

## CEMETERY AND FUNERAL BUREAU

The following table summarizes the most common violations found during compliance inspections of **FUNERAL ESTABLISHMENTS**. It is not a complete list of all violations for which the Bureau can take disciplinary action. The Bureau may issue a warning letter, an administrative citation or citation with fine, or may issue an administrative accusation for violations of the law.

The code sections below are contained in the California Code of Regulations (CCR) Sections 1200 – 1291 and the Business and Professions Code (BPC) Sections 7600 – 7745. The full context of the laws and regulations may be found at the Bureau's web site: [www.cfb.ca.gov](http://www.cfb.ca.gov).

### **OWNERSHIP, MANAGER, AND STAFF:**

1204(a)	Failure to designate a licensed funeral director as manager
1204(b)(A)	Failure of the designated manager to ensure compliance with laws/regulations governing funeral practices
1204(b)(B)	Failure of the licensed funeral establishment to ensure compliance with laws/regulations governing funeral practices
1204(c)	Failure of a funeral establishment to obtain Bureau approval to share a managing funeral director
1213(a)	Failure to notify the Bureau of a change in the corporate officers or designated manager
1213(b)	Failure to notify the Bureau of a transfer of more than fifty percent (50%) of the equitable interest in ownership
7680	Failure to conspicuously display a license in the place of business or employment of the licensee
7615(c)	An unlicensed person using funeral director, undertaker, mortician or any other title implying that he/she is a funeral director
7635(a)(A)	Using persons to make funeral arrangements who have not received the required documented training
7635(a)(B)	Failure to have the written outline of the training program for persons who consult with families/make funeral arrangements
7641	Unlicensed practice as an embalmer

### **FACILITIES AND EQUIPMENT:**

1209	Failure to maintain all hearses/first-call/pickup cars, and the equipment therein, in a sanitary manner and free from deleterious odors
1216(d)	Failure to maintain all public areas of a funeral establishment in a clean and orderly condition
1223(a)	Maintaining an embalming, preparation or storage room in a public storage complex or similar facility
1223(b)	Failure to maintain a sufficient supply of an effective disinfectant in the embalming, preparation and/or storage room
1223(c)(A)	Failure to have cold storage facilities for unembalmed remains
1223(c)(B)	Failure to refrigerate unembalmed human remains after 24 hours
1223(d)	Storing items in embalming/preparation/storage rooms besides only those necessary for the care, preparation, disposition, or transportation of human remains
1223(e)	Maintaining an unsuitable storage room for human remains prior to disposition
1223.1	Failure to designate a separate labeled area within the storage room and/or have sufficient capacity for each establishment using its facilities
1223.1(e)	Failure to have an identification and labeling system to effectively identify human remains being prepared/stored in a shared facility
1223.1(g)	Failure to obtain approval from the Bureau to share a preparation and/or storage room
7616(a)	Failure to have a preparation room when embalming services are offered
7616(a)(2)	Failure to have sanitary flooring and/or necessary drainage and ventilation and/or adequate supplies in the preparation room
7628	Failure to apply and obtain approval before changing the location of a licensed funeral establishment

### **EMBALMING ROOM SANITATION, SUPPLIES, AND PRACTICES:**

1215(A)	Failure of a person embalming human remains to wear the required smock or gown and impervious gloves
1215(B)	Failure to cover a body being embalmed as to insure the privacy of the body
1216(a)	Failure to maintain all preparation, embalming or storage room(s) in a clean and sanitary condition
1216(b)(A)	Failure to have and/or maintain proper and convenient receptacles for waste materials and supplies
1216(b)(B)	Failure to dispose of waste materials according to State/local health requirements or in a manner that endangers public health and safety
1216(c)	Failure to maintain instruments/equipment used for embalming or other preparation/handling of human remains in a clean/disinfected manner
1221(a)	Failure to keep strictly private, the care and preparation for burial or other disposition of all human remains
1221(b)	Failure to keep all human remains coming into or out of a funeral establishment/storage facility covered and out of public view
1255/1256	Failure to post the required Section 1221 placard on all doors leading directly into the preparation, embalming, and storage rooms
7707	Unprofessional conduct by failing to keep refrigerated human remains properly covered

### **LICENSES:**

119(f)	Displaying a photocopy of a license
1203	Failure of a licensee or registrant to file their proper and current mailing address with the Bureau
7616	Maintaining/operating a funeral establishment which has not been approved and licensed by the Bureau
7629	Failure of a funeral director to apply for a name change on his/her license
7670(a)	Failure to obtain approval to train apprentice embalmers
7670(b)(3)	Failure to obtain approval to allow a registered apprentice to serve in multiple locations
7670(c)	Failure to renew the approval to train apprentice embalmers
1246	Unlicensed practice as an apprentice embalmer

**ITEMIZATION AND DISCLOSURES:**

- 1204(d) Failure of a funeral director to comply with requirements when advertising his or her services
- 1211(a) Failure to use the establishment's exact name, license number and city or community where located, in all advertisements
- 1214(A) Failure to have the correct form for the authorization for disposition with or without embalming
- 1258(c)(A) Failure to have the scientific disclaimer at the beginning of the casket price list
- 1258(c)(B) Failure to have the scientific disclaimer on the casket price list printed in eight-point boldface type or larger
- 1258.1(b)(A) Failure to have a casket price list that is sufficiently descriptive to provide an accurate impression of the casket, including its color
- 1258.1(b)(B) Failure to include the color description of wood caskets as light, medium, or dark on the casket price list
- 1258.1(c)(1)(A) Failure to have the price ranges for adult, infant and child, and rental caskets and alternative containers on the general price list
- 1258.1(c)(1)(B) Failure to have the price ranges on the general price list match the actual prices of caskets offered for sale
- 1258.1(d)(A) Failure to have at the beginning of the casket price list, the price ranges for adult, infant/child, and rental caskets and alternative containers
- 1258.1(d)(B) Failure to have the price ranges on the casket price list match the actual prices of caskets offered for sale
- 1258.1(d)(C) Failure to have the casket prices ranges on the casket price list
- 1258.2(d)(A) Failure to have a rental casket acknowledgement when a rental casket is offered
- 1258.4 Failure to have a general price list with a statement on the first page, separate and apart from any other information, stating that the survivor/responsible party of the deceased is entitled to a copy of any paid preneed agreement in possession of the funeral establishment
- 7685(a)(1)(A) Failure to have a general price list
- 7685(a)(1)(B) Failure to have a general price list that contains the minimum required information for professional services
- 7685(a)(3)(A) Failure to have a casket price list
- 7685(a)(3)(B) Failure to include all caskets regularly offered for sale on the casket price list
- 7685(a)(3)(C) Failure to have the required description of caskets (price, thickness of metal or type of wood or other construction, interior and color) on the casket price list
- 7685(b)(3) Failure to include required GPL info/link on Web site homepage
- 7685.2(a)(A) Failure to have a service contract that contains itemized charges for professional services; body preparation; automotive and other equipment; casket; outside receptacle; clothing; cash advances; any other charges; and a total amount
- 7685.2(b)(A) Failure to have the correct form designating specific instructions for the disposition of cremated remains
- 7685.2(c) Failure to have a cremation contract with the notice about removing cremated remains in a durable container, and if the container cannot hold all the cremated remains, another container will be provided at no additional cost
- 7685.3(A) Failure to have the Bureau contact information on the first page of any contract for funeral goods and services
- 7685.3(B) Failure to have the Bureau contact information on the first page of any contract for funeral goods and services in eight-point boldface type
- 7685.5(b) Failure to make available to consumers a copy of the Consumer Guide for Funeral and Cemetery Purchases
- 7685.5(c) Failure to provide consumer with a copy of the Bureau's Consumer Guide prior to drafting a contract

**CASKETS, CASKET SALES ROOM(S), AND CASKET SALES CATALOG(S):**

- 1258(a)(A) Failure to prominently display the scientific disclaimer in or on each casket having or represented as having a sealing device of any kind
- 1258(a)(B) Failure to display a scientific disclaimer with the minimum required print size and/or color and/or with no additional printing or pictures
- 1258(a)(C) Failure to use a scientific disclaimer card of no less than 3 inches by 5 inches
- 1258(b)(A) Failure to have the scientific disclaimer as the first page of a catalog that displays caskets having or represented as having a sealing device
- 1258(b)(B) Failure to have the scientific disclaimer in the catalog printed in at least ten-point boldface type with no additional printing or pictures
- 1258.1(e) Failure to have all caskets and alternative containers regularly offered for sale physically or photographically displayed
- 7685.1(a)(A) Failure to have casket price card/tag(s) on each casket
- 7685.1(a)(B) Failure to include the type of construction and/or color and/or interior information on the casket price card/tag

**FILE REVIEW:**

- 1214(B) Failure to obtain an executed authorization for disposition with or without embalming for all cases
- 1258.2(d)(B) Failure to obtain an executed rental casket acknowledgement when a rental casket is used
- 1277.5 Failure to obtain an executed preneed funeral agreement form for all cases
- 7685.2(a)(B) Providing goods or services without an executed contract
- 7685.2(b)(B) Failure to obtain the signed and dated declaration designating specific instructions for the disposition of cremated remains

The Bureau issues administrative citations and fines under California Code of Regulations (CCR) § 1241. Business and Professions Code (BPC) § 125.9 authorizes the Bureau to issue administrative citations and assess fines up to \$5,000 for violations of the CCR and BPC. Citations may include orders of abatement with additional terms and conditions of compliance. More than one violation may be contained in each section of law, and a citation can include a fine assessment for each violation. Administrative fines range from \$100 to \$2500 and can be assessed for each violation.