

SENATE THIRD READING
SB 344 (Weber Pierson)
As Amended March 20, 2025
Majority vote

SUMMARY

Clarifies that, in addition to bridges and docks, cremated or hydrolyzed human remains cannot be scattered from a "dock attached to a shore."

Major Provisions

- 1) Prohibit cremated human remains or hydrolyzed human remains from being scattered from a dock attached to the shore.

COMMENTS

Cemetery and Funeral Bureau. The Cemetery and Funeral Bureau (CFB) was established in 1995 when the previously distinct Cemetery Board and Board of Funeral Directors and Embalmers were merged into a consolidated program under the Department of Consumer Affairs (DCA). As a bureau under the DCA, the CFB is charged with administering and enforcing the Cemetery and Funeral Act. A voluntarily established Advisory Committee, comprised of representatives of both the industry and the public, assists the CFB in engaging consumers and licensees in its regulatory activities.

The CFB oversees 14 different professional categories within the so-called "death care" industry, with approximately 11,315 licensees currently active with the CFB. The CFB's licensing program includes funeral establishments and directors; embalmers and apprentice embalmers; cremated remains disposers, crematories, crematory managers, and hydrolysis facilities; cemetery managers, brokers, branches, and salespersons; and certain private, nonreligious cemeteries. Beginning in 2027, the CFB will also license reduction facilities. The CFB is additionally tasked with the fiduciary responsibility of overseeing more than three billion dollars in funds held and invested by funeral establishments and cemeteries, including endowment care funds and preneed trust funds.

Cremation and Disposition of Remains. Cremation of human remains is the most popular method of body disposition in the United States, offering a more cost-effective and often more streamlined process of disposition for loved ones of the deceased than a traditional burial. The body is placed in a cremation chamber that is heated between 1400 and 1800 Degrees Fahrenheit, which over the course of hours combusts much of the soft tissue of the body. The remaining bone fragments and organic ash, or "cremated remains", are then swept out of the chamber and finely pulverized. Cremated remains are then placed in a box, bag, or urn and returned to the family of the deceased. Alkaline hydrolysis, or "water cremation", is a newer and more environmentally friendly form of cremation by which human remains are reduced to bone fragments with the utilization of water and a blended alkaline solution, combined with heat and pressure. Similar to cremation, the body is reduced to bone fragments after the remaining by-product, which is a sterile *effluent* or *hydrolysate*, is removed from the hydrolysis chamber. Since July 1, 2020, the CFB has licensed and regulated the process of alkaline hydrolysis and hydrolysis facilities.

Whether traditionally cremated or hydrolyzed, cremated remains are often scattered by loved ones of the deceased over land or water. Any person who has right to control the disposition of the deceased can scatter cremated or hydrolyzed remains, subject to local, state, and federal regulation. However, in order to scatter the remains of more than 10 people annually, an individual must register as a "cremated remains disposer" with the CFB and abide by relevant CFB regulations, including receiving and following proper written instructions regarding the scattering from those with the right to control the disposition. Additionally, any person who scatters more than 10 remains annually without a CFB registration is subject to a misdemeanor.

Scattering Regulations. Federal law permits cremated remains to be buried in, or on, ocean waters so long as it occurs at least three nautical miles from land, and the burial or scattering event must be reported to the U.S. Environmental Protection Agency within 30 days of occurrence. Specific to California, cremated remains may be scattered in an area where no local prohibition otherwise exists, provided that the remains are not distinguishable by the public and are not in a container. Moreover, when scattering remains on land, the person with control over the disposition of remains must obtain written permission from the property owner or local agency in control of the area where the scattering occurs.

For scatterings at sea, California law requires that the person with control over the disposition of remains file specified information to the county nearest the point where the remains are scattered, including a verified statement containing the name of the deceased, the time and place of death, the location where the cremated remains were scattered, and any other information required by the county. Additionally, California law specifies that scatterings "at sea" do not include lakes and streams, and must occur at least 500 yards from the shoreline. Law further clarifies that the shoreline prohibition includes bridges and piers.

The author notes that, in her district, there are many docks extending further off of the shoreline into the water, and in these cases it is unclear whether the shoreline prohibition still applies. As such, this bill clarifies that, in addition to bridges and docks, cremated remains cannot be scattered from a "dock attached to a shore".

According to the Author

"With San Diego having so much water front property, it is critical that the public know that the scattering of cremated human remains includes docks. We keep remains from being spread from bridges and piers, it's also important we extend this prohibition to docks as well."

Arguments in Support

None on file.

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Committee on Appropriations:

- 1) The Cemetery and Funeral Bureau (Bureau) anticipates no costs.
- 2) To the extent this bill makes it easier to prosecute illegal scatterings of human remains, this bill creates potential cost pressures of an unknown amount on the courts. Because scattering

human remains close to the shoreline, including from bridges and piers, is largely illegal now, the increase in cases resulting from this bill, while unknown, is likely small.

3) Any local enforcement costs are not reimbursable by the state.

VOTES

SENATE FLOOR: 34-0-6

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Pérez, Richardson, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Alvarado-Gil, Cervantes, Grove, Padilla, Reyes, Rubio

ASM BUSINESS AND PROFESSIONS: 17-0-1

YES: Berman, Flora, Alanis, Bains, Bauer-Kahan, Caloza, Chen, Elhawary, Hadwick, Haney, Irwin, Jackson, Krell, Lowenthal, Macedo, Nguyen, Pellerin

ABS, ABST OR NV: Ahrens

ASM APPROPRIATIONS: 13-0-2

YES: Wicks, Sanchez, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Solache, Ta, Tangipa

ABS, ABST OR NV: Arambula, Pellerin

UPDATED

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