

Date of Hearing: April 25, 2017

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Evan Low, Chair

AB 967 (Gloria) – As Amended April 18, 2017

SUBJECT: Human remains disposal: alkaline hydrolysis: licensure and regulation.

SUMMARY: Establishes a licensure and regulation process for hydrolysis facilities under the Cemetery and Funeral Bureau (Bureau); imposes the same requirements on hydrolyzed remains as for cremated remains; and, specifies the requirements for disposal of hydrolysate.

EXISTING LAW:

- 1) Establishes the Bureau under the jurisdiction of the Department of Consumer Affairs (DCA) to license and regulate cemeteries, funeral establishments, crematories, cemetery salespersons, brokers, managers, cremated remains disposers, and endowment care, as specified. (Business and Professions Code (BPC) Section 7600 et seq.)
- 2) States that protection of the public is the highest priority of the Bureau in exercising its licensing, regulatory, and disciplinary functions and whenever the protection of the public is inconsistent with other interests sought to be promoted, protection of the public is paramount. (BPC Section 7601.1)
- 3) Defines a "cremated remains disposer" to mean a person who, for his or her own account or for another, disposes of, or offers to dispose of, cremated human remains by scattering over or on land or sea. (BPC Section 7611.9)
- 4) Prohibits a person from disposing or offering to dispose of any cremated human remains unless registered as a cremated remains disposer by the Bureau, as specified. (BPC Section 7672)
- 5) Requires every registered cremated remains disposer who disposes human remains by air or boat to post a copy of his or her current pilot's license or boating license and the address of the cremated remains storage area at his or her place of business. (BPC Section 7672.1(b))
- 6) Requires every cremated remains disposer to 1) dispose of cremated remains within 60 days of the receipt of those remains, unless a written signed reason for the delay is presented to the person with the right to control the disposition of the remains, and 2) provide the Bureau with the address and telephone number of any storage facility being used by the registrant to store cremated remains; also permits the Bureau to inspect random inspections of the operations of 5 to 10 percent of the registered cremated remains disposers, and is authorized to inspect any place used by the cremated remains disposer for the storage of cremated remains without notice. (BPC Section 7672.6(a))
- 7) Subjects a cremated remains disposer to discipline by the Bureau. (BPC Section 7673.2)
- 8) Defines a "crematory licensee" to mean a licensed "corporation, partnership, or natural person," as specified. (BPC Section 7611.8)

- 9) Requires any change in the ownership of a crematory to be reported to the Bureau and specifies that any transfer in a single transaction or a related series of transactions of more than 50 percent of the equitable interest in a licensed crematory constitutes a change of ownership, and when a change of ownership occurs, the existing crematory license lapses and the new owner must obtain a new license from the Bureau. (BPC Section 7712.1)
- 10) Requires the Bureau to adopt, and from time to time may amend rules and regulations prescribing standards of knowledge and experience and financial responsibility for applicants for a crematory license, as specified. (BPC Section 7712.5(a))
- 11) States that upon receipt of an application for a crematory license, the Bureau may investigate the physical status, plans, specifications, and financing of the proposed crematory and the character of the applicant, as specified. (BPC Section 7712.5(b))
- 12) Requires each licensed crematory to be operated under the supervision of a manager qualified in accordance with rules adopted by the Bureau, and further requires each manager to successfully pass a written examination evidencing an understanding of the applicable provisions of BPC and of the Health and Safety Code (HSC). (BPC Section 7712.10(a))

THIS BILL:

- 1) Adds "hydrolyzed human remains" to the definition of "cremated remains disposer."
- 2) Defines "Licensed hydrolysis facility" to mean a licensed corporation, partnership, or natural person and provides that a licensed hydrolysis facility must be considered a cemetery licensee for purposes of disciplinary action.
- 3) Authorizes a corporation, partnership, or natural person to operate, establish, or maintain a hydrolysis facility with a valid hydrolysis facility license issued by the Bureau.
- 4) Requires an applicant for a hydrolysis facility license to do the following:
 - a) Submit an application to the Bureau, on a form prescribed by the Bureau and filed at the principal office along with the fees required, and requires the applicant to demonstrate that the applicant owns or is actively operating a hydrolysis facility in this state or that the applicant is in a position to commence operating the hydrolysis facility;
 - b) Prove compliance to the Bureau of all applicable laws, rules, regulations, ordinances, and orders, and prohibits the Bureau from issuing a hydrolysis facility license until the Bureau is satisfied that the public interest, human health, and environmental quality will be served by the applicant; and
 - c) Present to the Bureau any locally required permits for business operations and appropriate state tax documentation.
- 5) Requires the Bureau to do the following:
 - a) In consultation with the State Department of Public Health and the Department of Toxic Substances Control develop regulations specifying which permits from local and state

agencies are necessary to demonstrate compliance with hazardous waste, water quality, and drinking water standards, as well as any other documentation necessary for an applicant for a hydrolysis facility license to prove compliance with all applicable environmental rules and regulations;

- b) Adopt, and from time to time amend, rules and regulations prescribing standards for applicants for hydrolysis facility licenses. In reviewing an application for a hydrolysis facility license, the Bureau may consider acts of the applicant, including acts of the incorporators, officers, directors, and stockholders of the applicant, which shall constitute grounds for the denial of a hydrolysis facility license;
 - c) In consultation with the appropriate state agency or agencies, adopt regulations regarding the system requirements for allowable hydrolysis chambers in order for a hydrolysis facility to be issued a license. The regulations shall include a requirement that the hydrolysis process result in the complete destruction of pathogens;
 - d) Inspect the books, records and premises of any licensed hydrolysis facility (LHF) and in making those inspection, the Bureau is required to have access to all books and records, the hydrolysis facility, the hydrolysis chamber, and the storage areas for human remains before and after hydrolysis, during regular office hours or the hours the hydrolysis facility is in operation and the Bureau is not required to give to the LHF prior notification of the inspection; if any LHF fails to allow an inspection, it is grounds for disciplinary action, as specified; and,
 - e) Requires the Bureau to annually conduct a minimum of one unannounced inspection of each LHF.
- 6) Requires a LHF to do all of the following:
- a) Report a change in ownership of a hydrolysis facility to the Bureau, as specified, and specifies that the Bureau cannot require an applicant to obtain any new permit or license from any other governmental agency when the existing permit or license is valid;
 - b) Not prohibit relatives or the responsible party from viewing the hydrolysis process; and
 - c) Keep records and relevant permits as required by the Bureau to ensure compliance with all laws in relation to the disposition of hydrolyzed remains and shall annually file with the Bureau a report, in the form prescribed by the Bureau, describing the operations of the licensee, including the number of hydrolyses performed, the disposition of remains from each hydrolysis performed, and other information as required to the Bureau.
- 7) Prohibits a LHF from conducting hydrolysis unless all of the following requirements are met:
- a) The licensee has a written contract with the person or persons entitled to custody of the remains clearly stating the location, manner, and time of disposition of the remains, in which the person or persons entitled to custody of the remains agree to pay the licensee's regular fee for hydrolysis, disposition, and other services rendered, and any other contractual provisions required by the Bureau;

- b) Hydrolysis of remains occurs not more than 24 hours after delivery of the remains to the licensee unless the remains have been preserved in the interim by refrigeration or embalming;
 - c) The licensee has a contractual relationship with a licensed cemetery authority for final disposition of hydrolyzed human remains by burial, entombment, or inurnment of any and all remains that are not lawfully disposed of or that are not called for or accepted by the person or persons entitled to the custody and control of the disposition of those remains within 90 days of date of death;
 - d) The licensee contains and collects all hydrolysate and the LHF cannot dispose of hydrolysate using a sanitary sewer system or collection system; ;
 - e) The licensee ensures that any hydrolysate is transported by a state-licensed biomaterials handler to a publicly owned wastewater treatment plant or licensed industrial anaerobic digestion facility or waste-to-energy or biomass facility for the beneficial use or disposal of that hydrolysate;
 - f) Acceptance of hydrolysate from a LHF and a state licensed biomaterials handler is voluntary and at the discretion of each publicly owned wastewater treatment plant or licensed industrial anaerobic digestion facility or waste-to-energy or biomass facility;
 - g) Acceptance of hydrolysate by a licensed industrial anaerobic digestion, waste-to-energy, or biomass facility, if the facility has an industrial process sewer connection to a sanitary sewer system or collection system, may only be allowed with the consent of the of the publicly owned treatment works to which the sanitary sewer system or collection system is tributary; and,
 - h) Existing alkaline hydrolysis facilities utilized by medical schools for the purpose of anatomical gifting shall not be subject to the aforementioned requirements and shall continue to be regulated under the guidelines of the state's anatomical gifting regulations.
- 8) States that it is a misdemeanor for any person, firm, or corporation to hydrolyze human remains, or to engage in the disposition of hydrolyzed human remains, without a valid, unexpired hydrolysis facility license, and each hydrolysis carried out in violation of this section is a separate violation.
- 9) Imposes the same requirements for hydrolyzed human remains as cremated human remains, for registered cremated remains disposers, scattering of hydrolyzed remains; funeral directors, and funeral establishments as specified.
- 10) Requires each LHF to be operated under the supervision of a manager qualified in accordance with rules adopted by the Bureau, and requires each manager to successfully pass a written examination evidencing an understanding of the applicable provisions of the BPC and the HSC.
- 11) Prohibits a person from engaging in the business of, act in the capacity of, or advertise or assume to act as a hydrolysis facility manager without first obtaining a license from the Bureau.

- 12) Prohibits the fee to obtain or renew a LHF from exceeding the reasonable cost of license administration.
- 13) Defines "Hydrolyzed human remains" to mean bone fragments of a human body that are left after hydrolysis in a hydrolysis facility and "Hydrolyzed human remains" does not include foreign materials, pacemakers, or prostheses.
- 14) Defines "Hydrolysis facility" to mean a building or structure containing one or more chambers for the reduction of bodies of deceased persons by alkaline hydrolysis.
- 15) Defines "Hydrolysis chamber" to mean the enclosed space within which the hydrolysis of human remains is performed and any other attached, non-enclosed, mechanical components that are necessary for the safe and proper functioning of the equipment; allowable hydrolysis chambers for the disposition of human remains shall meet or exceed State Department of Public Health and federal Centers for Disease Control and Prevention requirements for complete destruction of human pathogens.
- 16) Defines "Hydrolysis container" to mean a hydrolysable body wrapping into which the body of a deceased person is placed prior to insertion into a hydrolysis chamber. The wrapping must consist of 100 percent protein-based material, such as silk, suede, leather, feather, fur, or wool.
- 17) Defines a "Hydrolyzed remains container" to mean a receptacle in which hydrolyzed remains are placed after hydrolysis.
- 18) Defines "Hydrolysis" to mean the process by which (1) the body of a deceased person is reduced to its essential organic components and bone fragments by alkaline hydrolysis. "Alkaline hydrolysis" is a process using heat or heat and applied pressure, water, and potassium hydroxide or sodium hydroxide in a hydrolysis chamber; and (2) the processing of remains after removal from the hydrolysis chamber.
- 19) Prohibits a person, except with the express written permission of the person entitled to control the disposition of the remains, to do any of the following:
 - a) Hydrolyze the remains of more than one person at the same time in the same hydrolysis chamber, or introduce the remains of a second person into a hydrolysis chamber until dissolution of any preceding remains has been terminated and reasonable efforts have been employed to remove all fragments of the preceding remains. The fact that there is residue in the hydrolysis chamber or other equipment or any container used in a prior cremation is not a violation of this section;
 - b) Dispose of or scatter hydrolyzed remains in a manner or in such a location that the remains are commingled with those of another person. This paragraph shall not apply to the scattering of hydrolyzed human remains at sea from individual containers or to the disposal in a dedicated cemetery of accumulated residue removed from processing equipment; and

- c) Place hydrolyzed human remains or other remains of more than one person in the same container or the same interment space, but does not apply to the following:
 - i) Interment of members of the same family in a common container designed for the hydrolyzed human remains of more than one person;
 - ii) Interment in a space or container that has been previously designated at the time of sale as being intended for the interment of remains of more than one person; or
 - iii) Disposal in a dedicated cemetery of residue removed from processing equipment.
- 20) States that a person, including any corporation or partnership, that violates any provision of this section is guilty of a misdemeanor.
- 21) Specifies that all hydrolyzed remains not disposed of in accordance with specified requirements, within one year, shall be interred.
- 22) Prohibits a hydrolysis facility from making or enforcing any rules requiring that human remains be placed in a casket before hydrolysis or that human remains be hydrolyzed in a casket, nor shall a hydrolysis facility refuse to accept human remains for hydrolysis for the reason that they are not in a casket. Every director, officer, agent, or representative of a hydrolysis facility who violates this section is guilty of a misdemeanor, but is not prohibited from requiring some type of container or disposal unit.
- 23) Requires a LHF to maintain on its premises, or other business location within the state, an accurate record of all hydrolyses performed, including all of the following information: (1) Name of referring funeral director, if any; (2) Name of deceased; (3) Date of hydrolysis; (4) Name of hydrolysis chamber operator; (5) Disposition of hydrolyzed remains; (6) Name and address of authorizing agent; (7) The identification number assigned to the deceased; (8) Any documentation of compliance with appropriate environmental and safety laws; and, requires this information to be maintained for at least five years after the hydrolysis is performed and shall be subject to inspection by the Bureau.
- 24) Requires a LHF to maintain an identification system allowing identification of each decedent beginning from the time the hydrolysis facility accepts delivery of human remains until the point at which it releases the hydrolyzed remains to a third party.
- 25) Allows a LHF that fails when requested by the Bureau, to produce a written procedure for identification of remains, 15 working days from the time of the request to produce an identification procedure for review by the Chief of the Bureau, and suspends the license of a LHF if no identification procedure is produced for review after 15 working days have elapsed.
- 26) Specifies that within two hours after a licensed hydrolysis facility takes custody of a body that has not been embalmed, it shall refrigerate the body at a temperature not greater than 50 degrees Fahrenheit, unless the hydrolysis process will begin within 24 hours of the time that the hydrolysis facility took custody.

27) Requires the hydrolysis facility licensee, or its authorized representatives, to provide instruction to all hydrolysis facility personnel involved in the hydrolysis process. This instruction must lead to a demonstrated knowledge on the part of an employee regarding identification procedures used during hydrolysis, operation of the hydrolysis chamber and processing equipment, safe work practices and procedures for the handling of corrosive materials, and all laws relevant to the handling of a body and hydrolyzed human remains. This instruction shall be outlined in a written plan maintained by the LHF.

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

COMMENTS:

Purpose. This bill is sponsored by **Qico, Inc.** According to the author, "[This bill] allows for a new, environmentally friendly technology to be used in California for the final disposition of human remains. Water cremation, akin to its cousin- fire cremation, can be used for a loved-one's remains. During the process, heated water and earth metal salts create a reaction that reduces the body to its essential organic components and bone fragments - or "ashes" - which are inurned and returned to the family. Because there is no fire, less greenhouse gases are emitted; mercury is not vaporized either. The process is currently used in medical research facilities, such as UCLA."

Background. Regulatory Function of the Bureau. The Bureau licenses and regulates more than 11,000 licensees in 13 different licensing categories. The Bureau does not license or regulate cemeteries operated by religious organizations, cities, counties, cemetery districts, the military, Native American tribal organizations, or other groups. The Bureau has the oversight responsibility for both fiduciary and operational activities of its licensing population and has the statutory authority to enforce the licensing and practice acts in the BPC along with jurisdiction over specified provisions of the HSC dealing specifically with human remains, cemetery, and crematory provisions. The Bureau's licensing population includes cemetery brokers, cemetery managers, cemeteries, funeral directors, funeral establishments, embalmers and apprentice embalmers, crematory managers, crematories, and cremated remains disposers. This bill aims to model the licensure and regulation of LHF's based on the current requirements for crematories and authorizes cremated remains disposers to also dispose of hydrolyzed human remains.

Alkaline Hydrolysis. Alkaline hydrolysis is a process by which human remains are reduced to bone fragments with the utilization of water and a blended alkaline solution, combined with heat and pressure. The process typically involves placing a human body into a pressurized steel cremation chamber where water and alkali are automatically added and the temperature is raised to approximately 350 degrees Fahrenheit. Water, alkali, heat and pressure circulate over the body causing a reaction that completes the cremation process over the course of two to three hours or longer depending on the body type and size. During a typical cycle, 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. According to information provided by the sponsor, the hydrolysis process is considered to be more environmentally friendly than traditional flame cremation in which, "CO² greenhouse gases, carcinogenic toxins, dioxins, and furans are among the 219 known emissions released. In addition, during each instance, 6000 cubic feet of natural gas is consumed." According to a funeral service provider in Florida, the hydrolysis process "is an environmental alternative that uses 30% less energy and releases 75% less carbon dioxide into the atmosphere." In addition,

the sponsor notes that trace amounts of mercury are released into the air as result of the cremation process.

Unlike a previous legislative attempt to authorize hydrolysis in California, AB 764 (Linder) of 2014, which would have permitted the *effluent or hydrolysate* to be sent though a drain where it would flow to a water treatment facility capable of handling the material to be filtered, purified and recycled back through aquifers, streams, lakes and non-potable water systems, this bill requires LHF's to dispose of the *hydrolysate* through a state-licensed biomaterials handler who would transport the *hydrolysate* to a publicly owned wastewater treatment plant or licensed industrial anaerobic digestion facility or waste-to-energy, or biomass facility for the beneficial use or disposal of the *hydrolysate*. This bill specifically prohibits the *hydrolysate* from being disposed of using a sanitary sewer system or collection system and instead requires that the *hydrolysate* be transported via a biomaterials handler to the appropriate treatment facility.

Upon completion of the hydrolysis cycle, bones are dried and processed into a powdery substance which can be placed into a container or urn and returned to a family. Pacemakers, prosthetic devices, and implants can be recovered intact and may be recycled or disposed of accordingly as determined by the family. This bill adds hydrolyzed human remains to the numerous statutes covering cremated remains by adding the disposition of hydrolyzed human remains to the definition of a cremated remains disposer; adding hydrolyzed human remains to the statutory requirements of a cremated remains disposer and the funeral establishment's requirements for securing the appropriate information related to the disposition of the remains; the definition of cemetery under the HSC; along with other requirements specified in the HSC for cremated human remains.

Other Uses of Hydrolysis. The hydrolysis process has been used for a number of years to dispose of animal carcasses at veterinary, biotech, and pharmaceutical settings. In addition, the University of Florida at Gainesville, the Mayo Clinic, and UCLA medical school utilize the technology for the disposal of human bodies. Thirteen states also currently allow hydrolysis: Florida, Colorado, Georgia, Illinois, Kansas, Maine, Minnesota, Maryland, Vermont, Wyoming, Michigan, Idaho, and Oregon, with Minnesota being the first in 2003. According to the author, at least three other states have introduced legislation this year to address this topic.

Process of Flame Cremation. When a body is cremated by flame, it is heated to between 1500 and 1800 Degrees Fahrenheit in a cremator until the body is reduced to ash and bone fragments. The entire process takes two to four hours, depending on the size of the body and temperature. The "remains" can then be placed in an urn or other container to be buried, stored, or scattered over land or water. Energy utilization is higher in the traditional flame cremation process as the cremator chamber needs to be preheated. An issue that has been raised surrounding traditional flame cremation is the release of CO² and other emissions into the atmosphere as a result the burning process. The emissions from the hydrolysis process are considered to be lower, as the cremation chamber does not need to be preheated and operates at a lower temperature.

California Crematory Licensing Laws and Legislation. This bill aims to model the new licensure process of LHF's to be similar to that of crematory licenses, although the licensure program will be separate, except for the provisions related to the disposition of the hydrolyzed human remains, as those are consistent with the current statutory requirements for cremated remains. California currently regulates crematory managers and crematory businesses through the Bureau. There are currently 493 licensed crematory managers, 226 licensed crematory businesses, and 152 licensed

cremated remains disposers. As a result, this bill provides the Bureau with inspection authority to inspect the books, records, and premises of any LHF.

An applicant for a crematory manager license must be at least 18 years of age, possess a high school diploma or its equivalent, have no disqualifying criminal record, be a resident of the state and demonstrate compliance with any training or experience requirements established by the Bureau. A crematory manager is involved in the maintenance or operation of a licensed crematory, and the cremation of human remains. While this bill requires a LHF to be operated under the supervision of a qualified manager, those specified qualifications are not addressed in the current version of this bill.

Under existing law, an applicant for a crematory license must complete an application and pay a \$400 filing fee; provide a corporate resolution as specified and articles of incorporation, if the applicant is a corporation; provide a partnership agreement, if the applicant is a partnership; provide a permit to operate a crematory issued by the local air pollution control district; provide a land use or zoning permit; provide a certified copy of a deed or lease; provide a signed statement by the individual or majority of directors of a corporation regarding a complete and detailed financial statement showing assets and liabilities, plan of operation, and standard agreement for the funding of prearranged cremations; provide the plans and specifications of the crematory building; provide a copy of a recent fire inspection report or certificate of occupancy; provide evidence of a written contract with a licensed cemetery for the final dispositions of human remain; and provide certification affidavits for all offices, owners and partners. This bill provides the Bureau with the authority to establish the specified requirements for licensure for hydrolysis facilities however; as currently drafted; it is unclear what those requirements will be.

Current Related Legislation. SB 247 (Moorlach) of the current legislative session would repeal the requirement for a cremated remains disposer to register with the Bureau, among other numerous changes to healing arts and non-healing arts boards under the jurisdiction of the DCA. *STATUS: This bill is pending in the Senate Committee on Business, Professions and Economic Development.*

Prior Related Legislation. AB 764 (Linder) of 2014 would have established a pilot program that authorized the Bureau to offer a limited crematory license to no more than five alkaline hydrolysis facilities as specified, and repealed that authority on January 1, 2020. *NOTE: This bill was held in the Senate Committee on Environmental Quality.*

AB 1615 (Miller) of 2012 would have authorized the Bureau to license and regulate hydrolysis facilities and hydrolysis facility managers. *NOTE: This bill was held in the Senate Committee on Appropriations.*

AB 1777 (Ma), Chapter 79, Statutes of 2012, authorizes cremated remains to be transferred from a durable container into a scattering urn, as defined, no more than seven days before scattering the cremated remains at sea from a boat.

SB 1197 (Calderon) of 2012, would have provided that a crematory regulated by the Cemetery and Funeral Bureau, in addition to the cremation of human remains, may also cremate an American flag or flags, in accordance with federal law, as specified, and specifies that the burning of the flag or flags occurs within one week before or after Memorial Day, Flag Day, or Independence Day. *NOTE: This bill was subsequently amended to address a different subject.*

AB 374 (Hill), Chapter 364, Statutes of 2012, allows a bond to be posted in lieu of an unqualified audit report if there are timeliness issues on a transfer of ownership of a funeral establishment due to the death of an owner, estate issues or other legal problems.

AB 1225 (Veterans Affairs Committee), Chapter 774, Statutes of 2012, prohibits the sale, trade or transfer of veterans' commemorative property out of cemeteries except under certain conditions.

AB 4 (Miller) of 2011 would have authorized the Bureau to license and regulate hydrolysis facilities and hydrolysis facility managers, as specified. *NOTE: This bill was held in the Assembly Committee on Appropriations.*

AB 2283 (Miller) of 2010 would have required the Bureau to adopt regulations for the safe operation of alkaline hydrolysis chambers by July 1, 2011. *NOTE: This bill was held in the Senate Committee on Environmental Quality.*

ARGUMENTS IN SUPPORT:

Qico, Inc. writes in support, "[This bill] allows the state to address the often overlooked, but serious environmental consequences flame cremation poses to California's environment. CO², greenhouse gases, carcinogenic toxins, dioxins, and furans are among the 219 known emissions released during each fire cremation process. Flame cremation is responsible for more than 800,000,000 cubic feet of natural gas burned and over 900 pounds of mercury incinerated in California each year. Furthermore, when presented with the facts behind water cremation and flame cremation, multiple studies show that water has an acceptance rate of greater than 4 in 5 people. Passage of [this bill] gives families a truly environmental friendly option and allows California's ecosystem to see significant improvements."

ARGUMENTS IN OPPOSITION:

None on file.

POLICY ISSUE(S) FOR CONSIDERATION:

Appropriate Waste Disposal. This bill requires the hydrolysate to be transported by a state-licensed biomaterials handler to a designated treatment facility; however, as currently drafted, it is unclear what the appropriate authority would be to oversee the transportation process. The author may wish to determine if this would fall under medical waste or hazardous waste to ensure appropriate compliance with existing waste disposal programs in this state.

In addition, this bill prohibits the *hydrolysate* from being disposed of using a sanitary sewer system and instead requires the *hydrolysate* to be transported from the LHF to a designated treatment facility. However, it is unclear what, if any, storage requirements the LHF would need to follow regarding the storage of the *hydrolysate*, and if the Bureau or another entity would be required to determine storage requirements for containing the waste.

Because the hydrolysis process is touted as an eco-friendly alternative to the cremation process, should this bill limit those jurisdictions that would prefer for the *hydrolysate* to be disposed of through the sewer process, as is common practice in other states and current use in facilities in

California? The author may wish to consider allowing for the disposal of *hydrolysate* to be determined at the local level.

IMPLEMENTATION ISSUES:

Training. As currently drafted, this bill would require a LHF to have a manager who has passed an examination as established by the Bureau. However, this bill does not require the staff at a LHF to be trained. The author may wish to request the Bureau to establish, through regulation, a training program for LHF staff.

Fees. While it is presumed that there would be a fee associated with the licensure process, as currently drafted, it is unclear if this bill gives the Bureau the appropriate fee authority. This bill should also provide a statutory cap, consistent with other entities under the control of the DCA.

This bill requires the Bureau to establish a new licensing process for LHF and further requires the Bureau to establish through regulations numerous regulatory provision including, but not limited to: 1) determining the qualifications for a LHF manager; 2) determining the fees for licensure; 3) adopting regulations for system requirements for allowable hydrolysis chambers; and, 4) specifying the local permits necessary for operation of a LHF in consultation with the Department of Public Health and the Department of Toxic and Substance Control. However, as currently drafted this bill would take effect on January 1, 2018 which does not provide the Bureau with sufficient time to establish a regulatory and licensure framework for LHF facilities. As such, the author may wish to consider delaying the implementation by a minimum of a year, to allow the appropriate licensing process.

As currently drafted, this bill requires an applicant for a hydrolysis facility license to provide proof to the Bureau that it currently owns or is actively operating a hydrolysis facility in this state or that the applicant is in a position to commence operating the hydrolysis facility. At the same time, this bill prohibits the hydrolyzing of human remains without a valid, unexpired license. The author may wish to strike the requirement that a licensee provide proof of operation of an existing facility.

AMENDMENTS:

In response to the issues raised above the author should make the following technical amendments to this measure:

- 1) Specify that the provisions of this bill take effect on January 1, 2019.
- 2) On page 3, line 21, after fees, strike ~~required by this chapter and shall show~~ and lines 21-23.
- 3) On page 21, line 25 after “[n]othing in this section shall be construed to prohibit the requiring of some type of container or disposal unit,” include “as specified in section 7006.6 of the HSC.”

REGISTERED SUPPORT:

Qico, Inc. (sponsor)

REGISTERED OPPOSITION:

None on file.

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