

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 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 164 – 9789, 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.

OWNERSHIP AND MANAGEMENT:

- 8347(a)(A) Failure to have a written plan of instruction for use in training all employees in cremation procedures
- 8347(a)(B) Failure to provide appropriate instruction to all employees involved in the cremation process
- 8347(b) Failure to maintain records of documented training for all employees in cremation procedures and/or operation of cremation equipment
- 9780.5 Failure to report a change of ownership to and obtain a new license from the Bureau
- 9787.2(a)(A) Failure to designate a licensed crematory manager
- 9787.2(a)(B) Failure to notify the Bureau of a change in the designated manager
- 9787.4(a) Failure of the designated crematory manager to hold a current, unexpired license

FACILITY:

- 8346(A) Failure to maintain the refrigeration unit at 50 degrees Fahrenheit or less
- 9784(c) Failure to have a contractual agreement with a **licensed** cemetery for disposal of cremated remains that are in its possession after 90 days of the date of death

LICENSES:

- 119(f) Displaying a photocopy of a license
- 164 Failure to post license(s) in public view
- 9788 Maintaining/operating a crematory without a valid, unexpired license

CONTRACTS AND DISCLOSURES:

- 2339(a) Failure to have a written contract that contains the total contract price, terms of payment, and an itemization of all charges
- 2339(b) Failure of contracts for prearranged services to contain the name of the trustees, how funds/earnings are held, and revocable terms
- 8342 Requiring the use of a casket for cremations
- 8346.5(A) Failure to have a written price list of services and merchandise offered for sale
- 8346.5(B) Failure to identify the crematorium on the price list
- 8346.5(C) Failure to have the Bureau contact information on the price list in eight-point boldface type
- 9662(A) Failure to have the Bureau contact information on the first page of any contract for goods and services
- 9662(B) Failure to have the Bureau contact information on the first page of any contract for goods and services in eight-point boldface type
- 9784(a)(A) Failure to have a written contract for crematory services

IDENTIFICATION REQUIREMENTS AND CREMATION RECORDS:

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

FILE AUDIT:

2340	Failure to maintain records of all cremations
7054.7(b)	Failure to obtain acknowledgement regarding cremation from the person with the right to control disposition
7055(<u>A</u>)	Failure to obtain a permit for disposition of human remains
7054.6(b)	Failure to obtain a disposition permit for each placement of cremated remains into keepsake urn
7111	Failure to obtain authorization for cremation from the person with the right to control disposition
8343(k)	Failure to maintain a copy of the filed disposition permit
9784(a)(<u>B</u>)	Failure to execute a written contract for crematory services

The Bureau issues administrative citations and fines under California Code of Regulations (CCR) § 2382. 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, 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 \$50 to \$1500 and can be assessed for each violation.