

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. CEMETERY AND FUNERAL BUREAU

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:

§ 2302, California Code of Regulations

§ 2310, Regulatory Charge

§ 2311, Filing Fee

§ 2326.06, Application for Reduction Facility License

§2326.1, Managers

§ 2329.2 Abandonment of Application for Reduction Facility License

§ 2333.1 Reduction Facility Sanitation

§ 2339.2, Form and Content of Reduction Contracts

§ 2370, Special Trusts

NOTICE IS HEREBY GIVEN that the Cemetery and Funeral Bureau (Bureau) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office no later than Monday, September 28, 2026.

PUBLIC HEARING

The Bureau has not scheduled a public hearing on this proposed action. However, the Bureau will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Bureau at its office no later than Monday, September 28, 2026**, or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section(s) 7606, 7610.1, 7639.08, 7712.5, and 7730.12 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC section(s) 7639.06, 7639.08, 7712.9, 7730.10, and 7730.11, the Bureau is considering amending section(s) 2302, 2310, 2311, 2326.1 and adopting 2326.06, 2329.2, 2333.1, and 2339.2 of title 16, Division 23 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

The Cemetery and Funeral Bureau (Bureau) licenses, regulates, and investigates complaints against 14 different license categories in California, totaling approximately 11,315 licensees. These licensing categories include funeral establishments, funeral directors, embalmers, apprentice embalmers, cemetery brokers, cemetery broker branch, cemetery broker additional, cemetery salespersons, cremated remains disposers, crematories, crematory managers, hydrolysis facilities, cemetery managers, and private, nonreligious cemeteries. It is the Bureau's duty to enforce and administer the Cemetery and Funeral Act (Chapter 12 (commencing with section 7600) of Division 3 of BPC) (Act). (BPC section 7602, subdivision (a)(2).) The Bureau is authorized to establish necessary rules and regulations for the enforcement of the Act and the laws subject to its jurisdiction. (BPC section 7606.)

Assembly Bill 351 (AB 351) (Garcia, Chapter 399, Statutes of 2022) was approved by the Governor on September 18, 2022 and will become effective January 1, 2027. This bill requires the Bureau to license and regulate reduction facilities and enact applicable requirements along with standards for applicants of these reduction facilities.

Reduction is a process by which human remains are transformed into soil and mixed together with natural materials and air and is periodically turned which eventually results in the body's reduction into soil material. In this bill, large tanks, containers, or similar 'vessels' hold the remains together with straw, wood chips, or other natural materials until the process is complete. Then, removed from the reduction chamber. Like cremation, the bone fragments are processed by mechanical means to a consistency appropriate for disposition

In accordance with the amended sections of 2302 of division 23 of title 16 of the California Code of Regulations, the purpose of this proposal is to implement, interpret and make specific Health and Safety Code (HSC) sections 7010.3 (b), 7051 and 7051.5 and BPC sections 7606, 7610.1, 7730.12, and 7714 et seq., which define operation and standards for reduction facilities.

The Bureau proposes to:

- Amend CCR section 2302 by adding subsection 2302(c) to include clarity on what is “processing” for reduction facilities.
- Amend CCR section 2302 by adding subsection 2302(d) to define what is considered “residue” after the reduction process has occurred.
- Amend CCR subsection 2310(d) by adding the “or reduction” into the verbiage to align and be consistent with current regulation.
- Amend CCR subsection 2310(e) by establishing an annual regulatory charge of \$1,000 and an additional fee for quarterly charge of \$8.50 for each reduction made in the preceding quarter.
- Amend CCR subsection 2310(f) to add subdivision (f) to require reduction facilities to submit annual maintenance records of chambers to the Bureau along with an annual renewal application.
- Amend subsection 2311(d) to add the initial filing fee of \$1,000 to accompany the submission of the original application for a reduction facility.
- Add CCR subdivision 2326.06(a) to add an application for a reduction facility license must be made on “Application for Reduction Facility License” form 23-RF (New 01/27). This regulation will incorporate the requirements and documents that accompanies the application for the reduction facility.
- Add subdivision 2326.06(b) by having a signed and verified statement by the individual, chief executive officer and one of the directors of the corporation if the applicant is a corporation.
- Add subdivision 2326.06(c) so the Bureau can request the plans and specifications of the proposed reduction facility and building layout. These plans will show reduction chambers, storage for unreduced human remains and the Bureau may investigate proposed reduction facility to ensure all specifications are met.
- Add subdivision 2326.1(d) to specify the supervision of the operation of the reduction facility. This allows the licensed reduction facility to be operated under

the supervision of a crematory manager which is certified by the Bureau. The subdivision allows an applicant to designate additional crematory managers who can succeed the crematory manager in the event the crematory manager is unable to perform his or her duties as required. To certify a crematory manager, the Bureau will require a written statement from the reduction chamber manufacturer demonstrating that the crematory manager has received the proper training for the operation of the reduction chamber and the proposed activities of the licensed reduction facility. At present, the manufacturer is the only entity who could provide this training to a manager.

- Add CCR section 2329.2, Abandonment of Application of Reduction Facility License. If the applicant fails to provide documents requested by the Bureau will result CFB deeming the applicant abandoned hereby, having the applicant submit a new application with its accompanied fees and documentation.
- Add CCR section 2333.1, Reduction Facility Sanitation. The Bureau proposes to add this section to help provide a clear standard of safety and cleanliness for reduction facilities when the public is on facility grounds.
- Add CCR section 2339.2(a), Form and Content of Reduction Contracts. The Bureau proposes to add to the existing "Form and Content of Reduction Contracts" to included reduction contracts to this section of 2339.

Anticipated Benefits of Proposal

The Bureau has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and the state's environment:

Reduction is a process by which human remains are transformed into soil and mixed with natural materials and air which is turned periodically resulting in the body's reduction into soil material. This proposal would establish language that would clarify the regulation for applicants. Provide greater clarity and transparency for Bureau quarterly and regulatory fees. Set maintenance standards for reduction chambers (vessels) while outlining operational standards for facilities to safeguard public health and safety. With added sections to promote clear contractual agreements between individual(s) and the custody of reduced remains.

This regulatory proposal does not affect the health and welfare of California residents, worker safety, or the state's environment.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Bureau has conducted a search of any similar regulations on these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

Application for Reduction Facility License, form 23-RF (01/27)

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The CFB estimates nine applicants will apply for licensure within the first year of implementation and one annually thereafter, which would result in workload costs ranging from approximately \$9,000 to 18,000 per year and up to \$136,000 over a ten-year period.

Additionally, The CFB estimates revenues ranging from \$9,000 to 18,000 per year and up to \$135,000 over a ten-year period.

The CFB will also incur one-time costs of approximately \$2,000 to create an application form and post it on its website.

The regulations do not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement: None.

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs (and, if applicable, including any estimated costs of compliance or potential benefits of a building standard): None.

BUSINESS IMPACT ESTIMATES

The Bureau has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulations would impact businesses in California who want to operate reduction facilities. The CFB estimates nine applicants will apply for licensure within the first year of implementation and one annually thereafter.

These applicants will be required to submit the initial application to CFB and pay an initial license fee of \$1,000. Licensees will be required to renew each year and pay annual license renewal fees of \$1,000.

Additionally, businesses will need to purchase and install reduction equipment. While the cost of the reduction chamber (with installation) may vary by vendor, the CFB estimates (one-time) costs ranging from \$15,000 to \$50,000.

Cost Impact on Representative Private Person or Business

The CFB estimates nine applicants will initially apply for the reduction licensure in the first year of implementation and one applicant annually thereafter. These applicants will be required to submit an initial application to the Bureau and pay the initial license fee of \$1,000 and an annual renewal fee of \$1,000.

The total economic impact is estimated to be up to approximately \$9,000 to \$18,000 per year and up to \$135,000 over a ten-year period.

Additionally, businesses will need to purchase and install reduction equipment. While the cost of the reduction chamber (with installation) may vary by vendor, the CFB estimates (one-time) costs ranging from \$15,000 to \$50,000.

RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS

Impact on Jobs / Businesses

The Bureau has determined that this regulatory proposal will not have a significant impact on the following:

- 1) The creation or elimination of jobs within the state, because this proposed regulation applies to the cemetery industry, specifically licensed reduction facilities. If any jobs are impacted, the types of jobs that may be impacted are those held by persons licensed by CFB to provide cemetery and funeral-related service.
- 2) It will not eliminate existing however will create new businesses within the State of California because the proposed regulations would allow an applicant to file an application for a reduction facility license in California. The proposed regulation does not negatively impact the existing cemetery or funeral industry.
- 3) The expansion of businesses currently doing business within the state because this regulation applies to the cemetery industry in California. CFB projects nine (9) applicants would apply for licensure the first year.

Benefits of Regulation

The Bureau has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and state's environment:

As stated in the **Anticipated benefits of proposal**, reduction provides consumers an alternative method of disposition of human remains to traditional burial, cremation, and hydrolysis. This proposal would establish clear language for the applicant. In addition, provide clarity and transparency for Bureau quarterly and regulatory charges while setting maintenance and operational standards to safeguard public health.

Business Reporting Requirements

The regulatory action requires businesses to file a report with the Bureau. The Bureau has determined that it is necessary for the health, safety, or welfare of the people of the State that the regulation apply to businesses.

Licensees operating a reduction facility shall be required to annually submit proof of the chamber maintenance records and the California Department of Public Health evaluation to demonstrate that the chamber continues to operate as originally approved. In addition, each reduction facility shall report to the Bureau any change in the designated certified crematory manager.

This proposal will benefit the public who will receive more accurate information, licensees who will understand what information is required without needing to contact Bureau staff and ensures that only reduction facilities that continue to meet regulatory standards operate lawfully in this state.

Effect on Small Business

The Bureau has determined that the proposed regulations may affect small businesses opting to provide reduction services.

Applicants will be required to submit an initial application to the Bureau and pay the initial license fee of \$1,000 and an annual renewal fee of \$1,000.

Additionally, businesses will need to purchase and install reduction equipment. While the cost of the reduction chamber (with installation) may vary by vendor, the CFB estimates (one-time) costs ranging from \$15,000 to \$50,000.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Bureau must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Bureau in writing relevant to the above determinations at 1625 North Market Blvd, Sacramento, California 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Bureau has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Cemetery and Funeral Bureau at 1624 North Market Blvd, Sacramento CA, 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Bureau, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Persons named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Almer Generoso
Address: Cemetery and Funeral Bureau
1625 North Market Boulevard, Suite S-208
Telephone No.: (916) 574-7876
Fax No.: (916) 928-7988
E-Mail Address: Almer.generoso@dca.ca.gov

The backup contact person is:

Name: Melissa Orias
Address: Cemetery and Funeral Bureau
1625 North Market Boulevard, Suite S-208
Telephone No.: (916) 574-8203
Fax No.: (916) 928-7988
E-Mail Address: Melissa.orias@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET (Note: Please direct the reader to the EXACT page and not a generic home page.)

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text ,if any, can be accessed through the Bureau website at https://cfb.ca.gov/laws_regs/proposed_regs.shtml