

**CEMETERY AND FUNERAL BUREAU
FINAL STATEMENT OF REASONS**

Hearing Date: July 22, 2015

Subject Matter of Proposed Regulations: Applications for Cemetery Certificate of Authority and Crematory License, Managers, Limited Liability Company Certification of Insurance Coverage or Net Worth, Record Keeping and Reporting of Changes, and Approval to Share a Cemetery Manager

5 Section(s) Affected:

Amend Sections 2326, 2326.1, and 2326.5
Adopt Sections 2326.2 and 2326.3

Updated Information:

The Initial Statement of Reasons is included in the file. The information contained therein is updated by the Cemetery and Funeral Bureau (Bureau) as follows:

Amend Section 2326 of Article 3 of Title 16 of the California Code of Regulations:

The modifications to this section updates the format for referencing form names and the revision date of forms incorporated by reference in subsections (a), (b)(1), (b)(2)(A), (b)(2)(B), (b)(2)(D), and (b)(3); update the requirement of subsection (a)(4) to specify maps should be retained by the cemetery and made available during inspections or upon request by the bureau; corrected a subsection reference in subsection (b); added subsection (b)(2)(C) to clarify the options a limited liability company has for satisfying the security requirements of Business and Professions Code section 7613.4; and update the Business and Professions Code sections referenced under authority and reference which changed as a result of Assembly Bill 180 (Bonilla, Chapter 395, Statutes of 2015).

Amend Section 2326.1 of Article 3 of Title 16 of the California Code of Regulations:

The modifications to this section updates the Business and Professions Code sections referenced in subsections (a)(1) and (b) and under authority and reference which changed as a result of Assembly Bill 180 (Bonilla, Chapter 395, Statutes of 2015).

Add Section 2326.2 of Article 3 of Title 16 of the California Code of Regulations:

The modifications to this section updates the format for referencing form names and the revision date of forms incorporated by reference in subsections (a) and (b); and update the Business and Professions Code sections referenced under authority and reference which changed as a result of Assembly Bill 180 (Bonilla, Chapter 395, Statutes of 2015).

Add Section 2326.3 of Article 3 of Title 16 of the California Code of Regulations:

The modifications to this section updates the format for referencing form names and the revision date of forms incorporated by reference in subsections (c), (d), and (e); and

update the Business and Professions Code sections referenced under authority and reference which changed as a result of Assembly Bill 180 (Bonilla, Chapter 395, Statutes of 2015).

Amend Section 2326.5 of Article 3 of Title 16 of the California Code of Regulations:

The modifications to this section updates the Business and Professions Code sections referenced under authority and reference which changed as a result of Assembly Bill 180 (Bonilla, Chapter 395, Statutes of 2015).

The Modified Text and all forms incorporated by reference were made available to the public for review and comment by the Bureau through a 15-day notice from February 24, 2016 to March 9, 2016.

Local Mandate:

A mandate is not imposed on local agencies or school districts.

Small Business Impact:

The regulatory proposal may affect small businesses if they organize for the purpose of owning, controlling, and maintaining a private cemetery in the State of California.

Consideration of Alternatives:

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Bureau would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. No reasonable alternative was presented to the Bureau or otherwise brought to the Bureau's attention for consideration.

Objections or Recommendations/Responses:

The Bureau did not receive any comments during the 45-day comment period or at the public hearing. Nor did the Bureau receive any comments during the subsequent 15-day comment period.

Finding of Necessity:

The Bureau hereby finds that it is necessary for the public health, safety, and welfare of the people of California that these regulations apply to businesses and individuals providing cemetery and funeral related services regulated by the Bureau.

Incorporation by Reference:

The following forms have been incorporated by reference:

- Application for Certificate of Authority, form 23-COA (rev. 1/16)
- Cemetery Notification of Change, form 23-NC (rev. 1/16)
- Certification Affidavit, form 16-CA (rev. 1/16)
- Bureau Licensed Employee, form 23-LE (1/16)
- Certification of Insurance Coverage, form 23-INS (1/16)
- Certification of Net Worth, form 23-NW (1/16)

These forms have been incorporated by reference because the Bureau has determined that it would be cumbersome, unduly expensive, or otherwise impractical to publish the document in the California Code of Regulations. These forms were made available to the public for review and comment in the same manner and at the same time that the proposed text of this regulation was.