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April 20, 2017

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Karen L. Smith, MD, MPH
Director and State Public Health Officer
California Department of Public Health
1615 Capitol Avenue
P.O. Box 997377, MS 0500
Sacramento, CA 95899-7377

Re: AB 356 (Bigelow) Human remains: disposition (Oppose)

Dear Dr. Smith:

The California Conference of Local Health Officers (CCLHO) voted at the CCLHO Board meeting on April 6, 2017 to take an Oppose recommendation on AB 356 (Bigelow), a bill that would extend the current limit from 20 miles to 50 miles for human remains to be directly transported from California to an adjacent state for disposition in that state without a death certificate or a permit for disposition.

CCLHO recommends a position of oppose, as AB 356 would result in increased complications with registrations of California deaths, as out-of-state funeral establishments are unfamiliar with California death registration requirements and do not use California EDRS to register death certificates. Increases in non-permitted dispositions of human remains would result in these deaths likely needing to register via paper documents or via a California licensed funeral establishment, with likely increases in confusion, registration delays and errors.

Furthermore, out-of-state funeral establishments are not within California's regulatory jurisdiction and do not fall within the regulatory reach of the California Department of Consumer Affairs Cemetery and Funeral Bureau, which works with licensed funeral establishments in the state to enforce compliance with California laws and regulations, to ensure conformance with established expectations regarding the handling of remains and their disposition. This could also potentially have a negative impact on the California county Health Officer's authority (as the Local Registrar regarding the death registration process) over the body found in that county, given that the Health Officer's authority to compel certain actions (e.g. determining the manner in which a death certificate is filled out and processed) of an out-of-state entity are less than clear.

Finally, as families in border counties in California may presently request that an in-state, licensed funeral establishments work with out-of-state funeral establishments to handle and dispose of human remains found in California (e.g. via contract), it is unclear to what extent this bill would increase consumer choice or meaningfully reduce burden on families.

Karen L. Smith, MD, MPH
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As you are aware, CCLHO was established in statute in 1947 to advise the California Department of Health Services (now the California Department of Public Health), other departments, boards, and commissions, as well as officials of federal, state and local agencies, the Legislature and other organizations on all matters affecting health. CCLHO membership consists of all legally appointed physician health officers in California's 61 city and county jurisdictions.

This position of oppose on AB 40 is consistent with CCLHO's legislative priority of advising on public health matters that strengthen, weaken, or change the role of the health officer. It is further consistent with the strategic priority of taking a leadership role in the practice of public health and policy development.

If you have any questions, please feel free to contact me at Ken.Cutler@co.nevada.ca.us or at 530-265-7154.

Sincerely and on behalf of the CCLHO membership,

A handwritten signature in black ink that reads "K Cutler MD". The signature is written in a cursive, slightly slanted style.

Ken Cutler, MD, MPH
President, California Conference of Local Health Officers