
**SENATE COMMITTEE ON
BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT**

Senator Dr. Aisha Wahab, Chair
2025 - 2026 Regular

Bill No:	SB 1312	Hearing Date:	April 13, 2026
Author:	Richardson		
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Urgency:	No	Fiscal:	Yes
Consultant:	Elissa Silva		

Subject: Cemetery and Funeral Bureau: advisory committee

SUMMARY: Authorizes the Cemetery and Funeral Bureau (Bureau) to establish an advisory committee, as specified.

Existing law:

- 1) Establishes the Bureau within the Department of Consumer Affairs (DCA) to administer and enforce the Cemetery and Funeral Act (Act), subject to review by the Legislature as though it were scheduled to be repealed on January 1, 2029. (Business and Professions Code (BPC) § 7602)
- 2) Establishes the Act, which provides for the licensing and oversight of 14 professional categories within the death care industry. (BPC §§ 7600 *et seq.*)
- 3) Permits the Bureau to inspect the premises in which the business of a funeral establishment, reduction facility, cemetery, or crematory is conducted, where embalming is practiced, or where human remains are stored. (BPC § 7607)
- 4) Defines a “cemetery manager” as a person who engages in or conducts those activities involved in, or incidental to, the maintaining, operating, or improving a cemetery licensed under the Act, the interring of human remains, and the care, preservation, and embellishment of cemetery property. (BPC § 7611.4(a))
- 5) Exempts the following from the provisions of the Act:
 - a) A religious corporation, church, religious society or denomination, a corporation sole administering temporalities of any church or religious society or denomination, or any cemetery organized, controlled, and operated by any of them.
 - b) A public cemetery.
 - c) Any private or fraternal burial park not exceeding 10 acres in area, established prior to September 19, 1939; however, those cemeteries are subject to the cemetery brokerage provisions of the Act, and any cemetery is subject to all of the provisions of the Act, if it collects a care, maintenance, or embellishment deposit or sets up a trust for burial purposes, as specified, including funeral services such as mortuary, cremation, or other commodities or services furnished

at the time of and in connection with that funeral or cremation. (BPC § 7612.2)

- 6) Requires the Bureau, in order to protect consumers, to adopt regulations that establish minimum standards of maintenance for endowment care cemeteries under the jurisdiction of the Bureau. The regulations must consider differences in cemetery size, location, topography, and type of interments, along with the extent to which funds are available from the cemetery's endowment care funds to perform maintenance. (BPC § 7612.4(a))
- 7) Clarifies that maintenance standards adopted by the Bureau cannot supersede any standards of a higher level of care established by a local ordinance, as specified. (BPC § 7612.4(b))
- 8) Requires the Bureau to conduct a study to obtain information to determine if the endowment care fund levels of each licensee's cemetery are sufficient to cover the cost of future maintenance and submit its findings to the Legislature by January 1, 2029. (BPC § 7612.11)
- 9) Requires for purposes of conducting the endowment care study, each licensed cemetery authority to provide the following information to the Bureau by January 1, 2028:
 - a) The year the cemetery was established;
 - b) The total size of the developed and undeveloped acres of the cemetery;
 - c) The total acreage of the developed cemetery property that has been sold for interment, including preneed sales;
 - d) The total acreage of land sold for interment which contains spaces that endowment care fees have been collected;
 - e) The total acreage of developed cemetery property remaining to be sold;
 - f) The total acreage of undeveloped cemetery property remaining to be sold;
 - g) The year the cemetery started collecting endowment care fees;
 - h) The total number of spaces the cemetery has sold for interment, including preneed sales;
 - i) The total number of spaces that have contributed to the endowment care funds of the cemetery;
 - j) The number of interment spaces remaining to be sold in all developed acreage; and
 - k) The number of interment spaces remaining to be sold in undeveloped acreage, to the extent known. (BPC § 7612.11(b))

- 10) Requires the Bureau on or before March 1, 2026, to convene a workgroup comprised of representatives from the cemetery industry, county government, and other interested stakeholders to discuss options for ensuring continued care, maintenance, and embellishment of abandoned cemeteries, including the possibility of requiring counties to assume responsibility for cemeteries located within their boundaries that become abandoned. (BPC § 7612.12(a))
- 11) Requires the Bureau to submit a report to the Legislature summarizing its discussions and potential recommendations resulting from the workgroup on abandoned cemeteries on or before June 1, 2026. (BPC 7612.12(b))
- 12) Requires the Bureau to examine the endowment care funds of a cemetery authority whenever it deems necessary and at least once every five years, whenever the cemetery authority in charge of endowment care funds fails to file the required report, whenever the accountant or auditor qualifies their certification of the report that is prepared and signed by a certified public accountant, and whenever the Bureau receives a valid complaint, alleging the authority has engaged in financial misconduct or neglect of duties, as specified. (BPC § 7613.1)
- 13) Requires a city or county, which has a non-endowment care cemetery within its boundaries that threaten or endangers the health, safety, comfort or welfare of the public may, by resolution of its governing board, if not more than 10 human dead bodies have been interred therein for a period of five years, immediately preceding the date of the resolution, to declare the abandonment of the cemetery as a place of future interment, but shall permit interment therein of any person who is an owner of a plot in the cemetery on the date of adoption of the resolution or who otherwise has a right of interment in the cemetery which is vested on such date. The resolution may provide for the removal of such copings, improvements, and embellishments that the governing board finds to be a threat or danger to the health, safety, comfort, or welfare of the public. (Health and Safety Code (HSC) § 8825)
- 14) Requires the principal of all funds for endowment care to be invested and the income only may be used for the care, maintenance, and embellishment of the cemetery in accordance with the provisions of law and the resolutions, bylaws, rules, regulations or other actions or instruments of the cemetery authority and for no other purpose. Endowment and special care funds must be maintained separate and distinct from all other funds, and the trustees shall keep separate records thereof. (HSC § 8726(a))
- 15) Authorizes a cemetery authority from time to time to adopt plans for the general care, maintenance, and embellishment of its cemetery, and charge and collect from all subsequent purchasers of plots such reasonable sum as, in the judgment of the cemetery authority, will aggregate a fund, the reasonable income from which will provide care, maintenance and embellishment. (HSC § 8728)
- 16) Requires the endowment care fund to be kept separate and apart from all other cemetery funds, including separate records and books, as specified, and prohibits when selling cemetery property, a commission being paid to a broker or salesman on the amount deposited by the purchaser in the fund. (HSC § 8738.2)

This bill:

- 1) Authorizes the Bureau to establish an advisory committee to assist the Bureau in engaging consumers and licensees in its regulatory activities.
- 2) Requires the Bureau, if it chooses to establish an advisory committee, to include a member from each of the following groups:
 - a) Licensed representatives of the death care industry.
 - b) Members of the public.
 - c) Representatives of local governments.

FISCAL EFFECT: Unknown. This bill is keyed fiscal by the Legislative Counsel.

COMMENTS:

1. **Purpose.** The Author is the sponsor of this bill. According to the Author, “Lincoln Memorial Park Cemetery in Carson City, established in 1934, has been abandoned since 2023 due to the declining health of its owner. Since then, the site has suffered repeated vandalism, theft, and desecration. Sadly, this is not an isolated incident. Across California, 187 private cemeteries are at risk of abandonment, and when owners are no longer able—or willing—to fulfill their obligations, families and communities are left without recourse.

“Abandoned cemeteries quickly become public nuisances—they are distressing to families, pose public safety risks, and negatively affect nearby property values. We must act proactively and collaboratively to address this growing issue and ensure these sacred spaces are preserved with the dignity and respect they deserve.

“My bill, SB 777, Chaptered last year, called for Cemetery and Funeral Bureau (CFB) to convene a workgroup of affected stakeholders by March 1, 2026, rather than July 1, 2027, to explore options for ensuring the continued care, maintenance, and embellishment of abandoned cemeteries. SB 1312 will serve as a vehicle for those recommendations.”

2. **Background.**

Cemetery and Funeral Bureau. The Bureau licenses, regulates, and investigates complaints against California funeral establishments, funeral directors, embalmers, apprentice embalmers, cemetery brokers, cemetery salespersons, cremated remains disposers, crematories, crematory managers, cemetery managers, hydrolysis facilities, cemetery brokers and privately-owned cemeteries in the state. The Bureau has oversight responsibility for both the fiduciary and operational activities of its licensing population. The Bureau does not have authority over cemeteries operated by religious organizations, cities, counties, or cemetery districts, the military or tribal governments.

The Bureau has statutory authority to enforce the licensing and practice acts in the BPC along with jurisdiction over specified provisions of the HSC related to human remains, cemetery, and crematory provisions. With respect to the financial aspect of the industry, the Bureau is responsible for the oversight and regulation of preneed funeral trust funds, cemetery endowment care trust funds, and cemetery special care trust funds. The Department of Insurance regulates the sales of insurance policies used to fund preneed funeral arrangements, while the Bureau ensures compliance with required price disclosures and contract requirements under the Bureau's jurisdiction.

Cemetery Oversight. When it comes to operating a cemetery, there are typically two licenses involved: 1) the cemetery manager who is the person engaged in the maintenance, operations, and improvements of a licensed cemetery and 2) the cemetery authority, which includes cemetery association, corporation sole, limited liability company, or other person owning or controlling the cemetery lands or property. As of FY 2024-25, the Bureau oversees 187 cemetery authority licensees.

When the Bureau revokes a cemetery authority license, the Bureau's regulatory jurisdiction over that business or individual ends. However, cemeteries are unique in that the Bureau can revoke the license, but the "business" does not end. There is still a piece of land or real estate wherein deceased people are buried, or people have pre-purchased plots or other spaces that must be maintained. The Bureau's jurisdiction over a revoked or lapsed cemetery license remains only with regard to approving interments as specified in BPC § 7653.1 and pursuant to Title 16 of the California Code of Regulations (CCR) § 2332, which permits the Bureau to approve interments in cemeteries where the license has lapsed or been revoked. However, the Bureau's authorization is limited to allowing interments for decedents who have a right of interment through a preneed contract. The endowment care funds associated with that cemetery must remain as trust funds and can only be used for the purpose for which they were intended.

A Bureau-licensed cemetery is any private, non-religious cemetery established after 1939. Any cemetery established after September 7, 1955, is required to be an endowment care cemetery (HSC § 8739.1). An endowment care cemetery is one in which a portion of the purchase price is contributed to an *endowment care* fund. Income generated from the fund provides for the regular care of the cemetery, including routine maintenance such as cutting grass, grave upkeep, caring for trees, maintenance of water supply systems, roads, drainage, etc. The minimum amount to be contributed to the endowment care fund is provided in HSC § 8738. The endowment care funds are collected no later than at completion of the initial sale. The intent of endowment care is to ensure that the maintenance and care of cemetery grounds are continuous to help prevent cemeteries from falling into disrepair. The Bureau has the authority to inspect and audit endowment care funds and licensed cemeteries are required to report annually the status and conditions of such funds (BPC § 7612.6).

Pursuant to current regulations, (Title 16, CCR § 2333) every cemetery with an endowment care fund must develop cemetery maintenance standards. These standards are to help ensure the property can maintain a condition that helps to prevent the offensive deterioration of a cemetery. Examples of the maintenance

standards include trimming or mowing grass, removing shrubs and trees, removing or suppressing weeds, providing a sufficient water supply to keep grass and plants green as seasonably possible in accordance with natural terrain, availability of water, and local or county ordinances regarding water use. The regulations allow cemetery maintenance and care to vary depending on its size, location, topography, and types of internments. Although endowment care cemeteries are not required to maintain green grass, there may be expectations of individuals who bury loved ones in a cemetery to preserve desirable maintenance standards. Those cemeteries that do not have endowment care are required to notify individuals that they are not endowment care cemeteries.

The monies reserved for endowment care are based on the sale from each interment space sold and those deposits are to be added to the principal of the trust. Current law prohibits the expenditure of the principal of the endowment care trust fund and instead, the principal is invested with the intent to earn income for the general care and maintenance of the cemetery long term. Part of the issue for many cemeteries, especially those older cemeteries, is they have limited new interment space to offer, and therefore are no longer able to collect funds for purposes of endowment care. As the cost of maintenance and care for cemeteries and properties in general has increased, invested dollars from many years ago may not be sufficient to keep up with today's maintenance or repair costs.

As noted by the Bureau in its 2024 Sunset Review Report, "it is the older cemeteries that are struggling with maintenance. Once a cemetery has sold most or all of its cemetery spaces, business operating finances decline, and the cemetery authority must rely more on the income from the endowment care fund to maintain the cemetery grounds." Pursuant to BPC § 7613.11, 90 days following the cancellation, revocation, or suspension of a cemetery license, the Bureau is required to take title of the endowment care funds, and take possession of all the books, records, property, or assets, and act as the conservator over the management of the cemetery. The goal is to ensure the cemetery can be maintained for the time being while there is no licensee. The Bureau is to appoint a trustee to manage the funds. However, if the ownership is transferred to another licensee, then the Bureau does not need to intervene.

Separate but related to endowment care fund concerns, is the issue of abandoned private cemeteries, which is becoming a growing problem. During the Bureau's 2024 sunset review, the Bureau's 2024 sunset background paper highlighted the complex issue of "abandoned cemeteries" where there is no longer a licensee who is responsible for oversight of the cemetery, which led to the question on what steps could be taken to ensure that older cemeteries are appropriately and respectfully maintained by another entity after they have been abandoned by a licensee or when a license has been revoked and there is no longer a responsible entity?

A recent example of the devastation this situation can cause is the cancellation of the license and subsequent abandonment of Lincoln Memorial Park Cemetery in Carson, California. In August 2023, the Bureau began receiving information from the public that the cemetery had closed its gates. Upon investigation, the Bureau confirmed that the cemetery was no longer being maintained by the cemetery manager and cemetery authority, who requested cancellation of their licenses. This

resulted in limited public access for family members and there was no local entity to oversee new internments of decedents who had passed away but previously purchased a plot in the cemetery. The local government could not assist in providing ongoing care to the abandoned cemetery. Current law provides limited guidance for addressing private cemeteries that are no longer operated by a licensee of the Bureau.

Currently, when a private cemetery that has not interred more than 10 human bodies in the preceding five years threatens or endangers the health, safety, comfort, or welfare of the public, statute allows (but does not require) a city or county to declare that cemetery abandoned. The abandoned cemetery is then declared a pioneer memorial park and is maintained by the city or county. This statute, however, only applied to abandoned cemeteries that never collected endowment care funds—in other words, cemeteries established prior to 1939.

Current law authorizes a court to appoint a temporary licensed cemetery manager to manage the property and serve prepaid internments. The temporary manager is permitted to receive reasonable compensation for their services, which is available from the income of the cemetery. But, as noted, many older cemeteries have limited space to sell, or have insufficient endowment care funds.

If the court has not appointed a temporary manager within six months of the suspension, revocation, or surrender of the license, the county may assume responsibility. The Bureau notes that typically when a cemetery is within city limits, a county will not utilize this authority and defer to the city (as occurred with Lincoln Memorial Park Cemetery).

Statute additionally allows a city or county to perform maintenance within a cemetery when its license has been revoked, suspended, or not renewed. This law only applies to maintenance necessary to protect the health and safety of the public. In other words, while dry weeds creating a fire hazard would be addressed, but not necessarily aesthetic upkeep to grounds and embellishments, which while not a matter of safety are important for communities whose families are interred in the cemetery. In all of the above cases, local governments are not required to take action following the abandonment of a cemetery but are merely permitted to under certain circumstances. The Bureau points out that when a cemetery is proposed to be created, the local government in which it will be situated has to authorize and zone a parcel of land as cemetery property with approval to intern decedents. Local authorities are responsible for determining whether a piece of property within their communities will be dedicated as cemetery property, and local governments know that there is no guarantee that a private cemetery business will remain active forever.

In its 2024 Sunset Review Report, the Bureau suggested that the Legislature consider amending current law to vest the responsibility of perpetual care with the jurisdiction that authorized the operation of a cemetery upon abandonment. Such a mandate, however, is challenging for local governments as well who argue that a lack of resources may not allow them to successfully assume responsibility for all private cemeteries within their boundaries. While the issue of responsibility continues to evade an easy solution, individuals who have loved ones buried or

interred at the cemetery, or those with prepaid funeral services face challenges with access to and care of the final resting place of loved ones.

Although recent legislation has increased the mandatory fees collected for endowment care, this increased funding is not as beneficial for older cemeteries which have limited space left to sell, as they are not generating new income to offset the increased costs of maintenance and care.

To help determine a practicable resolution to the vexing challenge of abandoned privately-owned cemeteries, AB 3254 (Berman, Chapter 589, Stats. of 2024) required the Bureau to convene a workgroup by July 1, 2027. The workgroup was to be comprised of representatives from the cemetery industry, county government, and other interested stakeholders to discuss options for ensuring continued care, maintenance, and embellishment of abandoned cemeteries, including the possibility of requiring counties to assume responsibility for cemeteries located within their boundaries that become abandoned. That bill also required the Bureau to report on the workgroup's discussions and recommendations no later than January 1, 2028, in advance of its next sunset review.

To expedite the work of the workgroup, SB 777 (Richardson, Chapter 658, Statutes of 2025) specified who, at a minimum, should be included as stakeholder participants of the workgroup and moved up the date of which the workgroup needed to meet from July 1, 2027, to March 1, 2026. SB 777 additionally moved up the timeline for the Bureau to submit its report to the Legislature to June 1, 2026, instead of January 1, 2028. Designated workgroup members are to include representatives of the California Association of Local Agency Formation Commissions, the League of California Cities, the California State Association of Counties, the Urban Counties of California, the Rural County Representatives of California, public cemeteries, and legislative staff for the appropriate committees of the Legislature. The Bureau was permitted to appoint additional participants if necessary. The workgroup met on January 21, 2026, and the subsequent report is currently pending.

Advisory Committee. While statute does not provide for an advisory committee, the Bureau has voluntarily established an advisory committee to increase transparency and communication between the Bureau, its consumers, and the death care industry. The advisory committee meetings are a forum for both consumers and licensees to provide input on funeral- and cemetery-related issues and assist the Bureau in addressing its regulatory obligations in an open and transparent environment.

The advisory committee consists of seven members appointed to two-year terms with the possibility of an extension for an additional two-year term. Four members represent the industry, and three members represent the public. The Bureau Chief selects and appoints the members with approval from the Director of the DCA. The members, who volunteer on their own time and at their own expense, serve in an advisory capacity only, making nonbinding recommendations directly to the Bureau Chief.

The focus of the Advisory Committee is to advise the Bureau based on each member's diverse experience and education. Committee members provide professional and technical assistance to the Bureau concerning the Bureau's licensing, enforcement, and regulatory functions. Meetings are typically held twice a year, and a notice and agenda of each meeting is distributed to individuals on the Bureau's listserv and posted on the Bureau's website at least 10 days prior to each meeting. Minutes are prepared and posted on the Bureau's website. This bill would add statutory authority for the Bureau to appoint an advisory committee. However, should the Bureau choose to appoint an advisory committee, the Bureau would be required to appoint representatives from the death care industry, the public and local governments.

3. **Related Legislation.** SB 777 (Richardson, Chapter 658, Statutes of 2025) Revises the timeframe and stakeholder participants for the Cemetery and Funeral Bureau (Bureau) to convene a workgroup from July 1, 2027, to March 1, 2026, and provide a report to the Legislature no later than June 1, 2026, instead of January 1, 2028, summarizing the discussions of the workgroup.

SB 344 (Weber-Pierson of 2025) would clarify that, in addition to bridges and docks, cremated or hydrolyzed human remains cannot be scattered from a "dock attached to a shore." (Status: *This bill is pending on the Assembly Inactive File.*)

AB 3254 (Berman, Chapter 589, Statutes of 2024) extended the sunset date for the Bureau and required the Bureau to convene a work group of interested stakeholders to make recommendations relating to abandoned cemeteries.

AB 651 (Gipson, Chapter 442, Statutes of 2021) authorizes a county to assume the responsibility of a cemetery, under specified conditions, and authorizes the county to maintain public access to that cemetery; increases the required contribution amounts for an endowment care fund, as specified; requires the Bureau to examine an endowment care fund when it receives a valid complaint of misconduct; and requires the Bureau to conduct a study of endowment care funds by January 1, 2029.

AB 926 (Irwin, Chapter 750, Statutes of 2017) authorizes a cemetery authority to convert its endowment care fund distribution method to a unitrust distribution method, upon application and approval from the Bureau, subject to specific requirements, beginning January 1, 2020.

AB 180 (Bonilla, Chapter 395, 2015) required the bureau to conduct a study to obtain information to determine if the endowment care fund levels of its licensees' cemeteries are sufficient to cover the cost of future maintenance, as specified, and to report its findings and recommendations to those policy committees by January 1, 2018.

4. **Policy Considerations.** This bill provides clear statutory authority for the Bureau to appoint an advisory committee. The Bureau established a voluntary advisory committee with members of the industry and public representatives. The members volunteer their time and at their own expense. These members serve in an advisory capacity only, making nonbinding recommendations directly to the Bureau Chief.

This bill would require that certain members of the advisory committee be appointed, including local governments. However, given the voluntary nature of an advisory committee, it is possible that local governments may choose not to appoint a member. As such, the author may wish to consider including a provision ensuring the advisory committee can meet and conduct business if local government(s) choose not to appoint a representative.

SUPPORT AND OPPOSITION:

Support:

None received.

Opposition:

None received.

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