

AMENDED IN SENATE MARCH 24, 2008  
AMENDED IN ASSEMBLY JANUARY 17, 2008  
AMENDED IN ASSEMBLY JANUARY 7, 2008  
AMENDED IN ASSEMBLY MAY 8, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1519**

---

---

**Introduced by Assembly Member Ma**

February 23, 2007

---

---

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. 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.

*The California Science Center, within the State and Consumer Services Agency, is administered by a 9-member board of directors, appointed by the Governor.*

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~~ California Science Center. The bill would, ~~if the county elects to establish a permit program,~~ authorize ~~a county~~ the center to issue a permit for this purpose only upon the ~~county's~~ center's determination that the person has ~~provided~~ met the requirements to exhibit human remains, which the bill would require to be adopted by the center as regulations, as

*provided. The bill would require the regulations to include, but not be limited to, a requirement that the person has obtained valid written authorization from specified individuals to display human remains for consideration commercial purposes, as provided. The bill would require the center to establish a permit fee, as provided, and would require the revenue from these fees to be deposited in the Human Remains Exhibit Permit Fund, which this bill would create. The bill would require moneys in the fund to be available to the center, upon appropriation by the Legislature, for the purpose of funding the administration of the permit program. The bill would also provide that its provisions do not preempt more restrictive local regulation of the public display of human remains for commercial purposes. The bill would further provide that violation of its provisions is punishable by a civil penalty.*

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 purposes.
- 6 (b) Every city, county, or state official responsible for the
- 7 remains of unclaimed dead bodies is required to use due diligence
- 8 to notify the relatives of the decedent.
- 9 (c) The public display of human remains must be regulated to
- 10 protect individual bodily integrity, as well as the social and cultural
- 11 values of the state.
- 12 (d) It is the intent of the Legislature to require persons who
- 13 participate in the public display of human remains for commercial
- 14 purposes to provide evidence of informed consent *specific to the*
- 15 *public exhibition and display of human remains* from the decedent
- 16 or relatives of all humans whose remains are put on display, and
- 17 to provide for the continued use of human remains in the
- 18 educational, medical, and scientific communities to promote human
- 19 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:

1 CHAPTER 2.5. COMMERCIAL DISPLAY OF HUMAN REMAINS

2  
3 7070. As used in this chapter, the following terms shall have  
4 the following meanings:

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

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

8 (2) A display for which an exhibitor accepts payment or other  
9 consideration.

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

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

20 7071. (a) Except as provided in subdivision (b), a person shall  
21 not display human remains to the public for commercial purposes  
22 without first obtaining a permit issued by the ~~county where the~~  
23 ~~human remains will be displayed~~ *California Science Center*, as  
24 described in Section 7072.

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

27 (1) More than ~~400~~ 80 years old.

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

29 (3) Part of the ordinary display or viewing of the deceased at a  
30 funeral establishment or part of a similar funeral or memorial  
31 service.

32 (4) An object of religious veneration.

33 (5) In the possession of a museum facility. However, if the  
34 museum facility paid or offered other consideration to an exhibitor  
35 to display the remains, and the remains are not exempt from this  
36 chapter pursuant to paragraphs (1) to (4), inclusive, the exhibitor  
37 shall be required to obtain a permit pursuant to Section 7072.

38 (c) Any person who violates this section shall be subject to a  
39 civil penalty of an amount that does not exceed ten thousand dollars  
40 (\$10,000) for each violation.

~~7072. If a county elects to establish a permit program under this chapter, a county~~

7072. (a) *The California Science Center may issue a permit to any person for the purpose described in Section 7071 only upon a determination by the county public health official, or his or her designee, that the person has provided valid the director that the person has met the requirements to exhibit human remains, which shall be adopted as regulations by the California Science Center in accordance with subdivision (a) of Section 7075. The regulations shall include, but need not be limited to, a requirement that valid written authorization to display human remains for consideration has been obtained from any of the following individuals:*

~~(a)~~

(1) The decedent, including, but not limited to, authorization given by will.

~~(b)~~

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

(b) (1) *The amount of the fee for a permit issued pursuant to this section shall be determined by the California Science Center, and shall be no more than what is reasonably necessary to fund the administration of this chapter.*

(2) *The fees collected pursuant to paragraph (1) shall be deposited in the Human Remains Exhibit Permit Fund, which is hereby created in the State Treasury. Moneys in the fund, and, notwithstanding Section 16305.7 of the Government Code, any interest earned on moneys in the fund, shall be available to the center, upon appropriation by the Legislature, for purposes of administering this chapter.*

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

7074. *Nothing in this chapter shall be construed to apply to the publisher of any newspaper, periodical, or other publication, or a motion picture or film production, or any radio or television broadcaster, or the owner or operator of any cable, satellite, or other medium of communication who broadcasts, produces or publishes, including over the Internet.*

1     7075. (a) Notwithstanding any other provision of law, the  
2     California Science Center shall, in accordance with Chapter 3.5  
3     (commencing with Section 11340) of Part 1 of Division 3 of Title  
4     2 of the Government Code, promulgate regulations necessary for  
5     the implementation of this chapter, including, but not limited to,  
6     regulations that prescribe the requirements described in Section  
7     7072.

8     (b) Notwithstanding any other provision of law, whenever the  
9     center is authorized or required by statute, regulation, or due  
10    process (14th Amendment to the United States Constitution and  
11    subdivision (a) of Section 7 of Article I of the California  
12    Constitution) to conduct an adjudicative hearing leading to a final  
13    decision of the director of the center, the proceeding shall be  
14    conducted pursuant to the administrative adjudication provisions  
15    of Chapter 4.5 (commencing with Section 11400) and Chapter 5  
16    (commencing with Section 11500) of Part 1 of Division 3 of Title  
17    2 of the Government Code.

18    7076. Nothing in this chapter shall preempt local regulation  
19    of the public display of human remains for commercial purposes.  
20    An ordinance passed by a local governing body either before or  
21    after January 1, 2009, on the same subject is not preempted  
22    provided that the restrictions contained therein are more restrictive  
23    than those contained in regulations adopted pursuant to this  
24    chapter.