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THIRD READING

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Bill No: SB 1312  
Author: Richardson (D)  
Introduced: 2/20/26  
Vote: 21

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SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 10-0, 4/13/26  
AYES: Wahab, Choi, Archuleta, Arreguín, Caballero, Grayson, Menjivar,  
Smallwood-Cuevas, Strickland, Umberg  
NO VOTE RECORDED: Niello

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

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**SUBJECT:** Cemetery and Funeral Bureau: advisory committee

**SOURCE:** Author

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**DIGEST:** This bill authorizes the Cemetery and Funeral Bureau (Bureau) to establish an advisory committee, as specified.

**ANALYSIS:**

Existing law:

- 1) Establishes the Cemetery and Funeral Act (Act) which provides for the licensing and oversight of 14 professional categories within the death care industry. (Business and Professions Code (BPC) §§ 7600 *et seq.*)
- 2) Requires the Bureau to adopt regulations that establish minimum standards of maintenance for endowment care cemeteries under the jurisdiction of the Bureau. (BPC § 7612.4(a))
- 3) 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))

- 4) 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))

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 at a minimum, a representative of the death care industry, a member of the public, and a representative of local governments.

## **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.

*Cemetery Oversight.* 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 (Health and Safety Code § 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 Health and Safety Code § 8738. 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).

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. 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 to approve interments as specified in BPC § 7653.1 and pursuant to Title 16 of the California Code of Regulations § 2332. 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.

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?

Current law authorizes a court to appoint a temporary licensed cemetery manager to manage the property and serve prepaid interments. 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. 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, 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. Local governments are not required to

act 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. 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 the care of the final resting place of loved ones.

To help determine a practicable resolution to the vexing challenge of abandoned privately-owned cemeteries, AB 3254 (Berman, Chapter 589, Statutes 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. 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, 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 Department of Consumer Affairs. 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. 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.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

**SUPPORT:** (Verified 4/27/26)

None received

**OPPOSITION:** (Verified 4/27/26)

None received

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4/28/26 16:33:41

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