



Agenda Item 5  
October 28, 2021

## **Cemetery and Funeral Bureau Advisory Committee Meeting Legislation Update**

Following are 2021 California State Assembly and Senate bills that have been chaptered:

1. [AB 293](#), (Kalra, Chapter 514, Statutes of 2021), Preneed funeral arrangements: unclaimed property
  - This bill has a delayed implementation date of January 1, 2023.
  - Establishes procedures for when and how preneed funeral arrangements that are not claimed upon the beneficiary's death should escheat to the state under the Unclaimed Property Law.
  - Requires a funeral establishment that intends to cease operations to provide notice to beneficiaries or trustors and trustees of preneed funeral trusts, with certain requirements.
2. [AB 496](#), (Chen, Chapter 118, Statutes of 2021), Cremation of veterans with the United States flag
  - This bill authorizes a crematory, upon request of the person with the authority to dispose of the remains, to cremate the remains of a person who was a member of a branch of the United States military with a single American flag. The new law exempts a flag that is incinerated in this manner from the recordkeeping requirements for incinerating a flag.
3. [AB 651](#), (Gipson, Chapter 442, Statutes of 2021), Endowment care cemeteries: examination, investigation, and discipline
  - This bill increases the minimum dollar amount that must be deposited into a cemetery endowment care trust fund.
  - This bill also provides that, in the absence of a court-appointed temporary manager, a county may assume responsibility for the maintenance of a cemetery if the cemetery manager of a private

cemetery has surrendered their license or has had their license suspended or revoked.

- Lastly, this bill requires the Bureau to examine a cemetery's endowment care fund whenever the Bureau receives a valid complaint alleging financial misconduct or neglect of duties.
4. [AB 830](#), (Flora, Chapter 376, Statutes of 2021), Business: Department of Consumer Affairs: licensed professions and vocations
    - This bill amends Health and Safety Code (HSC) section 8726.2(b)(3).
    - Requires a cemetery that wishes to convert its endowment care fund from a net income distribution method to a unitrust distribution method to demonstrate sufficient knowledge and expertise in investing and managing an endowment care fund generally, rather than only a fund utilizing the unitrust distribution method.

#### Military Bills

1. [AB 107](#), (Salas, Chapter 693, Statutes of 2021), Licensure: veterans and military spouses
  - This bill requires most boards and bureaus within the Department to issue temporary licenses to military spouses meeting specified criteria. Temporary licenses would be required to be issued within 30 days of receiving an application if the results of a criminal background check do not show grounds for denial.
  - This bill takes effect on January 1, 2023 and requires the Bureau to submit draft regulations to the Department by June 15, 2022.
  - Lastly, this bill requires the Department to submit an annual report to the Legislature on licensure of military members, veterans, and spouses.
2. [SB 607](#), (Min, Chapter 367, Statutes of 2021), Business and professions
  - This bill, commencing July 1, 2022, requires the bureau to waive all fees associated with the application and initial license for an applicant who meets certain expedited licensing requirements.