

LEGISLATIVE REPORT, October 2011

By Marjorie Bridges

These are the bills concerning funerals and cemeteries that I have followed in the California legislature in 2011. Note at the end that the bill allowing alkaline hydrolysis method of body disposition died in the Appropriations Committee in May, and the bill requiring posting of General Price Lists on funeral home web sites was passed and approved by the Governor.

CHAPTERED (Passed and Signed by Governor)

MEASURE: S.B. No. 658, Negrete McLeod. Posting Price Lists on Internet. Licensed funeral establishments: with web sites would need to post their general price lists on the internet for the convenience of consumers. Would go into effect on January 1, 2013.

MEASURE: AB 1305, Huber. Decedents' estates: smaller estates.

Existing law establishes simplified procedures for addressing a decedent's estate valued under \$100,000, including authorizing the successor of the decedent to collect property due to the decedent without letters of administration or awaiting probate of a will. The bill increases the values in the succession and transfer provisions from \$100,000 to \$150,000 for an estate, from \$20,000 to \$50,000 for real property, and from \$5,000 to \$15,000 for salary or compensation

MEASURE: S.B. No. 706—Price: Internet Disclosure. The Cemetery and Funeral Bureau shall disclose information on internet about its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and funeral directors.

MEASURE : AB 325 —Bonnie Lowenthal). Employee's right to bereavement leave.

Existing law provides employees with the right to take time off from work without discharge or discrimination for a number of reasons. This bill would authorize an employee who has been discharged, disciplined, or discriminated against for exercising his or her right to bereavement leave to bring a civil action against his or her employer for reinstatement, specified damages, and attorney's fees. The provisions of the bill would not apply to an employee who is covered by a valid collective bargaining agreement that provides for bereavement leave and other specified working conditions.

MEASURE: AB 966—Yamada. Public cemetery districts: nonresident burial.

The Public Cemetery District Law limits interments in public cemetery district cemeteries to residents of the district and nonresidents who meet specified criteria. This bill would allow the Davis Cemetery District to inter, in a specified section of the cemetery, nonresidents if specified conditions are met.

MEASURE: AB 905, as amended—Pan. Disposition of remains: authorized agent.

Existing law lists the person or persons who, in an order of succession, have the right to control, and duty of disposition of, the remains of a deceased person if other directions have not been given by the decedent. The first among the list of persons so authorized pursuant to this list is an agent under a power of attorney for health care who has the right and duty of disposition. This bill would specify that the designation of a person authorized to direct disposition (PADD) on a United States Department of Defense Record of Emergency Data, DD Form 93, as that form exists on December 31, 2011, or its successor form if approved by the State Registrar, shall take **first priority** and be used to establish an agent who has the right and duty of disposition for a decedent who **died while**

on duty in any branch or component of the Armed Forces of the United States, as defined. This bill would provide that this provision will **become operative only if the form and a specified federal statute are amended to allow a service member to designate any person, regardless of the relationship of the designee to the decedent, as the agent** who has the right of disposition of a service member's remains.

MEASURE; AB 689— Blumenfield Amendment to Insurance Code. Agents selling funeral and burial insurance or annuities under \$15,000 wouldn't have to take the same exam as full life agents. The applicant shall be required to take an examination developed to test their knowledge of topics relevant to the type of policies that they are restricted to sell. Amends SEC. 18. Section 1676.

VETOED BY GOVERNOR

MEASURE: S.B. 888, Lieu (Coauthor: Senator Anderson)

TOPIC : Crime: picketing at funerals. Sets limitations and penalties. Fine of up to \$1,000 and six months of jail.

MEASURE: S.B. 590 (Calderon). Would have granted an exemption to salesman from an existing law requiring funeral and burial insurance salesmen to notify seniors in writing 24 hours in advance of selling policies at the seniors' homes. Brown said he saw no compelling reason to take the protection away from seniors, pointing out that the bill was sponsored by the American Bankers Insurance Co.

NOT PASSED

AB 4, as amended, Jeff Miller. Human remains: allowing alkaline hydrolysis type of cremation.

LAST HIST. ACT. DATE: 05/27/2011. In committee: Held under submission. This stalled in the Assembly because of the increased cost to the Cemetery and Funeral Bureau to set up, administer, and monitor this new type of "cremation."