of this code, the costs of any action that constitutes care,  
14 maintenance, or embellishment of the cemetery within  
15 the meaning of Section 8726 of the Health and Safety  
16 Code shall be eligible for reimbursement from available  
17 income from any endowment care fund in existence for  
18 the cemetery. For purposes of this section, local  
19 jurisdiction action may be based on charter, ordinance, or  
20 inherent police powers. Any claim for money or damages  
21 for an act or omission by the local jurisdiction acting in  
22 accord with this section shall be subject to all otherwise  
23 applicable immunities contained in Division 3.6  
24 (commencing with Section 810) of Title 1 of the  
25 Government Code.

26 SEC. 168. Section 9656.3 of the Business and  
27 Professions Code is amended to read:

28 9656.3. Whenever the bureau makes any seizure as  
29 provided in Section 9656.2, it shall, on demand of the  
30 bureau, be the duty of the sheriff of any county of this  
31 state, and of the police department of any municipal  
32 corporation therein, to furnish the bureau with deputies,  
33 patrolmen or officers as may be necessary to assist the  
34 bureau in making and enforcing that seizure.

35 SEC. 169. Section 9656.4 of the Business and  
36 Professions Code is amended to read:

37 9656.4. Immediately after effecting a seizure  
38 pursuant to Section 9656.2, the bureau shall institute a  
39 proceeding as provided for in Section 9656.1.



1 SEC. 170. Section 9656.45 of the Business and  
2 Professions Code is amended to read:

3 9656.45. Notwithstanding any other provision of law,  
4 the bureau shall be the custodian of all moneys collected  
5 or surrendered pursuant to Sections 9656.1 and 9656.2. As  
6 custodian, the bureau may deposit those moneys, or any  
7 part thereof, without court approval, in any of the  
8 following: a bank or trust company legally authorized and  
9 empowered by the state to act as a trustee in the handling  
10 of trust funds; in a centralized State Treasury system bank  
11 account; or in funds administered by the State Treasurer.

12 SEC. 171. Section 9656.5 of the Business and  
13 Professions Code is amended to read:

14 9656.5. The bureau shall maintain, regulate, operate,  
15 and control the property situated in Amador County,  
16 referred to as the Elkin Property in Judicial Council  
17 Coordination Proceedings Nos. 1814 and 1817, Order Re  
18 Proposed Neptune Memorial, Disposition of the Elkin  
19 Property, and Order Re Final Disposition of Ashes of the  
20 Sacramento Superior Court, and legally described as  
21 “Parcel 16-B as shown on the certain Record or Survey for  
22 Eugene S. Lowrance, et ux, filed for record May 17, 1971,  
23 in Book 17 of Maps and Plats at page 87, Amador County  
24 Records.” The bureau shall administer and supervise  
25 endowment funds established by the court for the  
26 property. The bureau shall exercise the authority granted  
27 by this section for the sole purpose of protecting the  
28 human remains resting on the property and preserving  
29 the property in its natural state.

30 SEC. 172. Section 9657 of the Business and Professions  
31 Code is amended to read:

32 9657. The bureau is authorized to bring action to  
33 enforce the provisions of the law subject to its jurisdiction,  
34 in which actions it shall be represented by the Attorney  
35 General.

36 SEC. 173. Section 9658 of the Business and Professions  
37 Code is amended to read:

38 9658. The bureau shall enforce and administer Part 1  
39 (commencing with Section 8100), Part 3 (commencing



1 with Section 8250), and Part 5 (commencing with Section  
2 9501) of Division 8 of the Health and Safety Code.

3 SEC. 174. Section 9659 of the Business and Professions  
4 Code is amended to read:

5 9659. In any report to the bureau all bonds,  
6 debentures or other evidences of debt held by a cemetery  
7 corporation if amply secured and if not in default as to  
8 principal or interest may be valued as follows:

9 (a) If purchased at par at the par value.

10 (b) If purchased above or below par on the basis of the  
11 purchase price adjusted so as to bring the value to par at  
12 maturity and so as to yield the effective rate of interest on  
13 the basis at which the purchase was made.

14 (c) In such valuation the purchase price shall in no  
15 case be taken at a higher figure than the actual market  
16 value at the time of purchase.

17 SEC. 175. Section 9662 of the Business and Professions  
18 Code is amended to read:

19 9662. The current address, telephone number, and  
20 name of the bureau shall appear on the first page of any  
21 contract for goods and services offered by a cemetery  
22 authority or crematory. At a minimum, the information  
23 shall be in 8-point boldface type and make the following  
24 statement:

25  
26 “FOR MORE INFORMATION ON CEMETERY AND  
27 CREMATION MATTERS, CONTACT: THE  
28 CEMETERY AND FUNERAL BUREAU, (ADDRESS),  
29 (TELEPHONE NUMBER).”

30  
31 A cemetery authority or crematory operator shall  
32 supply the above information in writing when presenting  
33 a sales contract to any individual.

34 SEC. 176. Section 9663 of the Business and Professions  
35 Code is amended to read:

36 9663. (a) The bureau shall make available to funeral  
37 establishments and cemetery authorities a copy of a  
38 consumer guide for funeral and cemetery purchases for  
39 purposes of reproduction and distribution. The funeral  
40 and cemetery guide that is approved by the bureau, in



1 consultation with the funeral and cemetery industries  
2 and any other interested parties, shall be made available  
3 in printed form and electronically through the Internet.

4 (b) A cemetery authority shall prominently display  
5 and make available to any individual who, in person,  
6 inquires about funeral or cemetery purchases, a copy of  
7 the consumer guide for funeral and cemetery purchases,  
8 reproduced as specified in subdivision (a).

9 SEC. 177. Section 9676 of the Business and Professions  
10 Code is amended to read:

11 9676. No person shall engage in the business of, act in  
12 the capacity of, advertise or assume to act as, a cemetery  
13 broker or cemetery salesperson in this state without first  
14 obtaining a license from the bureau.

15 SEC. 178. Section 9679 of the Business and Professions  
16 Code is amended to read:

17 9679. No cemetery broker shall employ or  
18 compensate, directly or indirectly, any person for  
19 performing any of the acts within the scope of this article  
20 who is not a licensed cemetery broker, or a cemetery  
21 salesperson licensed under the cemetery broker  
22 employing or compensating him or her. No cemetery  
23 salesperson shall be employed by or accept compensation  
24 from any person other than the cemetery broker under  
25 whom he or she is at the time licensed.

26 No salesperson shall pay any compensation for  
27 performing any of the acts within the scope of this article  
28 to any licensee except through the cemetery broker  
29 under whom he or she is at the time licensed.

30 For a violation of any of the provisions of this section,  
31 the bureau may temporarily suspend or permanently  
32 revoke the license of the cemetery licensee in accordance  
33 with the provisions of this act relating to disciplinary  
34 proceedings.

35 SEC. 179. Section 9680 of the Business and Professions  
36 Code is amended to read:

37 9680. It is a misdemeanor, punishable by a fine not  
38 exceeding one hundred dollars (\$100) for each offense,  
39 for any person, whether obligor, escrowholder or  
40 otherwise, to pay or deliver to anyone a compensation for



1 performing any of the acts within the scope of this article  
2 who is not known to be or who does not present evidence  
3 to such payer that he or she is a licensed cemetery broker  
4 at the time such compensation is earned.

5 For violation of any of the provisions of this section, the  
6 bureau may temporarily suspend or permanently revoke  
7 the license of the cemetery licensee in accordance with  
8 the provisions of this act relating to disciplinary  
9 proceedings.

10 SEC. 180. Section 9682 of the Business and Professions  
11 Code is amended to read:

12 9682. Any cemetery salesperson or cemetery broker  
13 who sells, causes to be sold, or offers for sale any cemetery  
14 property upon the promise, guarantee or representation  
15 to the purchaser that the same may be resold or  
16 repurchased at a financial profit is guilty of a  
17 misdemeanor.

18 For violation of any of the provisions of this section, the  
19 bureau may temporarily suspend or permanently revoke  
20 the license of the cemetery salesperson or cemetery  
21 broker in accordance with the provisions of this act  
22 relating to disciplinary proceedings.

23 No violation of any of the provisions of this section by  
24 any cemetery salesperson or employee of any licensed  
25 cemetery broker shall cause the suspension or revocation  
26 of the license of the employer of the salesperson or  
27 employee unless it appears upon a hearing by the bureau  
28 that the employer had guilty knowledge of such violation.

29 SEC. 181. Section 9683 of the Business and Professions  
30 Code is amended to read:

31 9683. Every officer, agent or employee of any  
32 company, and every other person who knowingly  
33 authorizes, directs or aids in the publication,  
34 advertisement, distribution, or circularization of any false  
35 statement or representation concerning any cemetery or  
36 cemetery brokerage business and every person who, with  
37 knowledge that any advertisement, pamphlet,  
38 prospectus or letter concerning any cemetery brokerage  
39 business or any written statement that is false or  
40 fraudulent, issues, circulates, publishes or distributes the



1 same, or causes it to be issued, circulated, published or  
2 distributed, or who in any other respect willfully violates  
3 or fails, omits or neglects to obey, observe or comply with  
4 any order, permit, decision, demand or requirement of  
5 the bureau under the provisions of this act relating to  
6 cemetery brokerage, is guilty of a misdemeanor, and, if a  
7 cemetery licensee, he or she shall be held to trial by the  
8 bureau for a suspension or revocation of this cemetery  
9 license, as provided in the provisions of this act relating  
10 to disciplinary proceedings.

11 SEC. 182. Section 9685 of the Business and Professions  
12 Code is amended to read:

13 9685. For violation of any of the provisions of Section  
14 9684 the bureau may temporarily suspend or  
15 permanently revoke the license of the cemetery licensee  
16 in accordance with the provisions of this act relating to  
17 disciplinary proceedings.

18 SEC. 183. Section 9700 of the Business and Professions  
19 Code is amended to read:

20 9700. Application for license as a cemetery broker  
21 shall be made in writing on the form prescribed by the  
22 bureau and filed at the principal office of the bureau. The  
23 application shall be accompanied by the original  
24 cemetery broker's license fee.

25 SEC. 184. Section 9700.5 of the Business and  
26 Professions Code is amended to read:

27 9700.5. The bureau shall not grant an original  
28 cemetery broker's license to any person who is not a  
29 resident of this state. Change of residence to another state  
30 shall terminate the license.

31 SEC. 185. Section 9700.6 of the Business and  
32 Professions Code is amended to read:

33 9700.6. The bureau shall not grant an original  
34 cemetery broker's license to any person who has not held  
35 a cemetery salesperson's license for at least two years  
36 prior to the date of his or her application for the broker's  
37 license, and during that time was not actively engaged in  
38 the business of a cemetery salesperson except that if an  
39 applicant for a cemetery broker's license having at least  
40 the equivalent of two years' general cemetery experience



1 files a written petition with the bureau setting forth his  
2 or her qualifications and experience and the bureau  
3 approves, he or she may be issued a cemetery broker's  
4 license immediately upon passing the appropriate  
5 examinations and satisfying the other requirements of  
6 this article.

7 SEC. 186. Section 9701 of the Business and Professions  
8 Code is amended to read:

9 9701. Application for license as a cemetery  
10 salesperson shall be made in writing on the form  
11 prescribed by the bureau and filed at the principal office  
12 of the bureau. The application shall be signed by the  
13 applicant, and shall be accompanied by the cemetery  
14 salesperson's license fee.

15 SEC. 187. Section 9702.1 of the Business and  
16 Professions Code is amended to read:

17 9702.1. The bureau shall investigate the qualifications  
18 of the applicants. Except as otherwise prescribed in this  
19 article, it may issue the license applied for to an applicant  
20 on a showing satisfactory to it that the following facts  
21 exist:

22 (a) The applicant is properly qualified to perform the  
23 duties of a cemetery broker or salesperson.

24 (b) Granting the license will not be against public  
25 interest.

26 (c) The applicant intends actively and in good faith to  
27 carry on the business of a cemetery broker or a cemetery  
28 salesperson.

29 (d) In the case of a corporate applicant, the articles of  
30 incorporation permit it to act as a cemetery broker.

31 (e) In the case of an association or copartnership  
32 applying for such a license its articles of association or  
33 agreement of partnership authorize it to act as a  
34 cemetery broker.

35 (f) The license is not being secured for the purpose of  
36 permitting the applicant to advertise as a cemetery  
37 broker or salesperson without actually engaging in such  
38 business.



1 (g) The applicant has not committed acts or crimes  
2 constituting grounds for denial of licensure under Section  
3 480.

4 SEC. 188. Section 9702.2 of the Business and  
5 Professions Code is amended to read:

6 9702.2. All cemetery brokers who do not possess a  
7 certificate of authority shall in addition to the  
8 requirements of this chapter file with the bureau a  
9 satisfactory bond to the people of the State of California,  
10 duly executed by a sufficient surety or sureties to be  
11 approved by the bureau, in the amount of ten thousand  
12 dollars (\$10,000). That bond shall be conditioned for the  
13 honest and faithful performance by such broker and his  
14 or her salespersons and employees of any undertaking as  
15 a licensed cemetery broker or salesperson or employee of  
16 said broker at any time when licensed under this chapter,  
17 and the strict compliance with the provisions of this  
18 chapter and of Division 8 of the Health and Safety Code  
19 relating to cemeteries, and the honest and faithful  
20 application of all funds received. That bond shall be  
21 further conditioned upon the payment of all damages  
22 suffered by any person damaged or defrauded by reason  
23 of the violation of any of the provisions of this chapter or  
24 of Division 8 of the Health and Safety Code relating to  
25 cemeteries, or by reason of the violation of the obligation  
26 of such broker as an agent, as such obligations are laid  
27 down by the Civil Code of the State of California, or by  
28 reason of any fraud connected with or growing out of any  
29 transactions contemplated by this chapter or Division 8  
30 of the Health and Safety Code.

31 SEC. 189. Section 9702.5 of the Business and  
32 Professions Code is amended to read:

33 9702.5. The bureau shall ascertain by written  
34 examination that the applicant, and, in case of a  
35 copartnership or corporation applicant for a cemetery  
36 broker's license, that each officer, agent or member  
37 thereof through whom it proposes to act as a cemetery  
38 licensee has:



1 (a) Appropriate knowledge of the English language,  
2 including reading, writing and spelling, and of  
3 elementary arithmetic.

4 (b) A fair understanding of:

5 (1) Cemetery associations, cemetery corporations and  
6 duties of directors.

7 (2) Plot ownership, deeds, certificates of ownership,  
8 contracts of sale, liens and leases.

9 (3) Establishing, dedicating, maintaining, managing,  
10 operating, improving and conducting a cemetery.

11 (4) The care, preservation and embellishment of  
12 cemetery property.

13 (5) The care and preservation of endowment care  
14 funds, trust funds, and the investment thereof.

15 (c) A general and fair understanding of the obligations  
16 between principal and agent, of the principles of  
17 cemetery brokerage practice and the business ethics  
18 pertaining thereto, as well as of the provisions of this act  
19 relating to cemetery brokerage.

20 SEC. 190. Section 9703 of the Business and Professions  
21 Code is amended to read:

22 9703. The bureau may, in its discretion, waive the  
23 examination of any applicant for a cemetery broker's  
24 license who held an unrevoked or unsuspended cemetery  
25 license on June 30th of the preceding fiscal year as an  
26 individual broker, an officer of a corporation, or member  
27 of a copartnership.

28 SEC. 191. Section 9704 of the Business and Professions  
29 Code is amended to read:

30 9704. An application on the form prescribed by the  
31 bureau for the renewal of any unrevoked and  
32 unsuspended license filed before midnight of June 30th of  
33 the year for which such unrevoked and unsuspended  
34 license was issued, accompanied by the applicable  
35 renewal fee, entitles the applicant to continue operating  
36 under his or her existing license after its usual expiration  
37 date, if not previously suspended or revoked, and until  
38 such date as he or she is notified in writing that the  
39 application has been granted or denied.



1 SEC. 192. Section 9705 of the Business and Professions  
2 Code is repealed.

3 SEC. 193. Section 9710 of the Business and Professions  
4 Code is amended to read:

5 9710. Immediately upon the salesperson's withdrawal  
6 from the employ of the broker, the broker shall return the  
7 salesperson's license to the bureau for cancellation. A  
8 license canceled but not suspended or revoked may be  
9 reinstated within the fiscal year upon receipt of  
10 application therefor and the fee for the reinstatement of  
11 the license.

12 SEC. 194. Section 9711 of the Business and Professions  
13 Code is amended to read:

14 9711. Every licensed cemetery broker shall have and  
15 maintain a definite place of business in this state which  
16 shall serve as his or her office for the transaction of  
17 business.

18 No cemetery license authorizes the licensee to do  
19 business except from the location for which the cemetery  
20 license was issued.

21 Notice in writing shall be given the bureau of change  
22 of business location of a cemetery broker, whereupon the  
23 bureau shall issue a new cemetery license for the  
24 unexpired period. The change or abandonment of  
25 business location without notification to the bureau shall  
26 automatically cancel the license theretofore issued.

27 SEC. 195. Section 9712 of the Business and Professions  
28 Code is amended to read:

29 9712. If the applicant for a cemetery broker's license  
30 maintains more than one place of business within the  
31 state he or she shall apply for and procure an additional  
32 license for each branch office so maintained. Every such  
33 application shall state the name of the person and the  
34 location of the place of business for which such license is  
35 desired.

36 The bureau may determine whether or not a broker is  
37 doing a cemetery brokerage business at or from any  
38 particular location which requires him or her to have a  
39 branch office license.



1 SEC. 196. Section 9713 of the Business and Professions  
2 Code is amended to read:

3 9713. Each cemetery broker shall erect and maintain  
4 a sign in a conspicuous place on the premises to indicate  
5 that he or she is a licensed cemetery broker and his or her  
6 name shall be clearly shown thereon. The size and place  
7 of the sign shall conform to regulations that may be  
8 adopted by the bureau.

9 SEC. 197. Section 9714 of the Business and Professions  
10 Code is amended to read:

11 9714. For a violation of any of the provisions of  
12 Sections 9709, 9710, 9711 and 9713, the bureau may  
13 temporarily suspend or permanently revoke the license  
14 of the cemetery licensee in accordance with the  
15 provisions of this act relating to disciplinary proceedings.

16 SEC. 198. Section 9715 of the Business and Professions  
17 Code is amended to read:

18 9715. Application for a certificate of authority shall be  
19 made in writing on the form prescribed by the bureau  
20 and filed at the principal office of the bureau. The  
21 application shall be accompanied by the fee provided for  
22 in this act and shall show that the cemetery authority  
23 owns or is actively operating a cemetery in this state  
24 which is subject to the provisions of the Cemetery Act or  
25 that the applicant is in a position to commence operating  
26 a cemetery.

27 SEC. 199. Section 9716 of the Business and Professions  
28 Code is amended to read:

29 9716. The bureau may require such proof as it deems  
30 advisable concerning the compliance by such applicant to  
31 all the laws, rules, regulations, ordinances and orders  
32 applicable.

33 SEC. 200. Section 9717 of the Business and Professions  
34 Code is amended to read:

35 9717. (a) The bureau shall adopt, and may from time  
36 to time amend, rules and regulations prescribing  
37 standards of knowledge and experience and financial  
38 responsibility for applicants for certificates of authority.  
39 In reviewing an application for a certificate of authority,  
40 the bureau may consider acts of incorporators, officers,



1 directors, and stockholders of the applicant, which shall  
2 constitute grounds for the denial of a certificate of  
3 authority under Division 1.5 (commencing with Section  
4 475).

5 (b) Upon receipt of an application for a certificate of  
6 authority, the bureau may cause an investigation to be  
7 made of the physical status, plans, specifications and  
8 financing of the proposed cemetery, and any other  
9 qualifications required of the applicant under this act,  
10 and for this purpose may subpoena witnesses, administer  
11 oaths, and take testimony.

12 At the time of the filing of the application required by  
13 this section, the applicant shall pay to the Cemetery Fund  
14 the sum fixed by the bureau at not in excess of four  
15 hundred dollars (\$400) to defray the expenses of  
16 investigation. In the event the sum shall be insufficient to  
17 defray all of the expenses, the applicant shall within five  
18 days after request therefor deposit an additional sum  
19 sufficient to defray such expenses, provided that the total  
20 sum shall not exceed the sum of nine hundred dollars  
21 (\$900).

22 SEC. 201. Section 9718 of the Business and Professions  
23 Code is amended to read:

24 9718. The bureau may, in accordance with its rules  
25 and regulations, authorize interments in cemeteries for  
26 which there is no currently valid certificate of authority  
27 outstanding if the bureau finds that rights to interment  
28 therein will otherwise be impaired. However, nothing in  
29 this section authorizes sales of lots, vaults, or niches by  
30 cemeteries for which there is no currently valid  
31 certificate of authority. Interments permitted under this  
32 section shall be conducted by persons authorized by the  
33 bureau in accordance with its regulations, and Section  
34 9768 shall not be applicable to such interments.

35 The bureau or its representative shall be entitled to  
36 inspect and copy any cemetery records necessary to the  
37 performance of interments under this section, and any  
38 person having custody of those records shall permit  
39 inspection and copying thereof for that purpose. The  
40 bureau may apply to the superior court for the county in



1 which the cemetery is located for an order temporarily  
2 transferring custody of cemetery records to it for  
3 purposes of this section.

4 SEC. 202. Section 9719 of the Business and Professions  
5 Code is amended to read:

6 9719. The bureau shall inspect the books, records, and  
7 premises of any crematory licensed under this chapter or  
8 any certificate of authority holder operating a crematory.  
9 In making those inspections, the bureau shall have access  
10 to all books and records, the crematory building, the  
11 cremation chambers or furnaces, and the storage areas for  
12 human remains before and after cremation, during  
13 regular office hours or the hours the crematory is in  
14 operation. No prior notification of the inspection is  
15 required to be given to the certificate of authority holder  
16 or the crematory licensee. If any certificate of authority  
17 holder or any crematory licensee fails to allow that  
18 inspection or any part thereof, it shall be grounds for the  
19 suspension or revocation of a license or other disciplinary  
20 action against the licensee. In the case of a certificate of  
21 authority holder, the suspension, revocation, or other  
22 disciplinary action may be limited to the operation of the  
23 crematory. All proceedings under this section shall be  
24 conducted in accordance with the provisions of this  
25 chapter relating to disciplinary proceedings.

26 SEC. 203. Section 9720 of the Business and Professions  
27 Code is amended to read:

28 9720. The bureau shall annually conduct a minimum  
29 of one unannounced inspection of each licensed  
30 crematory.

31 SEC. 204. Section 9726 of the Business and Professions  
32 Code is amended to read:

33 9726. The bureau may, upon its own motion, and shall,  
34 upon the verified complaint in writing of any person,  
35 investigate the actions of any person engaged in the  
36 business or acting in the capacity of a cemetery licensee,  
37 and may temporarily suspend or permanently revoke a  
38 license at any time where the licensee, within the  
39 immediately preceding three years, while a cemetery  
40 licensee in performing or attempting to perform any of



1 the acts specified in this act, has been guilty of any of the  
2 following:

3 (a) Making any substantial misrepresentation.

4 (b) Making any false statement of a character likely to  
5 influence or persuade.

6 (c) A continued and flagrant course of  
7 misrepresentation or making of false promises through  
8 cemetery agents or salespersons.

9 (d) Acting for more than one party in a transaction  
10 without the knowledge or consent of all parties thereto.

11 (e) Commingling the money or other property of his  
12 or her principal with his or her own.

13 (f) The practice of claiming or demanding a fee,  
14 compensation or commission under any exclusive  
15 agreement authorizing or employing a licensee to sell,  
16 buy or exchange cemetery property for compensation or  
17 commission where such agreement does not contain a  
18 definite, specified date of final and complete termination.

19 (g) The claiming or taking by a licensee of any secret  
20 or undisclosed amount of compensation, commission or  
21 profit or the failure of a licensee to reveal to the employer  
22 of such licensee the full amount of such licensee's  
23 compensation, commission or profit under any  
24 agreement authorizing or employing such licensee to sell,  
25 buy or exchange cemetery property for compensation or  
26 commission prior to or coincident with the signing of such  
27 agreement evidencing the meeting of the minds of the  
28 contracting parties, regardless of the form of such  
29 agreement, whether evidenced by documents in an  
30 escrow or by any other or different procedure.

31 (h) The use by a licensee of any provision allowing the  
32 licensee an option to purchase in an agreement  
33 authorizing or employing such licensee to sell, buy, or  
34 exchange cemetery property for compensation or  
35 commission, except when such licensee prior to or  
36 coincident with election to exercise such option to  
37 purchase reveals in writing to the employer the full  
38 amount of licensee's profit and obtains the written  
39 consent of the employer approving the amount of such  
40 profit.



1 (i) Any other conduct, whether of the same or a  
2 different character than specified in this section, which  
3 constitutes fraud or dishonest dealing.

4 The misrepresentations and false statements  
5 mentioned in this section include also misrepresentation  
6 and false statements as to other property than that which  
7 the cemetery licensee may be selling or attempting to  
8 sell.

9 SEC. 205. Section 9727 of the Business and Professions  
10 Code is amended to read:

11 9727. The bureau may suspend or revoke the license  
12 of any cemetery licensee who, within three years  
13 immediately preceding has done any of the following:

14 (a) Been convicted of a crime substantially related to  
15 the qualifications, functions and duties of such licensee.  
16 The record of conviction, or a certified copy thereof, shall  
17 be conclusive evidence of such conviction.

18 (b) Knowingly authorized, directed, connived at or  
19 aided in the publication, advertisement, distribution, or  
20 circulation of any material false statement or  
21 representation concerning his or her business or any  
22 cemetery property offered for sale.

23 (c) Willfully disregarded or violated any of the  
24 provisions of this act relating to cemetery brokerage.

25 (d) Acted or conducted himself or herself in a manner  
26 which would have warranted the denial of his or her  
27 application for a cemetery license, or for a renewal  
28 thereof.

29 SEC. 206. Section 9727.1 of the Business and  
30 Professions Code is amended to read:

31 9727.1. The bureau may suspend or revoke the license  
32 of any cemetery licensee who procures a cemetery  
33 license, for himself or herself or any salesperson, by fraud,  
34 misrepresentation or deceit. An action to suspend or  
35 revoke a license for a violation of the provisions of this  
36 section shall be commenced within three years after the  
37 discovery by the bureau of that violation.

38 SEC. 207. Section 9727.2 of the Business and  
39 Professions Code is amended to read:



1 9727.2. A plea or verdict of guilty or a conviction  
2 following a plea of nolo contendere is deemed to be a  
3 conviction within the meaning of this article. The bureau  
4 may order the license suspended or revoked, or may  
5 decline to issue a license, when the time for appeal has  
6 elapsed, or the judgment of conviction has been affirmed  
7 on appeal or when an order granting probation is made  
8 suspending the imposition of sentence, irrespective of a  
9 subsequent order under the provisions of Section 1203.4  
10 of the Penal Code allowing such person to withdraw his  
11 or her plea of guilty and to enter a plea of not guilty, or  
12 setting aside the verdict of guilty, or dismissing the  
13 accusation, information or indictment.

14 SEC. 208. Section 9728 of the Business and Professions  
15 Code is amended to read:

16 9728. When any salesperson is discharged by his or her  
17 employer for a violation of any of the provisions of this  
18 article prescribing a ground for disciplinary action, a  
19 verified written statement of the facts with reference  
20 thereto shall be filed forthwith with the bureau by the  
21 employer and, if the employer fails to notify the bureau  
22 as required by this section, the bureau may temporarily  
23 suspend or permanently revoke the cemetery license of  
24 the employer in accordance with the provisions of this  
25 act.

26 SEC. 209. Section 9729 of the Business and Professions  
27 Code is amended to read:

28 9729. The bureau may deny, suspend or revoke the  
29 cemetery license of a corporation as to any officer or  
30 agent acting under its cemetery license, and the  
31 cemetery license of a copartnership as to any member  
32 acting under its cemetery license, without revoking the  
33 cemetery license of the corporation or of the  
34 copartnership.

35 SEC. 210. Section 9730 of the Business and Professions  
36 Code is amended to read:

37 9730. The fees for cemetery licenses at all periods of  
38 the fiscal year is the same as provided in this article. All  
39 cemetery license fees are payable in advance of issuing  
40 the licenses and at the time of filing the application. All



1 licenses shall be issued for the fiscal year and shall expire  
2 on June 30th of each fiscal year at midnight.

3 SEC. 211. Section 9737 of the Business and Professions  
4 Code is amended to read:

5 9737. The proceedings under this article shall be  
6 conducted in accordance with Chapter 5 (commencing  
7 with Section 11500) of Part 1 of Division ~~2~~ 3 of Title 2 of  
8 the Government Code, and the bureau shall have all the  
9 powers granted therein.

10 SEC. 212. Section 9740 of the Business and Professions  
11 Code is amended to read:

12 9740. No person shall dispose of or offer to dispose of  
13 any cremated human remains unless registered as a  
14 cremated remains disposer by the bureau. This article  
15 shall not apply to any person, partnership, or corporation  
16 holding a certificate of authority as a cemetery,  
17 crematory license, cemetery broker's license, cemetery  
18 salesperson's license, or funeral director's license, nor  
19 shall this article apply to any person having the right to  
20 control the disposition of the cremated remains of any  
21 person or that person's designee if the person does not  
22 dispose of or offer to dispose of more than 10 cremated  
23 human remains within any calendar year.

24 SEC. 213. Section 9741 of the Business and Professions  
25 Code is amended to read:

26 9741. (a) Registration shall be on the form  
27 prescribed by the bureau and shall include, but not be  
28 limited to, the full name of the registrant, business and  
29 residence addresses, description and identification of  
30 aircraft or boats which may be used in dispensing  
31 cremated human remains, and the area to be served.  
32 Each registration application shall be accompanied by  
33 the cremated remains disposer fee.

34 (b) Every registered cremated remains disposer who  
35 dispenses human remains by air shall post a copy of his or  
36 her current pilot's license, and the address of the  
37 cremated remains storage area at his or her place of  
38 business. Every registered cremated remains disposer  
39 who dispenses human remains by boat shall post a copy  
40 of his or her current boating license and the address of the



1 cremated remains storage area at his or her place of  
2 business.

3 SEC. 214. Section 9741.1 of the Business and  
4 Professions Code is amended to read:

5 9741.1. The bureau shall prepare and deliver to each  
6 registered cremated remains disposer a booklet that  
7 includes, but is not limited to, the following information:  
8 details about the registration and renewal requirements  
9 for cremated remains disposers; requirements for  
10 obtaining state permits to dispose of cremated human  
11 remains; state storage requirements, if any; statutory  
12 duties pursuant to this article, and other applicable state  
13 laws.

14 SEC. 215. Section 9742 of the Business and Professions  
15 Code is amended to read:

16 9742. All aircraft used for the scattering of cremated  
17 human remains shall be validly certified by the Federal  
18 Aviation Administration. All boats or vessels used for the  
19 scattering of cremated human remains shall be registered  
20 with the Department of Motor Vehicles or documented  
21 by a federal agency, as appropriate. The certification or  
22 registration shall be available for inspection by the  
23 bureau.

24 SEC. 216. Section 9744.5 of the Business and  
25 Professions Code is amended to read:

26 9744.5. (a) Every cremated remains disposer shall do  
27 both of the following:

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

33 (2) Provide the bureau with the address and phone  
34 number of any storage facility being used by the  
35 registrant to store cremated remains. Cremated remains  
36 shall be stored in a place free from exposure to the  
37 elements, and shall be responsibly maintained until  
38 disposal. The bureau and its representatives shall  
39 conduct, on an annual basis, random inspections of the  
40 operations of 5 to 10 percent of the registered cremated



1 remains disposers, and is authorized to inspect any place  
2 used by a cremated remains disposer for the storage of  
3 cremated remains without notice to the cremated  
4 remains disposer.

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

7 SEC. 217. Section 9745 of the Business and Professions  
8 Code is amended to read:

9 9745. Each cremated remains disposer shall file, and  
10 thereafter maintain an updated copy of, an annual report  
11 on a form prescribed by the bureau. The report shall  
12 include, but not be limited to, the names of the deceased  
13 persons whose cremated remains were disposed of, the  
14 dates of receipt of the cremated remains, the names and  
15 addresses of the persons who authorized disposal of those  
16 remains, the dates and locations of disposal of those  
17 remains, and the means and manner of disposition. The  
18 report shall cover the fiscal year ending on June 30th and  
19 shall be filed with the bureau no later than September  
20 30th of each year.

21 SEC. 218. Section 9746 of the Business and Professions  
22 Code is amended to read:

23 9746. All cremated remains disposer registrations  
24 shall expire at midnight on September 30th of each year.  
25 A person desiring to renew his or her registration shall file  
26 an application for renewal on a form prescribed by the  
27 bureau accompanied by the required fee. The bureau  
28 shall not renew the registration of any person who has not  
29 filed the required annual report until he or she has filed  
30 a complete annual report with the department.

31 SEC. 219. Section 9749.5 of the Business and  
32 Professions Code is amended to read:

33 9749.5. A cremated remains disposer shall be subject  
34 to and shall be disciplined by the bureau in accordance  
35 with Article 6 (commencing with Section 9725). Any  
36 violation of this article shall also be grounds for  
37 disciplinary action.

38 SEC. 220. Section 9751 of the Business and Professions  
39 Code is amended to read:



1 9751. The original cemetery broker's license fee shall  
2 be fixed by the bureau at not more than four hundred  
3 dollars (\$400).

4 SEC. 221. Section 9752 of the Business and Professions  
5 Code is amended to read:

6 9752. The original cemetery broker's license fee is  
7 payable at the time of the filing of an application for an  
8 original cemetery broker's license.

9 If the applicant fails the required written examination,  
10 he or she may be permitted to take another examination  
11 upon the filing of an application for reexamination and  
12 the payment of a reexamination fee. This reexamination  
13 fee shall be fixed by the bureau at not more than one  
14 hundred dollars (\$100).

15 No part of any original cemetery broker's license fee or  
16 reexamination fee is refundable. It is deemed earned  
17 upon receipt by the bureau, whether the accompanying  
18 application for a license is complete or incomplete.

19 SEC. 222. Section 9753 of the Business and Professions  
20 Code is amended to read:

21 9753. The annual renewal fee for a cemetery broker's  
22 license shall be fixed by the bureau at not more than three  
23 hundred dollars (\$300).

24 SEC. 223. Section 9754 of the Business and Professions  
25 Code is amended to read:

26 9754. If the licensee is a cemetery brokerage  
27 corporation, the license issued to it entitles one officer  
28 only, on behalf of the corporation, to engage in the  
29 business of a cemetery broker without the payment of a  
30 further fee, that officer to be designated in the  
31 application of the corporation for a license. For each  
32 other officer of a licensed cemetery brokerage  
33 corporation, through whom it engages in the business of  
34 a cemetery broker, the annual renewal fee, in addition to  
35 the fee paid by the corporation, shall be fixed by the  
36 bureau at not more than one hundred dollars (\$100).

37 SEC. 224. Section 9755 of the Business and Professions  
38 Code is amended to read:

39 9755. If the licensee is a cemetery brokerage  
40 copartnership, the license issued to it entitles one



1 member only of the copartnership to engage on behalf of  
2 the copartnership in the business of a cemetery broker,  
3 which member shall be designated in the application of  
4 the copartnership for a license. For each other member  
5 of the copartnership who on behalf of the copartnership  
6 engages in the business of a cemetery broker, the annual  
7 renewal fee, in addition to the fee paid by the  
8 copartnership, shall be fixed by the bureau at not more  
9 than one hundred dollars (\$100).

10 SEC. 225. Section 9756 of the Business and Professions  
11 Code is amended to read:

12 9756. The cemetery salesperson's license fee shall be  
13 fixed by the bureau at not more than thirty dollars (\$30).

14 SEC. 226. Section 9758 of the Business and Professions  
15 Code is repealed.

16 SEC. 227. Section 9759 of the Business and Professions  
17 Code is amended to read:

18 9759. The annual renewal fee for a cemetery  
19 salesperson's license shall be fixed by the bureau at not  
20 more than twenty-five dollars (\$25).

21 SEC. 228. Section 9760 of the Business and Professions  
22 Code is amended to read:

23 9760. For a branch office broker's license, the fee shall  
24 be fixed by the bureau at not more than one hundred  
25 dollars (\$100).

26 SEC. 229. Section 9761 of the Business and Professions  
27 Code is amended to read:

28 9761. For change of name or of address of licensee on  
29 the records of the bureau, the fee shall be fixed by the  
30 bureau at not more than twenty-five dollars (\$25).

31 SEC. 230. Section 9762 of the Business and Professions  
32 Code is amended to read:

33 9762. For transfer of a salesperson's license on change  
34 of employer, the fee shall be fixed by the bureau at not  
35 more than twenty-five dollars (\$25).

36 SEC. 231. Section 9763 of the Business and Professions  
37 Code is amended to read:

38 9763. For a duplicate license the fee shall be fixed by  
39 the bureau at not more than twenty-five dollars (\$25).



1 SEC. 232. Section 9764 of the Business and Professions  
2 Code is amended to read:

3 9764. For reinstatement of a license within the fiscal  
4 year, the fee shall be fixed by the bureau at not more than  
5 twenty-five dollars (\$25).

6 As used in this section, “reinstatement of a license”  
7 means the reissuance of a canceled cemetery broker’s  
8 license, or a cemetery salesperson’s license which was  
9 canceled during the year for which it was issued upon the  
10 salesperson’s withdrawal from the employ of a cemetery  
11 broker.

12 SEC. 233. Section 9765 of the Business and Professions  
13 Code is amended to read:

14 9765. Every cemetery authority operating a  
15 cemetery shall pay an annual regulatory charge for each  
16 cemetery to be fixed by the bureau at not more than four  
17 hundred dollars (\$400). In addition to an annual  
18 regulatory charge for each cemetery, an additional  
19 quarterly charge of not more than eight dollars and fifty  
20 cents (\$8.50) for each burial, entombment, or inurnment,  
21 and not more than eight dollars and fifty cents (\$8.50) for  
22 each cremation made during the preceding quarter shall  
23 be paid to the department and these charges shall be  
24 deposited in the Cemetery Fund. If the cemetery  
25 authority performed the cremation and either the burial,  
26 entombment, or inurnment, the total of all additional  
27 charges shall be not more than eight dollars and fifty cents  
28 (\$8.50).

29 Notwithstanding any other provision of law, including  
30 any provision contained in the Budget Act of 1996, this  
31 section shall remain in effect until the loans authorized by  
32 Chapter 38, Statutes of 1996, and by Chapter 162, Statutes  
33 of 1996, are repaid, with interest at the rate accruing to  
34 moneys in the Pooled Money Investment Account, but no  
35 later than April 1, 2003, pursuant to a loan repayment plan  
36 approved by the Department of Finance.

37 SEC. 234. Section 9766 of the Business and Professions  
38 Code is amended to read:



1 9766. Upon payment of the charges set forth, the  
2 bureau shall issue a renewal of the certificate of authority  
3 to the cemetery authority.

4 SEC. 235. Section 9767 of the Business and Professions  
5 Code is amended to read:

6 9767. Failure to pay the charges set forth by Section  
7 9765 of this code prior to February 1st for each year shall  
8 be cause for suspension of the certificate of authority. The  
9 certificate may be restored upon payment to the bureau  
10 of the prescribed charges.

11 SEC. 236. Section 9769 of the Business and Professions  
12 Code is amended to read:

13 9769. All moneys received by the bureau under the  
14 provisions of this chapter shall be accounted for and  
15 reported by detailed statements furnished by the bureau  
16 to the Controller at least once a month, and at the same  
17 time these moneys shall be remitted to the Treasurer,  
18 and, upon order of the Controller, shall be deposited in  
19 the Cemetery Fund in the State Treasury, which fund is  
20 hereby created.

21 SEC. 237. Section 9780 of the Business and Professions  
22 Code is amended to read:

23 9780. A crematory established, operated, or  
24 maintained, other than by a licensed cemetery authority,  
25 may be operated by a corporation, partnership, or natural  
26 person, provided that a valid crematory license shall have  
27 been issued by the bureau.

28 SEC. 238. Section 9781 of the Business and Professions  
29 Code is amended to read:

30 9781. Application for a crematory license shall be  
31 made in writing on the form prescribed by the bureau  
32 and filed at the principal office of the bureau. The  
33 application shall be accompanied by the fee provided for  
34 in this article and shall show that the applicant owns or is  
35 actively operating a crematory in this state or that the  
36 applicant is in a position to commence operating such a  
37 crematory.

38 SEC. 239. Section 9782 of the Business and Professions  
39 Code is amended to read:



1 9782. The bureau may require such proof as it deems  
2 advisable concerning the compliance by such applicant  
3 with all the laws, rules, regulations, ordinances, and  
4 orders applicable to the applicant and shall not issue such  
5 crematory license until it has satisfied itself that the public  
6 interest will be served by such applicant.

7 SEC. 240. Section 9783 of the Business and Professions  
8 Code is amended to read:

9 9783. (a) The bureau shall adopt, and may from time  
10 to time amend, rules and regulations prescribing  
11 standards of knowledge and experience and financial  
12 responsibility for applicants for a crematory license. In  
13 reviewing an application for a crematory license, the  
14 bureau may consider acts of the applicant, including acts  
15 of incorporators, officers, directors, and stockholders of  
16 the applicant, which shall constitute grounds for the  
17 denial of a crematory license under Division 1.5  
18 (commencing with Section 475).

19 (b) Upon receipt of an application for a crematory  
20 license, the bureau may cause an investigation to be made  
21 of the physical status, plans, specifications, and financing  
22 of the proposed crematory, the character of the applicant,  
23 including, if applicable, its officers, directors,  
24 shareholders, or members, and any other qualifications  
25 required of the applicant under this article, and for this  
26 purpose may subpoena witnesses, administer oaths, and  
27 take testimony.

28 At the time of the filing of the application required by  
29 this article, the applicant shall pay to the Cemetery Fund  
30 the sum fixed by the bureau at not in excess of four  
31 hundred dollars (\$400) to defray the expenses of  
32 investigation. In the event the sum shall be insufficient to  
33 defray all of the expenses, the applicant shall within five  
34 days after request therefor deposit an additional sum  
35 sufficient to defray such expenses, provided that the total  
36 sum shall not exceed the sum of nine hundred dollars  
37 (\$900).

38 SEC. 241. Section 9784 of the Business and Professions  
39 Code is amended to read:



1 9784. No crematory licensee under this article shall  
2 conduct any cremations:

3 (a) Unless the licensee has a written contract with the  
4 person or persons entitled to custody of the remains  
5 clearly stating the location, manner, and time of  
6 disposition to be made of the remains, agreeing to pay the  
7 regular fees of the licensee for cremation, disposition, and  
8 other services rendered, and any other contractual  
9 provisions as may be required by the bureau.

10 (b) Of any remains more than 24 hours after delivery  
11 of the remains, unless the remains have been preserved  
12 in the interim by refrigeration or embalming.

13 (c) Unless the licensee has a contractual relationship  
14 with a licensed cemetery authority for final disposition of  
15 cremated human remains by burial, entombment or  
16 inurnment of any and all remains which are not lawfully  
17 disposed of or which are not called for or accepted by the  
18 person or persons entitled to the custody and control of  
19 the disposition thereof within 90 days of the date of death.

20 SEC. 242. Section 9785 of the Business and Professions  
21 Code is amended to read:

22 9785. Each crematory licensee shall keep such  
23 records as may be required by the bureau to assure  
24 compliance with all laws relating to the disposition of  
25 cremated human remains and shall file annually with the  
26 bureau, a report in the form prescribed by the bureau,  
27 describing the operations of the licensee, including the  
28 number of cremations made, the disposition thereof, and  
29 any other information as the bureau may, from time to  
30 time, require.

31 SEC. 243. Section 9786 of the Business and Professions  
32 Code is amended to read:

33 9786. Every crematory licensee operating a  
34 crematory pursuant to a license issued in compliance with  
35 this article shall pay an annual regulatory charge for each  
36 crematory, to be fixed by the bureau at not more than  
37 four hundred dollars (\$400). In addition to an annual  
38 regulatory charge for each crematory, every licensee  
39 operating a crematory pursuant to a license issued  
40 pursuant to this article shall pay an additional charge of



1 not more than eight dollars and fifty cents (\$8.50) per  
2 cremation made during the preceding quarter, which  
3 charges shall be deposited in the Cemetery Fund.

4 Notwithstanding any other provision of law, including  
5 any provision contained in the Budget Act of 1996, this  
6 section shall remain in effect until the loans authorized by  
7 Chapter 38, Statutes of 1996, and by Chapter 162, Statutes  
8 of 1996, are repaid, with interest at the rate accruing to  
9 moneys in the Pooled Money Investment Account, but no  
10 later than April 1, 2003, pursuant to a loan repayment plan  
11 approved by the Department of Finance.

12 SEC. 244. Section 9787 of the Business and Professions  
13 Code is amended to read:

14 9787. Each crematory for which a crematory license  
15 is required shall be operated under the supervision of a  
16 manager qualified as such in accordance with rules  
17 adopted by the bureau. Each manager shall be required  
18 to successfully pass a written examination evidencing an  
19 understanding of the applicable provisions of this code  
20 and of the Health and Safety Code of this state.

21 SEC. 245. Section 9789 of the Business and Professions  
22 Code is amended to read:

23 9789. A crematory licensee shall be subject to and  
24 shall be disciplined by the bureau in accordance with  
25 Article 6 (commencing with Section 9725).

26 SEC. 246. Section 8113.6 of the Health and Safety  
27 Code is amended to read:

28 8113.6. Notwithstanding any other provision of law,  
29 any cemetery that violates any of the requirements of this  
30 chapter shall be subject to disciplinary action by the  
31 Cemetery and Funeral Bureau.

32 SEC. 247. Section 8343 of the Health and Safety Code  
33 is amended to read:

34 8343. A crematory shall maintain on its premises, or  
35 other business location within the State of California, an  
36 accurate record of all cremations performed, including all  
37 of the following information:

- 38 (a) Name of referring funeral director, if any.
- 39 (b) Name of deceased.
- 40 (c) Date of cremation.



- 1 (d) Name of cremation chamber operator.
- 2 (e) Time and date that body was inserted in cremation
- 3 chamber.
- 4 (f) Time and date that body was removed from
- 5 cremation chamber.
- 6 (g) Time and date that final processing of cremated
- 7 remains was completed.
- 8 (h) Disposition of cremated remains.
- 9 (i) Name and address of authorizing agent.
- 10 (j) The identification number assigned to the
- 11 deceased pursuant to Section 8344.
- 12 (k) A photocopy of the disposition permit filed in
- 13 connection with the disposition.

14 This information shall be maintained for at least 10  
 15 years after the cremation is performed and shall be  
 16 subject to inspection by the Cemetery and Funeral  
 17 Bureau.

18 SEC. 248. Section 8344 of the Health and Safety Code  
 19 is amended to read:

20 8344. A crematory shall maintain an identification  
 21 system allowing identification of each decedent  
 22 beginning from the time the crematory accepts delivery  
 23 of human remains until the point at which it releases the  
 24 cremated remains to a third party. After cremation, an  
 25 identifying disk, tab, or other permanent label shall be  
 26 placed within the urn or cremated remains container  
 27 before the cremated remains are released from the  
 28 crematory. Each identification disk, tab, or label shall  
 29 have a unique number that shall be recorded on all  
 30 paperwork regarding the decedent's case and in the  
 31 crematory log. Each crematory shall maintain a written  
 32 procedure for identification of remains.

33 On or after March 1, 1994, any crematory that fails,  
 34 when requested by an official of the bureau to produce a  
 35 written procedure for identification of remains, shall  
 36 have 15 working days from the time of the request to  
 37 produce an identification procedure for review by the  
 38 chief of the Cemetery and Funeral Bureau. The license  
 39 of the crematory shall be suspended pursuant to Chapter  
 40 5 (commencing with Section 11500) of Part 1 of Division



1 3 of Title 2 of the Government Code, if no identification  
2 procedure is produced for review after 15 working days  
3 have elapsed.

4 SEC. 249. Section 8344.5 of the Health and Safety  
5 Code is amended to read:

6 8344.5. A crematory regulated by the Cemetery and  
7 Funeral Bureau shall knowingly cremate only human  
8 remains in cremation chambers, along with the  
9 cremation container, personal effects of the deceased,  
10 and no more than a negligible amount of chlorinated  
11 plastic pouches utilized for disease control when  
12 necessary.

13 SEC. 250. Section 8346.5 of the Health and Safety  
14 Code is amended to read:

15 8346.5. Every crematory operator, or duly authorized  
16 representative shall provide to any person who inquires  
17 in person, a written, or printed list of prices for cremation  
18 and storage, cremation containers, cremated remains  
19 containers and urns, and requirements for cremation  
20 containers. This information shall be provided over the  
21 telephone when requested. Commencing July 1, 1994,  
22 any written or printed list shall identify the crematorium  
23 and shall contain, at a minimum, the current address and  
24 phone number of the Cemetery and Funeral Bureau in  
25 8-point boldface type, or larger.

26 SEC. 251. Section 8347 of the Health and Safety Code  
27 is amended to read:

28 8347. (a) The crematory licensee, or his or her  
29 authorized representative shall provide instruction to all  
30 crematory personnel involved in the cremation process.  
31 This instruction shall lead to a demonstrated knowledge  
32 on the part of an employee regarding identification  
33 procedures used during cremation, operation of the  
34 cremation chamber and processing equipment and all  
35 laws relevant to the handling of a body and cremated  
36 remains. This instruction shall be outlined in a written  
37 plan maintained by the crematory licensee for inspection  
38 and comment by an inspector of the Cemetery and  
39 Funeral Bureau.



1 (b) No employee shall be allowed to operate any  
2 cremation equipment until he or she has demonstrated to  
3 the licensee or authorized representative that he or she  
4 understands procedures required to ensure that health  
5 and safety conditions are maintained at the crematory  
6 and that cremated remains are not commingled other  
7 than for acceptable residue, as defined. The crematory  
8 licensee shall maintain a record to document that an  
9 employee has received the training specified in this  
10 section.

11 (c) On or after March 1, 1994, any crematory that fails,  
12 when requested by an official of the bureau, to produce  
13 a written employee instruction plan, or record of  
14 employee training for inspection, shall have 15 working  
15 days from the time of the request to produce a plan or  
16 training record for review by the chief of the Cemetery  
17 and Funeral Bureau. The license of the crematory shall  
18 be suspended, pursuant to Chapter 5 (commencing with  
19 Section 11500) of Part 1 of Division 3 of Title 2 of the  
20 Government Code, if no plan or training record is  
21 produced for review after 15 working days have elapsed.

22 SEC. 252. Section 8574 of the Health and Safety Code  
23 is amended to read:

24 8574. For a violation of any provision of Section 8573,  
25 the bureau may temporarily suspend or permanently  
26 revoke the license of any cemetery licensee and may  
27 order the reservation or escrowing of assets of the  
28 cemetery authority to the extent deemed necessary to  
29 satisfy the cost of construction of the structure or  
30 building.

31 SEC. 253. Section 8585 of the Health and Safety Code  
32 is amended to read:

33 8585. Whenever ownership of any cemetery  
34 authority is proposed to be transferred, the cemetery  
35 authority shall notify the Cemetery and Funeral Bureau  
36 in the Department of Consumer Affairs. A change in  
37 ownership, for purposes of this section, shall be deemed  
38 to occur whenever more than 50 percent of the equitable  
39 ownership of a cemetery authority is transferred in a  
40 single transaction or in a related series of transactions to



1 one or more persons, associations, or corporations. The  
2 notice shall specify the address of the principal offices of  
3 the cemetery authority, and whether it will be changed  
4 or unchanged, and shall specify the name and address of  
5 each new owner and the stockholders thereof.

6 Notice of such a change of ownership shall be published  
7 in a newspaper of general circulation in the county in  
8 which the cemetery is located. The notice shall specify  
9 the address of the principal offices of the cemetery  
10 authority, whether changed or unchanged, and shall  
11 specify the name and address of each new owner and  
12 each stockholder owning more than 5 percent of the stock  
13 of each new owner.

14 If there is a change of ownership pursuant to this  
15 section, the existing certificate of authority shall lapse and  
16 a new certificate of authority shall be obtained from the  
17 Cemetery and Funeral Bureau. No person shall purchase  
18 a cemetery, including purchase at a sale for delinquent  
19 taxes, or purchase more than 50 percent of the equitable  
20 ownership of a cemetery authority without having  
21 obtained a certificate of authority from the Cemetery and  
22 Funeral Bureau prior to the purchase of the cemetery or  
23 such an ownership interest in the cemetery authority.

24 Every cemetery authority shall post and continuously  
25 maintain at each public entrance to the cemetery a sign  
26 specifying the current name and address of the cemetery  
27 authority, a statement that the name and address of each  
28 director and officer of the cemetery authority may be  
29 obtained by contacting the Cemetery and Funeral  
30 Bureau of the State of California, and the address of the  
31 Cemetery and Funeral Bureau. Such signs shall be at least  
32 16 inches high and 24 inches wide and shall be  
33 prominently mounted upright and vertical.

34 The Cemetery and Funeral Bureau shall suspend the  
35 certificate of authority of any cemetery authority which  
36 is in violation of the sign or public notice requirements of  
37 this section. Such certificate may be reinstated only upon  
38 compliance with such requirements.

39 SEC. 254. Section 8731 of the Health and Safety Code  
40 is amended to read:



1 8731. (a) The cemetery authority may appoint a  
2 board of trustees of not less than three in number as  
3 trustees of its endowment care fund. The members of the  
4 board of trustees shall hold office subject to the direction  
5 of the cemetery authority.

6 (b) If within 30 days after notice of nonreceipt by the  
7 Cemetery and Funeral Bureau or other agency with  
8 regulatory authority over cemetery authorities, the  
9 cemetery authority fails to file the report required by  
10 Section 9650 of the Business and Professions Code, or if  
11 the report is materially not in compliance with law or the  
12 endowment care fund is materially not in compliance  
13 with law, the cemetery authority may be required to  
14 appoint as sole trustee of its endowment care fund under  
15 Section 8733.5, any bank or trust company qualified under  
16 the provisions of the Banking Law (Division 1  
17 (commencing with Section 99) of the Financial Code) to  
18 engage in the trust business. That requirement may be  
19 imposed by the Cemetery and Funeral Bureau or other  
20 agency with regulatory authority over cemetery  
21 authorities, provided that the cemetery authority has  
22 received written notice of the alleged violation and has  
23 been given the opportunity to correct the alleged  
24 violation, and there has been a finding of a material  
25 violation in an administrative hearing.

26 (c) (1) Each member of the board of trustees shall  
27 provide signatory acknowledgment of understanding of  
28 the role of a trustee in managing trust funds in the  
29 following areas:

30 (A) Trustee duties, powers, and liabilities as contained  
31 in Part 4 (commencing with Section 16000) of Division 9  
32 of the Probate Code.

33 (B) Reporting and regulatory requirements  
34 contained in Article 3 (commencing with Section 9650)  
35 of Chapter 19 of Division 3 of the Business and Professions  
36 Code.

37 (C) Provisions related to the care of active cemeteries  
38 contained in Chapter 5 (commencing with Section 8700)  
39 of Part 3 of Division 8.



1 (2) The signatory acknowledgment shall be retained  
2 by the cemetery authority during the duration of the  
3 trustee's term of office.

4 SEC. 255. Section 8734 of the Health and Safety Code  
5 is amended to read:

6 8734. (a) Except as provided in subdivisions (b), (c),  
7 and (d), the board of trustees or corporate trustee of an  
8 endowment care fund or one or more special care funds  
9 shall file a fidelity bond executed by an admitted surety  
10 insurer with the Cemetery and Funeral Bureau in the  
11 amount of fifty thousand dollars (\$50,000), guaranteeing  
12 payment to each such fund of any monetary loss incurred  
13 by the fund occasioned by acts of fraud or dishonesty by  
14 the trustees or trustee. The board of trustees or corporate  
15 trustee of both an endowment care fund and one or more  
16 special care funds need file only one such bond.

17 (b) Any cemetery authority which has a fidelity bond  
18 on all officers and employees issued by an admitted surety  
19 insurer and which by its terms would cover any acts of  
20 fraud or dishonesty by the trustees or corporate trustee  
21 of its endowment and special care funds need not file a  
22 separate bond with the Cemetery and Funeral Bureau as  
23 provided in subdivision (a), but shall submit to the  
24 Cemetery and Funeral Bureau satisfactory evidence of  
25 such a fidelity bond. Such fidelity bond, except as  
26 provided in subdivision (c), shall provide at least fifty  
27 thousand dollars (\$50,000) specifically designated to  
28 guarantee payment of any monetary loss incurred by the  
29 endowment care or special care funds of the cemetery  
30 authority occasioned by any acts of fraud or dishonesty by  
31 the board of trustees or corporate trustee thereof.

32 (c) Upon application, the Cemetery and Funeral  
33 Bureau may reduce the amount of the bond required  
34 pursuant to this section if moneys in the endowment care  
35 fund and special care funds administered by the applicant  
36 board of trustees or corporate trustee are substantially  
37 less than fifty thousand dollars (\$50,000). In such cases,  
38 the Cemetery and Funeral Bureau may permit filing of  
39 a bond pursuant to subdivision (a) or (b) which, while the  
40 bond is on file, is not less than the aggregate amount of all



1 moneys in the endowment care fund and special care  
2 funds administered by the applicant. If the Cemetery and  
3 Funeral Bureau permits exceptions pursuant to this  
4 subdivision, it shall adopt procedures to assure that  
5 affected bonds do not fall below such amount.

6 (d) The trustees or corporate trustee of an  
7 endowment care fund or special care fund shall take no  
8 action respecting trust funds unless there is on file with  
9 the bureau a bond as required by this section. The  
10 Cemetery and Funeral Bureau may suspend the  
11 certificate of authority of any cemetery authority having  
12 endowment or special care funds with respect to which  
13 there is no bond on file with the bureau as required by this  
14 section, or whenever such a bond falls below the amount  
15 required by this section.

16 (e) Any state or national bank authorized to engage in  
17 the trust business pursuant to Division 1 (commencing  
18 with Section 99) of the Financial Code shall be exempt  
19 from the requirements of this section.

20 SEC. 256. Section 8740 of the Health and Safety Code  
21 is amended to read:

22 8740. A cemetery which otherwise complies with  
23 Section 8738 may be designated an endowment care  
24 cemetery even though it contains a small section which  
25 may be sold without endowment care, if the section is  
26 separately set off from the remainder of the cemetery and  
27 if signs are kept prominently placed around the section  
28 designating the same as a “nonendowment care section”  
29 in legible black lettering at least four inches high. There  
30 shall be printed at the head of all contracts, agreements,  
31 statements, receipts and certificates of ownership or  
32 deeds referring to plots in the section the phrase  
33 “nonendowment care” in lettering of a size and style to  
34 be approved by the Cemetery and Funeral Bureau.

35 No new “nonendowment care” sections shall be  
36 established, nor an existing one enlarged in an  
37 endowment care cemetery.

38 SEC. 257. Section 8743 of the Health and Safety Code  
39 is amended to read:



1 8743. Each nonendowment care cemetery or the  
2 Cemetery and Funeral Bureau shall post in a conspicuous  
3 place in the office or offices where sales are conducted  
4 and in a conspicuous place at or near the entrance of the  
5 cemetery or its administration building and readily  
6 accessible to the public, a legible sign with lettering of a  
7 size and style to be approved by the Cemetery and  
8 Funeral Bureau that shall contain the following  
9 information in the order and manner set forth below:

10 (a) A heading containing the words “nonendowment  
11 care.”

12 (b) This is a nonendowment care interment property.

13 SEC. 258. Section 8744 of the Health and Safety Code  
14 is amended to read:

15 8744. There shall be printed at the head of all  
16 contracts, agreements, statements, receipts, literature  
17 and other publications of nonendowment care  
18 cemeteries the following form:

19 “This institution is operated as a ‘nonendowment care’  
20 interment property.”

21 The phrase “nonendowment care” shall be of a size and  
22 style to be approved by the Cemetery and Funeral  
23 Bureau.

24 SEC. 259. Section 8747.5 of the Health and Safety  
25 Code is amended to read:

26 8747.5. Each cemetery shall at all times maintain and  
27 keep within the State of California all books, accounts,  
28 records, cash and evidences of investments of its general  
29 and special care funds. They shall be readily available for  
30 inspection and examination by the Cemetery and  
31 Funeral Bureau in accordance with the provisions of the  
32 Business and Professions Code.

33 SEC. 260. Section 8748 of the Health and Safety Code  
34 is amended to read:

35 8748. Where an endowment care mausoleum or  
36 mausoleum-columbarium is operated within an  
37 endowment care cemetery and the cemetery  
38 corporations or cemetery authorities owning or operating  
39 each merge and consolidate into one cemetery authority  
40 or corporation, the endowment care funds established by



1 each may be consolidated and merged into one  
2 endowment care fund. Such merger shall be  
3 accomplished by the execution of a declaration of trust by  
4 the successor cemetery authority or corporation, which  
5 declaration shall provide:

6 (a) That the assets of each endowment care fund shall  
7 be merged and consolidated into one endowment care  
8 fund which shall be held and administered by the  
9 directors of the successor cemetery authority or the  
10 trustees appointed by them for the care, maintenance,  
11 and embellishment of both cemeteries in accordance  
12 with the provisions of this code.

13 (b) That the income from such endowment care funds  
14 shall be used for the general care, maintenance, and  
15 embellishment for the cemetery as a whole, or, if the  
16 income from such consolidated fund is to be divided  
17 between such mausoleum or mausoleum-columbarium  
18 and cemetery, the proportion or manner in which it is to  
19 be divided.

20 (c) That it accepts and will administer all special care  
21 funds for the purpose for which they were established and  
22 in accordance with the provisions of this code.

23 The declaration of trust shall be approved by all of the  
24 trustees of each endowment care fund and by the  
25 directors of the cemetery authority or corporation  
26 appointing such trustees, which approval shall be  
27 endorsed upon such declaration of trust. The declaration  
28 of trust shall not be effective unless and until approved by  
29 the Cemetery and Funeral Bureau.

30 An executed copy of such declaration of trust so  
31 approved shall be filed with the Cemetery and Funeral  
32 Bureau and in the office of the cemetery authority or  
33 corporation owning or operating such cemetery, where  
34 it shall be available for inspection by any owner of  
35 property therein.

36 Upon approval of the declaration of trust by the  
37 Cemetery and Funeral Bureau, the assets and liabilities  
38 of such endowment care funds shall be deemed merged  
39 and consolidated into one endowment care fund, and the  
40 trustees of, or appointed by, the cemetery authority or



1 corporation handling such funds shall be immediately  
2 vested with the title to all of the assets and subject to all  
3 of the liabilities thereof. The trustees of the endowment  
4 care funds which have been thus merged or consolidated  
5 shall be relieved of any obligations or duties arising  
6 subsequent to such merger or consolidation.

7 SEC. 261. Section 9600.5 of the Health and Safety  
8 Code is amended to read:

9 9600.5. The Cemetery and Funeral Bureau may, in  
10 addition to the construction methods and standards  
11 allowed in this chapter, adopt regulations for the  
12 construction of private mausoleums or private  
13 columbariums, which at a minimum, include the  
14 following:

15 (a) Standards for design and construction for seismic  
16 load protection.

17 (b) Methods of construction, including solid granite  
18 construction.

19 (c) Methods of sealing to prevent leakage from crypts.

20 (d) Ventilation of crypts.

21 (e) Types of incombustible materials which may be  
22 used in construction.

23 SEC. 262. Section 9600.6 of the Health and Safety  
24 Code is amended to read:

25 9600.6. Private mausoleums or columbariums may be  
26 constructed in conformance with the methods and  
27 standards set forth in this chapter or in conformance with  
28 the construction methods and standards as adopted by  
29 the Cemetery and Funeral Bureau.

30 SEC. 263. No reimbursement is required by this act  
31 pursuant to Section 6 of Article XIII B of the California  
32 Constitution because the only costs that may be incurred  
33 by a local agency or school district will be incurred  
34 because this act creates a new crime or infraction,  
35 eliminates a crime or infraction, or changes the penalty  
36 for a crime or infraction, within the meaning of Section  
37 17556 of the Government Code, or changes the definition



1 of a crime within the meaning of Section 6 of Article  
2 XIII B of the California Constitution.

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