

Fall 2017

Consumer and Environmental Protection Unit (CEPU)

In This Issue

If you believe you have been the victim of a charity scam, or any other consumer protection violation in the City of San Diego, [contact us](#).

Office of the City Attorney,
Consumer and Environmental
Protection Unit
1200 Third Avenue, Suite 700
San Diego, CA 92101-4103
619-533-5500
www.sandiego.gov/cityattorney
cityattorney@sandiego.gov

File a Complaint with Us

Call our hotline

- (619) 533-5600
- 9:00am to 5:00pm
- Monday through Friday

Fill out the complaint form

- [Complaint Form](#)
- Mail the form, or
- E-mail the form

[Agency Reference Sheet](#)

Consult the reference sheet for list of agencies that investigate consumer complaints

DIY Backyard Cemetery: Legal?

You can only take DIY so far.

In the Consumer and Environmental Protection Unit, we receive numerous questions through our hotline. However, there have been a few questions centered on one particular issue: **Can I bury my loved one in my backyard?** While this option may save you some money momentarily, you will encounter legal complications and issues in the future.

Under California law, you cannot bury a human body in your own backyard. A deceased person must be buried in an established cemetery. Anyone who buries a body in a place other than a cemetery is guilty of a **misdemeanor**.

Laws on DIY Burial Methods



While there is the overarching rule that you cannot bury your loved one in your own back yard, California law is flexible on how the body is treated before the burial.

Embalming

Does the law require the body to be embalmed? The answer depends on how you treat the body after death. In California, embalming is required if the body will be transported by a common carrier. As a practical matter, however, embalming would be beneficial if there will be a delay before a public viewing.

Burial Containers

The law does not require outer burial containers, but cemeteries may require them because they keep the ground from settling after burial. Natural burial, also referred to as green or eco-friendly burial, is an option of caring for the dead with minimal environmental impact, often without a casket or burial container.

Home Death Care

The use of a funeral establishment and/or funeral director is not required by law when preparing a body for burial. Instead, your loved one can be cared for and prepared for burial by family and friends at home. If you choose home death care, you must:

- File a properly completed Certificate of Death, signed by the attending physician or coroner, with the local registrar of births and deaths.

Resources Available

Federal Trade Commission

<https://www.ftc.gov/>
(877) 382-4357

- Created the Funeral Rule, requiring funeral directors to give consumers accurate, itemized price information and various other disclosures about funeral goods and services.
- Provides a booklet titled [Complying with the Funeral Rule](#), which includes a General Price List that funeral directors are required to disclose to any consumer requesting the information on prices.

California Department of Consumer Affairs: Cemetery and Funeral Bureau

<http://www.cfb.ca.gov/consumer/funeral.shtml>
(916) 574-7870

- The Bureau licenses, regulates, and investigates complaints against California funeral establishments.
- Check the license status of your funeral provider [here](#).

Written by Jessica Castany

The information provided in this newsletter is intended to convey general information and is not intended to be relied upon as legal advice

The San Diego City Attorney's office cannot provide legal advice to private parties.

- Obtain a Permit for Disposition from the local registrar of births and deaths.
- Provide a casket or other suitable container.
- Make arrangements directly with the cemetery or crematory.

Go to the County of San Diego, Health and Human Services Agency to file a [Certificate of Death](#) and/or a [Permit for Disposition](#).

Sources: Health and Safety Code sections 7355, 103050, California Department of Consumer Affairs' Cemetery and Funeral Bureau.

Consumer Protection Concerns

Check License Status

To be sure that the funeral establishment, funeral director, crematory, crematory manager, private or fraternal cemetery, and private or fraternal cemetery managers are licensed by the State and in good standing, contact the California Department of Consumer Affairs – Cemetery and Funeral Bureau. However, the State *does not* license cemeteries operated by religious organizations; cemetery districts; the military; Native American tribal organizations; or other groups.

Compare Prices and Services

Federal law requires funeral establishments to:

- Give you a General Price List (GPL) and a Casket Price List (CPL) when you ask in person about arrangements and prices.
- Give you an itemized statement of your choices for services with a funeral establishment, including estimates of any costs that are unknown at the time and charges for outside vendor services arranged by the funeral establishment.

Federal law makes it illegal for funeral establishments to:

- Charge a handling fee for using a family-built casket or a casket purchased elsewhere. However, the casket must meet the cemetery's standards.
- Make false claims about the preservative qualities of a casket.
- Charge contagious disease or protective clothing for staff fees.

The Role of CEPU in San Diego



The Unit prosecutes violations of law that arise from consumer transactions or actions that damage the environment. The Unit is dedicated to investigating citizen complaints and prosecuting criminal and civil violations of California's unfair competition and other consumer laws committed in the City of San Diego.