

DISPLAY OF HUMAN REMAINS: REQUIRE PERMIT UNDER SOME CIRCUMSTANCES

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House Bill 5970

Sponsor: Rep. Steve Bieda

Committee: Health Policy

Complete to 12-3-08

A SUMMARY OF HOUSE BILL 5970 AS INTRODUCED 4-10-08

Under certain circumstances, the bill would require that a permit be obtained from a local health department before displaying human remains as part of an exhibit for commercial or medical education purposes.

House Bill 5970 would add a new part to the Public Health Code entitled, "Part 101A, Commercial Display of Human Remains." The bill would do the following:

- In general, prohibit the display of human remains for commercial purposes or medical education purposes.
- Allow such displays if the local governing entity of the jurisdiction in which the human remains will be displayed has established a permit program as specified in the bill and a permit is obtained. The permit program would be implemented, administered, and enforced by the local health department.
- Restrict the issuance of a permit by a local health department to exhibits that meet permit program requirements and that have provided valid, written authorization to display the human remains for purposes specified in the bill.
- Exempt exhibits that consist of human remains more than 100 years old; consist solely of human teeth or hair; or are part of a funeral or memorial service; consist solely of objects of religious veneration; or, with some exceptions, in the possession of a museum facility. If a museum paid or offered other consideration to an exhibitor to display human remains, and the exhibit was not exempt under the conditions listed, the exhibit could not be displayed unless the local government had established a permit program and a permit had been obtained by the museum.
- Subject a person who violated the bill's provisions to a civil fine not to exceed \$10,000 per violation. In addition, the local health department could enforce Part 101A through an action for injunctive relief or any other lawful, appropriate action.

- Specify that Part 101A does not apply to the use of human remains in a manner that meets the purposes of and complies with the Revised Uniform Anatomical Gift Law (which is Part 101 of the code).

FISCAL IMPACT:

House Bill 5970 has no state or local fiscal impact. A local entity that chooses to establish a permit program under Section 10153 would have new costs that would need to be supported with local revenue or permit fees as determined by the local entity.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.