

## CEMETERY AND FUNERAL BUREAU

The following table summarizes the most common violations found during compliance inspections of **HYDROLYSIS FACILITIES**. 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 8380(a)    | Failure to provide appropriate instruction to all employees involved in the alkaline hydrolysis process                                |
| HSC 8380(a)    | Failure to have a written plan of instruction for use in training all employees in hydrolysis procedures                               |
| HSC 8380(b)    | Failure to maintain records of documented training for all employees in hydrolysis procedures and/or operation of hydrolysis equipment |
| BPC 7639.02    | Failure to report a change of ownership to and obtain a new license from the Bureau  |
| BPC 7712.11(a) | Failure to designate a licensed crematory manager  |
| CCR 2326.1(c)  | Failure to notify the Bureau of a change in the designated manager   |
| BPC 7712.11(b) | Failure of the designated crematory manager to hold a current, unexpired license   |

### **FACILITY:**

|                      |  |
|----------------------|--|
| HSC 8378             | Failure to maintain the refrigeration unit at 50 degrees Fahrenheit or less when storing bodies  |
| BPC 7639.10(a)(3)    | Failure to have a contractual agreement with a <b>licensed cemetery</b> for disposal of hydrolyzed remains that are in its possession after 90 days of the date of death |
| BPC 7639.10(a)(5)    | Failure to have a contractual agreement with a state-licensed biomaterials handler for disposal of hydrolysate   |
| BPC 7639.10(a)(8)(A) | Failure to obtain appropriate authorization from the public agency providing sewer collection services   |
| HSC 8374(a)(12)      | Failure to maintain documentation of compliance with appropriate environmental and safety laws   |
| HSC 8374(b)          | Failure to maintain records of the maintenance performed on the hydrolysis chamber   |

### **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 7639.16 | Maintaining/operating a hydrolysis facility without a valid, unexpired license                    |

### **CONTRACTS AND DISCLOSURES:**

|                   |  |
|-------------------|--|
| BPC 7639.10(a)(1) | Failure to have a written contract for hydrolysis services   |
| 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 8372          | Requiring the use of a casket for alkaline hydrolysis  |
| 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 |

### **IDENTIFICATION REQUIREMENTS AND HYDROLYZATION RECORDS:**

|                  |  |
|------------------|--|
| HSC 7051         | Failure to return to the container all personal effects that are not processed with the hydrolyzed human remains unless otherwise directed by the person with the right to control disposition |
| HSC 7054.6(c)(2) | Failure to maintain hydrolyzed human remains in a durable container  |
| HSC 7054.6(c)(3) | Failure to store/maintain hydrolyzed human remains in a place free from exposure to the elements   |
| HSC 7054.6(c)(4) | Failure to responsibly maintain hydrolyzed human remains   |
| HSC 7054.8(a)(1) | Hydrolyzing more than one body at a time in the same hydrolysis chamber (without legal written authorization)  |
| HSC 7054.8(a)(1) | Placing a second body in the hydrolysis chamber prior to removing all fragments of the prior hydrolysis  |
| HSC 7054.8(a)(2) | Disposing or scattering hydrolyzed human remains in a manner/location that the remains are commingled with those of another person   |
| HSC 7054.8(a)(3) | Placing or interring the hydrolyzed human remains of more than one person in the same container or interment space (without legal written authorization)                                       |
| HSC 8374(a)      | Failure to maintain an accurate record of all hydrolysis performed   |
| HSC 8376(a)      | Failure to have/maintain a system for identification of hydrolyzed human remains   |
| HSC 8376(a)      | Failure to utilize a permanent label, disk, or tab with HF license number and a unique number to identify hydrolyzed human remains (does not apply to keepsake urns if space does not permit)  |
| HSC 8376(a)      | Failure to record the unique identification number for the decedent on all paperwork regarding the decedent's case   |
| HSC 8376(a)      | Failure to have a written system for identification of human remains   |
| BPC 7685.2(c)(2) | Failure to provide a larger or additional container when the hydrolyzed human remains container is insufficient to hold all hydrolyzed human remains   |
| HSC 8378         | Failure to refrigerate body within 2 hours of receipt when not hydrolyzed within 24 hours of receipt   |

**FILE AUDIT:**

- HSC 7054.8(b) Failure to obtain written acknowledgment regarding hydrolysis from the person with the right to control disposition
- HSC 7054.8(b) Failure to include required statement on acknowledgment form regarding hydrolyzation
- HSC 7055(a) Failure to obtain a permit for disposition of human remains
- HSC 7054.6(b) Failure to obtain a disposition permit for each placement of hydrolyzed remains into keepsake urn
- HSC 8374(a)(11) Failure to maintain a copy of the filed disposition permit
- BPC 7639.10(a)(1) Failure to execute a written contract for hydrolysis services with the person(s) entitled to custody

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.