CEMETERY AND FUNERAL BUREAU

Order of Adoption

(1) Amend Section 1209 of Division 12 of Title 16 of the California Code of Regulations to read as follows:

§ 1209. ~~Ambulances,~~ Hearses~~,~~ and First-Call or Pickup Cars.

All ~~ambulances,~~ hearses and first-call or pickup cars under the control and operation of the funeral establishment and the equipment therein shall be kept clean and sanitary and free from noxious or deleterious odors at all times. Such vehicles shall be cleansed with a suitable and effective disinfectant, immediately after being used to transport human remains dead of any contagious disease, or as soon thereafter as practical, so as not to endanger the public health or safety.

Note: Authority cited: Section 7606, Business and Professions Code. Reference: Sections 7606 and 7707, Business and Professions Code.

(2) Amend Section 1214 of Division 12 of Title 16 of the California Code of Regulations to read as follows:

§ 1214. Authorization ~~for Disposition with and Without~~ to Accept or Decline Embalming.

Except as otherwise provided in Health and Safety Code ~~S~~section 7304, human remains shall not be embalmed without the express authorization of a person having the legal right to control disposition of the remains. Such authorization, to either accept or decline embalming, shall be secured by use of ~~the~~ form 12-AUTH (rev. 11/14) prescribed by the bureau~~, attached hereto as Exhibit 1,~~ and made a part of this regulation. The form shall be used in the exact form set forth below, without additions, substitutions, or amendments, and may be either a separate form or combined with another form.

~~EXHIBIT 1~~

AUTHORIZATION~~ FOR DISPOSITION WITH OR WITHOUT~~ TO ACCEPT OR DECLINE EMBALMING

TO: _____ ~~(Funeral Establishment Name)~~
(Funeral Establishment Name)

RE: _____ ~~(Decedent)~~
(Decedent)

~~I, _____do __ do not __ (check one) request embalming, which I understand~~
Embalming is the addition to, or the replacement of, body fluids by chemical preservatives or the application of chemical preservatives for the temporary preservation of the body. **I understand that embalming is not required by law.**

I, _____, do __ do not __ (check one) request embalming.
I understand that for storage or embalming purposes the decedent may be transported to the following~~ licensed funeral establishment~~ location:

_____
(Location ~~n~~Name and ~~a~~Address~~ of funeral establishment~~)
~~then returned for funeral services. I understand I may be charged an additional fee for transport.~~

The undersigned hereby represents that he/she has the legal right to control disposition of the remains of the decedent.

Signed: _____, Relationship to Decedent: _____

Executed this ____ day of _____, _____, at~~ City~~ _____~~, State~~ _____.
(Month) (Year) (City and State)

This section is ~~T~~to ~~B~~be ~~C~~completed by the funeral establishment if ~~A~~authorization to ~~Embalm and Notification to Transport Is Obtained Orally (by Telephone):~~ accept or decline embalming is obtained orally.

The above statement~~ of authorization and notification~~ regarding embalming and storage was read and/or provided to _____, ~~(~~Relationship to Decedent: _____, who did __ did not __ (check one) authorize embalming at the above named funeral establishment. ~~City _____, State ___,~~ Tele~~P~~phone Number: ~~(~~_____~~)~~
Date and time authorization granted: _____

~~Signature of~~This section is to be completed by the funeral establishment representative who is executing this~~ accepting~~ authorization to accept or decline embalming.

I declare under penalty of perjury that the foregoing is true and correct.
Executed this ____ day of _____, _____, at ~~City~~ _____~~, State~~ _____.

(Month) (Year) (City and State)

~~(s)~~ _____

Funeral Establishment Representative (Print Name) Funeral Establishment Representative (Signature)

12-AUTH (rev. 11/14)

Note: Authority cited: Section 7606 and 7616, Business and Professions Code. Reference: Section 7606, Business and Professions Code.

(3) Amend Section 1216 of Division 12 of Title 16 of the California Code of Regulations to read as follows:

§ 1216. Sanitation.

(a) All preparation, embalming, ~~or~~ storage room, and refrigeration facilities shall, at all times, be kept and maintained in a clean and sanitary condition.

(b) Every preparation, embalming, ~~or~~ storage room, and refrigeration facility shall be provided with proper and convenient receptacles for refuse, bandages, cotton and other waste materials and supplies. All such waste materials shall be disposed of in accordance with State and local health and sanitation requirements or in such a manner as not to endanger the public health and safety.

(c) All instruments, appliances and equipment used in the embalming or other preparation and handling of human remains shall be thoroughly cleansed and disinfected immediately at the conclusion of each individual case.

(d) All areas of a funeral establishment which are open to public use or occupancy shall be kept and maintained in a clean and orderly condition so as not to endanger the public health and safety.

Note: Authority cited: Section 7606, Business and Professions Code. Reference: Sections 7606 and 7707, Business and Professions Code.

(4) Amend Section 1221 of Division 12 of Title 16 of the California Code of Regulations to read as follows:

§ 1221. Care and Preparation for Burial.

(a) The care and preparation for burial or other disposition of all human remains shall be strictly private, and no one shall be allowed in the embalming or storage room while human remains are being embalmed or prepared for disposition, except the

licensed funeral director and his or her duly authorized officers and/or employees, licensed embalmers and their duly registered apprentices, instructors and their students from accredited mortuary science programs approved by the bureau ~~of the science of embalming in embalming schools or colleges duly accredited by the bureau and their students~~, and ~~except~~ public officials in the discharge of their duties; provided, that this rule shall not apply to ~~duly accredited nurses employed in a case, nor to members of the immediate family of the deceased as defined by~~ persons who have been authorized by the person with the right to control disposition pursuant to section 7100 of the Health and Safety Code

(b) All human remains being transferred into or out of a funeral establishment or storage facility, except in a casket, shall be covered and kept out of the public view, to the extent reasonably possible.

Note: Authority cited: Section 7606, Business and Professions Code. Reference: Sections 7606, 7616, 7704 and 7707, Business and Professions Code.

(5) Amend Section 1255 of Division 12 of Title 16 of the California Code of Regulations to read as follows:

§ 1255. Posting Rules.

A placard upon which ~~S~~section 1221 of these rules shall be printed must be fastened to the outside of all doors leading directly into the preparation, embalming, ~~and~~ storage rooms, and refrigeration facilities in every funeral establishment.

Note: Authority cited: Section 7606. Reference: Sections 7606, 7615, 7616, 7640, 7641, 7704, and 7707, Business and Professions Code, and Section 7100, Health and Safety Code.

(6) Amend Section 1258 of Division 12 of Title 16 of the California Code of Regulations to read as follows:

§ 1258. Notice Regarding ~~Sealing Device~~ Casket Disclaimer.

(a) ~~There shall be prominently displayed in or on each casket having or represented as having a sealing device of any kind, a notice, clearly visible to the public, containing the following statement~~ The following statement shall be placed in uppercase 8-point boldface type or larger, at the beginning of the written statement or list which identifies a particular casket or caskets by price required by Business and Professions Code section 7685:

"THERE IS NO ~~SCIENTIFIC OR OTHER~~ EVIDENCE THAT ANY CASKET REPRESENTED AS HAVING PROTECTIVE FEATURES, WHICH MAY INCLUDE A GASKET, ~~WITH A SEALING DEVICE~~ WILL PRESERVE HUMAN REMAINS."

~~The statement shall be printed in at least ten point, boldface type on a card of no less than three inches by five inches in dimension and no other notice, statement, price, information, picture or other printing, other than borders or decorations, shall appear on the card. The print shall be in a color that contrasts with the background on which it is printed. If the card is folded in any manner, the section containing the statement shall be no less than three inches by five inches in dimension and unfolded.~~

(b) The written statement or list must identify all caskets having or represented as having a gasket of any kind. ~~In cases where caskets are displayed in or sold from catalogues, the notice required in subsection (a) above shall appear on a page at the beginning of any such catalogue containing such casket or caskets. The notice shall be in ten point boldface type or larger and no other notice, statement, price, information, picture or other printing, other than borders or decorations, shall appear on the page.~~

~~(c) The notice required in subsection (a) above shall also be placed in 8-point boldface type or larger at the beginning of the written statement or list which identifies a particular casket or caskets by price required by Business and Professions Code section 7685.~~

Note: Authority cited: Section 7606, Business and Professions Code. Reference: Section 7606, Business and Professions Code.

(7) Amend Section 1258.1 of Division 12 of Title 16 of the California Code of Regulations to read as follows:

§ 1258.1. Casket Price Lists, Price Tags, Price Ranges and Display.

(a) For the purposes of Business and Professions Code section 7685 and this section, the term “provide” shall mean to give for retention to persons who inquire in person about funeral arrangements or the prices of funeral goods or services.

(b) For the purposes of Business and Professions Code sections 7685 and 7685.1(a), casket descriptions shall be sufficiently descriptive so as to provide a reasonably accurate impression of the casket including its color. The color may be expressed in either the manufacturer's color or generic color. ~~The color description of wood caskets shall specify whether the finish is dark, medium or light.~~

(c) The statement regarding the price range for all caskets offered for sale, required pursuant to Business and Professions Code section 7685, shall:

(1) Differentiate between the price range for ~~adult~~ all caskets regularly offered for sale, ~~the price range for infant and child caskets, the price range for rental caskets,~~ and the price range for all alternative containers regularly offered for sale.

~~(2) Include all caskets that are regularly offered for sale.~~

~~(d) The price range required by (c)(1) above shall be restated at the beginning of the casket price list required by Business and Professions Code section 7685.~~

~~(e)~~(d) All caskets, representations of caskets, and alternative containers regularly offered for sale shall be either physically displayed in the funeral establishment casket selection room or displayed photographically.

~~(f)~~(e) The provisions of Business and Professions Code section 7685.1(a) shall be applicable to caskets regularly offered for sale and displayed by catalog, by photograph and physically.

(f) For purposes of this section, a "casket" is a rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal, fiberglass, plastic, or like material, and ornamented and lined with fabric.

(g) For the purpose of this section, an "alternative container" is an unfinished wood box or other non-metal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of fiberboard, pressed-wood, composition materials (with or without an outside covering) or like materials.

(h) For purposes of this section, "regularly offered for sale" shall not include caskets or alternative containers provided to fulfill the terms of a preneed funeral agreement, or any caskets and alternative containers offered to meet the special needs of a consumer.

Note: Authority cited: Section 7606, Business and Professions Code. Reference: Sections 7606, 7685 and 7685.1, Business and Professions Code.

(8) Amend Section 1258.2 of Division 12 of Title 16 of the California Code of Regulations to read as follows:

§ 1258.2. Rental Caskets.

(a) If a funeral establishment offers ~~A rental casket is~~ a specially designed device used to conceal an ~~rental casket~~ insert containing human remains, for purposes of viewing and/or funeral or other ceremony, ~~and may~~ which gives the outward appearance of being a casket, it shall be referred to as a "rental" casket. No part of a rental casket, including its lining, shall come into contact with any human remains placed therein or placed within a rental casket insert placed therein, unless that part or lining is disposed of with the ~~rental casket~~ insert and human remains.

~~(b) For the purposes of Business and Professions Code section 7702, a casket is a rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal, fiberglass, plastic, or like material, and ornamented and lined with fabric.~~

~~(c)~~(b) A rental casket insert is an enclosure without ornamentation which has an interior lining and which is designed for the encasement of human remains for burial, cremation, or transit.

~~(d) The provisions of Business and Professions Code section 7702 shall not be applicable to rental caskets, as described and defined in subsection (a) of this section, if the purchaser/renter is notified in writing prior to entering into any agreement that the rental casket is designed to be reused and may have previously been used and if the purchaser/renter does not object to the previous use and/or reuse. The purchaser/renter shall acknowledge the notification and express agreement in writing.~~

~~(e)~~(c) A new rental casket insert shall be used for each human remains displayed in a rental casket.

~~(f)~~(d) No rental casket shall be used or reused after it has been soiled, stained or otherwise contaminated by or from any human remains placed therein or placed within a rental casket insert placed therein.

(e) The provisions of Business and Professions Code section 7702 shall not be applicable to rental caskets, as described and defined in subsection (a) of this section.

(f) All rental caskets shall be included on the casket price list required by Business and Professions Code section 7685 and shall be displayed in the funeral establishment casket selection room or displayed photographically. When a rental casket is used, it shall appear on the contract for funeral goods or services.

Note: Authority cited: Section 7606, Business and Professions Code. Reference: Sections 7606 and 7702, Business and Professions Code.

(9) Repeal Section 1258.3 of Division 12 of Title 16 of the California Code of Regulations:

~~§ 1258.3. Cemetery and Funeral Bureau Notification.~~

~~The statement required by Business and Professions Code section 9662 shall be printed on the first page of any contract for funeral goods and services offered by a funeral establishment which contains charges for both funeral goods and services and cemetery or crematory goods and services.~~

~~Note: Authority cited: Section 7606, Business and Professions Code. Reference: Section 7606, Business and Professions Code.~~

(10) Amend Section 1258.4 of Division 12 of Title 16 of the California Code of Regulations.

§ 1258.4. Statement of Disclosure of Preneed Agreement.

The statement on the general price list required by Business and Professions Code ~~S~~section 7685~~(b)~~(a)(2) shall be made on the first page of the list, and shall be separate and apart from any other information on the list, and shall state:

"Prior to drafting any contract for goods or services, the responsible party or the decedent's survivor who is handling the funeral arrangements is entitled to receive a copy of any preneed agreement in the possession of the funeral establishment that has been signed and paid for, in full or in part, by or on behalf of the decedent."

Note: Authority cited: Section 7606, Business and Professions Code. Reference: Sections 7606, 7685 and 7745, Business and Professions Code.