

# CEMETERY AND FUNERAL BUREAU

The following table summarizes the most common violations found during compliance inspections of **CREMATORIES**. It is not a complete list of all violations for which the Cemetery and Funeral (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 2300 – 2390, Business and Professions Code (BPC) Sections 119 and 7600 – 7746, and Health and Safety Code (HSC) Sections 7000 – 103800. 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 AND MANAGEMENT:**

HSC 8347(a)	Failure to have a written plan of instruction for use in training all employees in cremation procedures
HSC 8347(a)	Failure to provide appropriate instruction to all employees involved in the cremation process
HSC 8347(b)	Failure to maintain records of documented training for all employees in cremation procedures and/or operation of cremation equipment
BPC 7712.1	Failure to report a change of ownership to and obtain a new license from the Bureau
BPC 7713(a)	Failure to designate a licensed crematory manager
BPC 7713(a)	Failure to notify the Bureau of a change in the designated manager
BPC 7713.2(a)	Failure of the designated crematory manager to hold a current, unexpired license

## **FACILITY:**

HSC 8346	Failure to maintain the refrigeration unit at 50 degrees Fahrenheit or less
BPC 7712.6(c)	Failure to have a contractual agreement with a <b>licensed</b> cemetery for disposal of cremated remains that are in its possession after 90 days of the date of death

## **LICENSES:**

BPC 119(f)	Displaying a photocopy of a license
BPC 7680	Failure to conspicuously display a license in the place of business or employment of the licensee
BPC 7713.3	Maintaining/operating a crematory without a valid, unexpired license

## **CONTRACTS AND DISCLOSURES:**

CCR 2339(a)	Failure to have a written contract that contains the total contract price, terms of payment, and an itemization of all charges
CCR 2339(b)	Failure of contracts for prearranged services to contain the name of the trustees, how funds/earnings are held, and revocable terms
HSC 8342	Requiring the use of a casket for cremations
HSC 8346.5	Failure to have a written price list of services and merchandise offered for sale
HSC 8346.5	Failure to identify the crematorium on the price list
HSC 8346.5	Failure to have the Bureau contact information on the price list and/or in eight-point boldface type
BPC 7685.3	Failure to have the Bureau contact information on the first page of any contract for goods and services
BPC 7685.3	Failure to have the Bureau contact information on the first page of any contract for goods and services in eight-point boldface type
BPC 7712.6(a)	Failure to have a written contract for crematory services

## **IDENTIFICATION REQUIREMENTS AND CREMATION RECORDS:**

HSC 7051	Failure to return to the container all personal effects that are not processed with the cremated remains unless otherwise directed by the person with the right to control disposition
HSC 7054.6(c)(2)	Failure to maintain cremated remains in a durable container
HSC 7054.6(c)(3)	Failure to store/maintain cremated remains in a place free from exposure to the elements
HSC 7054.6(c)(4)	Failure to responsibly maintain cremated remains
HSC 7054.7(a)(1)	Cremating more than one body at a time in the same cremation chamber (without legal written authorization)
HSC 7054.7(a)(1)	Placing a second body in the cremation chamber prior to removing all fragments of the prior cremation
HSC 7054.7(a)(2)	Disposing or scattering cremated remains in a manner/location that the remains are commingled with those of another person
HSC 7054.7(a)(3)	Placing or interring the cremated remains of more than one person in the same container or interment space (without legal written authorization)
HSC 8343	Failure to maintain an accurate record of all cremations performed
HSC 8344	Failure to have/maintain a system for identification of human remains
HSC 8344	Failure to have a written system for identification of human remains
HSC 8344	Failure to utilize a permanent label, disk, or tab with CR license number and a unique number to identify cremated remains (does not apply to keepsake urns if space does not permit)
HSC 8344	Failure to record the unique identification number for the decedent on all paperwork regarding the decedent's case
HSC 8345	Failure to provide a larger or additional container when the cremated remains container is insufficient to hold all cremated remains
HSC 8345.5	Failure to have human remains in a cremation container and/or labeled with the identity of the decedent
HSC 8346	Failure to refrigerate body within 2 hours of receipt when not cremated within 24 hours of receipt

**FILE AUDIT:**

- CCR 2340 Failure to maintain records of all cremations
- HSC 7054.7(b) Failure to obtain acknowledgement regarding cremation from the person with the right to control disposition
- HSC 7055 Failure to obtain a permit for disposition of human remains
- HSC 7054.6(b) Failure to obtain a disposition permit for each placement of cremated remains into keepsake urn
- HSC 7111 Failure to obtain authorization for cremation from the person with the right to control disposition
- HSC 8343(k) Failure to maintain a copy of the filed disposition permit
- BPC 7712.6(a) Failure to execute a written contract for crematory services

**SUPERVISION**

- BPC 7713(b) Failure to supervise by manager of record

The Bureau issues administrative citations and fines under CCR Section 2382. BPC Section 125.9 authorizes the Bureau to issue administrative citations and assess fines up to \$5,000 for violations of the CCR, BPC and HSC. 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 \$5000 and can be assessed for each inspection or investigation