

AMENDED IN ASSEMBLY JANUARY 7, 2008

AMENDED IN ASSEMBLY MAY 8, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 1519**

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**Introduced by Assembly Member Ma**

February 23, 2007

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~~An act to add Section 269 to the Harbors and Navigation Code, relating to landing rights. An act to add Chapter 2.5 (commencing with Section 7070) to Part 1 of Division 7 of the Health and Safety Code, relating to human remains.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 1519, as amended, Ma. ~~Landing rights; revocation. Human remains; commercial display.~~

*Existing law, the Uniform Anatomical Gift Act, regulates the making of anatomical gifts and the disposition of donated bodies and body parts.*

*This bill would, with certain exceptions, prohibit any person from displaying human remains to the public for commercial purposes, as defined, without first obtaining a permit from the county. The bill would authorize a county to issue a permit for this purpose only upon the county's determination that the person has provided valid written authorization from specified individuals to display human remains for consideration, as provided. The bill would provide that violation of its provisions is punishable by a civil penalty.*

~~Existing law imposes various water pollution control and prevention requirements on vessels.~~

~~This bill would authorize the State Lands Commission or a subdivision of the state that operates a harbor or port district to revoke, rescind, or suspend a contract granting dockage to a person operating a vessel for commercial purposes on navigable waters, if a federal, state, or local agency has found that the person has violated a state or federal water pollution law in connection with the operation of a vessel for commercial purposes within the territorial or inland waters of the state. The bill would exempt a vessel operated by a public agency and specified other vessels, and would define the term “dockage” for purposes of the bill.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*

3     *(a) The Uniform Anatomical Gift Act requires any donor and*  
4     *specified authorized individuals to authorize the use of anatomical*  
5     *gifts for transplantation, therapy, research, and education*  
6     *purposes.*

7     *(b) Every city, county, or state official responsible for the*  
8     *remains of unclaimed dead bodies is required to use due diligence*  
9     *to notify the relatives of the decedent.*

10    *(c) The public display of human remains must be regulated to*  
11    *protect individual bodily integrity, as well as the social and cultural*  
12    *values of the state.*

13    *(d) It is the intent of the Legislature to require persons who*  
14    *participate in the public display of human remains for commercial*  
15    *purposes to provide evidence of informed consent from the*  
16    *decedent or relatives of all humans whose remains are put on*  
17    *display, and to provide for the continued use of human remains in*  
18    *the educational, medical, and scientific communities to promote*  
19    *human health and safety.*

20    *SEC. 2. Chapter 2.5 (commencing with Section 7070) is added*  
21    *to Part 1 of Division 7 of the Health and Safety Code, to read:*

22  
23     *CHAPTER 2.5. COMMERCIAL DISPLAY OF HUMAN REMAINS*  
24

25     *7070. As used in this chapter, the following terms shall have*  
26     *the following meanings:*

1     (a) “Commercial purposes” means either of the following:

2     (1) A display for which the public is charged a fee or other  
3     consideration as a condition of viewing.

4     (2) A display for which an exhibitor earns a profit.

5     (b) “Exhibitor” means a person or entity who shows or puts  
6     on, or contracts to show or put on, a temporary public display of  
7     human remains.

8     (c) “Museum facility” means a public or private nonprofit  
9     institution that is accredited by the American Association of  
10    Museums or is a part of an accredited college or university, and  
11    that is organized on a permanent basis for essentially educational  
12    or aesthetic purposes and that owns or uses tangible objects, cares  
13    for those objects, and exhibits them to the general public on a  
14    regular basis.

15    7071. (a) Except as provided in subdivision (b), a person shall  
16    not display human remains to the public for commercial purposes  
17    without first obtaining a permit issued by the county, as described  
18    in Section 7072.

19    (b) This section shall not apply to a display of human remains  
20    that is any of the following:

21    (1) More than 100 years old.

22    (2) Consisting solely of human teeth or hair.

23    (3) Part of the ordinary display or viewing of the deceased at  
24    a funeral establishment or part of a similar funeral or memorial  
25    service.

26    (4) An object of religious veneration.

27    (5) In the possession of a museum facility. However, if the  
28    museum facility paid an exhibitor to display the remains, and the  
29    remains are not exempt from this chapter pursuant to paragraphs  
30    (1) to (4), inclusive, the exhibitor shall be required to obtain a  
31    permit pursuant to Section 7072.

32    (c) Any person who violates this section shall be subject to a  
33    civil penalty of ten thousand dollars (\$10,000).

34    7072. A county may issue a permit to any person for the  
35    purpose described in Section 7071 only upon a determination by  
36    the appropriate county agency or department that the person has  
37    provided valid written authorization to display human remains for  
38    consideration from any of the following individuals:

39    (a) The decedent, including, but not limited to, authorization  
40    given by will.

1 (b) Any person authorized to make an anatomical gift under  
2 Section 7150.15 or 7150.40.

3 7073. Nothing in this chapter shall be construed to apply to  
4 the utilization of human remains in a manner that meets the  
5 purposes set forth in the Uniform Anatomical Gift Act (Chapter  
6 3.5 (commencing with Section 7150)).

7 SECTION 1. ~~Section 269 is added to the Harbors and~~  
8 ~~Navigation Code, to read:~~

9 269. (a) ~~The State Lands Commission or a subdivision of the~~  
10 ~~state that operates a harbor or port district may revoke, rescind, or~~  
11 ~~suspend a contract granting dockage to a person operating a vessel~~  
12 ~~for commercial purposes on navigable waters, if a federal, state,~~  
13 ~~or local agency has found that the person has violated a state or~~  
14 ~~federal water pollution law in connection with the operation of a~~  
15 ~~vessel for commercial purposes within the territorial or inland~~  
16 ~~waters of the state.~~

17 (b) (1) ~~This section does not apply to a vessel operated by a~~  
18 ~~public agency.~~

19 (2) ~~This section does not apply to an ocean-going vessel engaged~~  
20 ~~in interstate or foreign commerce, any other commercial vessel~~  
21 ~~otherwise regulated by the United States Coast Guard and that was~~  
22 ~~not operated exclusively within the state's territorial or inland~~  
23 ~~waters at the time of the violation, or a vessel in distress.~~

24 (c) ~~For purposes of this section, "dockage" means the right to~~  
25 ~~land, dock, or moor a vessel at a publicly owned or controlled~~  
26 ~~wharf, pier, quay, landing, or other similar facility.~~