

AMENDED IN SENATE APRIL 21, 2008

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**

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**Introduced by Assembly Member Ma**

February 23, 2007

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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 California Science Center. The bill would authorize the center to issue a permit for this purpose only upon the center's determination that the person has 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 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: 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 California Science  
23 Center, as described in Section 7072.

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

26 (1) More than 80 years old.

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

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

31 (4) An object of religious veneration.

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

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

1     7072. (a) The California Science Center may issue a permit  
2 to any person for the purpose described in Section 7071 only upon  
3 a determination by the director that the person has met the  
4 requirements to exhibit human remains, which shall be adopted  
5 as regulations by the California Science Center in accordance with  
6 subdivision (a) of Section 7075. The regulations shall include, but  
7 need not be limited to, a requirement that valid written  
8 authorization to display human remains for consideration has been  
9 obtained from any of the following individuals:

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

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

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

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

25     7073. Nothing in this chapter shall be construed to apply to  
26 the utilization of human remains in a manner that meets the  
27 purposes set forth in the Uniform Anatomical Gift Act (Chapter  
28 3.5 (commencing with Section 7150)).

29     7074. Nothing in this chapter shall be construed to apply to  
30 the publisher of any newspaper, periodical, or other publication,  
31 or *the producer of a motion picture or film production or other visual*  
32 *or audiovisual work*, or any radio or television broadcaster, or the  
33 owner or operator of any cable, satellite, or other medium of  
34 communication who broadcasts, produces or publishes, including  
35 over the Internet.

36     7075. (a) Notwithstanding any other provision of law, the  
37 California Science Center shall, in accordance with Chapter 3.5  
38 (commencing with Section 11340) of Part 1 of Division 3 of Title  
39 2 of the Government Code, promulgate regulations necessary for  
40 the implementation of this chapter, including, but not limited to,

1 regulations that prescribe the requirements described in Section  
2 7072.

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

13 7076. Nothing in this chapter shall preempt local regulation of  
14 the public display of human remains for commercial purposes. An  
15 ordinance passed by a local governing body either before or after  
16 January 1, 2009, on the same subject is not preempted provided  
17 that the restrictions contained therein are more restrictive than  
18 those contained in regulations adopted pursuant to this chapter.