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HEALTH AND SAFETY CODE - HSC

DIVISION 102. VITAL RECORDS AND HEALTH STATISTICS [102100 - 103925] (*Division 102 added by Stats. 1995, Ch. 415, Sec. 4.*)

PART 1. VITAL RECORDS [102100 - 103800] (*Part 1 added by Stats. 1995, Ch. 415, Sec. 4.*)

CHAPTER 8. Permits for Disposition of Human Remains [103050 - 103105] (*Chapter 8 added by Stats. 1995, Ch. 415, Sec. 4.*)

103050. (a) A person shall not dispose of human remains unless both of the following have occurred:

(1) There has been obtained and filed with a local registrar a death certificate, as provided in Chapter 6 (commencing with Section 102775).

(2) There has been obtained from a local registrar a permit for disposition.

(b) (1) Notwithstanding subdivision (a), neither a death certificate nor a permit for disposition shall be required to transport human remains from California to an adjacent state for disposition in that state when all of the following circumstances exist:

(A) The remains are found within 50 miles of the California border and a licensed funeral establishment in the adjacent state is within 30 miles of the county border in which the decedent died, and the remains are released to that funeral establishment.

(B) The coroner with jurisdiction over the area in which the remains were found authorizes their release pursuant to paragraph (2).

(2) The coroner may release the remains to a licensed out-of-state funeral establishment without a death certificate or permit for disposition when he or she determines that all of the following conditions exist:

(A) No forensic interest in the remains exists.

(B) A reasonable certainty exists that the cause of death will be provided either by the primary physician, or by a review of medical records by the coroner or medical examiner.

(3) The coroner with jurisdiction over the area in which the remains were found who releases the remains to an out-of-state funeral establishment shall, within 72 hours after the remains were found, file a death certificate with the local registrar.

(c) Nothing in this section shall exempt a coroner, health officer, health care provider, or other individual from requirements to report a case or suspected case of any reportable communicable diseases or conditions pursuant to any provision of the Health and Safety Code or the California Code of Regulations.

(Amended by Stats. 2017, Ch. 187, Sec. 1. (AB 356) Effective January 1, 2018.)

103055. (a) If the certificate of death is properly executed and complete, the local registrar of births and deaths shall issue a permit for disposition that, in all cases, shall specify any one of the following:

(1) The name of the cemetery where the remains shall be interred.

(2) Burial at sea as provided in Section 7117.

(3) The address or description of the place where remains shall be buried or scattered.

(4) The address of the location where the cremated remains or hydrolyzed human remains will be kept, as provided in Section 7054.6, under the conditions the state registrar may approve, including, but not limited to, conditions in keeping with public sensibilities, applicable laws, and reasonable assurances that the disposition will be carried out in accordance with the prescribed conditions and will not constitute a private or public nuisance.

(b) Notwithstanding any other provisions of this part relative to issuance of a permit for disposition, whenever the death occurred from a disease declared by the state department to be infectious, contagious, or communicable and dangerous to the public health, a permit for the disposition of the body shall not be issued by the local registrar, except under those conditions as may be prescribed by the state department and local health officers.

(c) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

(Amended by Stats. 2022, Ch. 399, Sec. 46. (AB 351) Effective January 1, 2023. Repealed as of January 1, 2027, by its own provisions. See later operative version added by Sec. 47 of Stats. 2022, Ch. 399.)

103055. (a) If the certificate of death is properly executed and complete, the local registrar of births and deaths shall issue a permit for disposition that, in all cases, shall specify any one of the following:

(1) The name of the cemetery where the remains shall be interred.

(2) Burial at sea as provided in Section 7117.

(3) The address or description of the place where remains shall be buried, scattered, or integrated into the soil.

(4) The address of the location where the cremated, reduced, or hydrolyzed human remains will be kept, as provided in Section 7054.5 or 7054.6, under the conditions the state registrar may approve, including, but not limited to, conditions in keeping with public sensibilities, applicable laws, and reasonable assurances that the disposition will be carried out in accordance with the prescribed conditions and will not constitute a private or public nuisance.

(b) Notwithstanding any other provisions of this part relative to issuance of a permit for disposition, whenever the death occurred from a disease declared by the department to be infectious, contagious, or communicable and dangerous to the public health, a permit for the disposition of the body shall not be issued by the local registrar, except under those conditions as may be prescribed by the state department and local health officers.

(c) This section shall become operative on January 1, 2027.

(Repealed (in Sec. 46) and added by Stats. 2022, Ch. 399, Sec. 47. (AB 351) Effective January 1, 2023. Operative January 1, 2027, by its own provisions.)

103060. (a) A permit for disposition for the purpose of removing cremated remains or hydrolyzed human remains from the place of cremation, hydrolysis, or interment shall include a description of the final place of disposition sufficient to identify the place and shall be issued by the local registrar to the person having the right to control the disposition of the remains under Section 7100 upon the application of that person.

(b) A permit for disposition shall be issued under this section only upon the signed acknowledgment by the person making application that trespass and nuisance laws apply to the disposition and that the permit gives no right of unrestricted access to property not owned by the person for the purpose of disposing of the remains.

(c) The person to whom the permit for disposition was issued shall sign the permit, endorse upon it the date of final disposition and, within 10 days, return the first copy of the permit so endorsed to the local registrar of the district in which the disposition took place. The third copy of the permit shall be returned to the office of issuance. After one year, the local registrar may destroy any original or duplicate permit retained pursuant to this section.

(d) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

(Amended by Stats. 2022, Ch. 399, Sec. 48. (AB 351) Effective January 1, 2023. Repealed as of January 1, 2027, by its own provisions. See later operative version added by Sec. 49 of Stats. 2022, Ch. 399.)

103060. (a) A permit for disposition for the purpose of removing cremated, reduced, or hydrolyzed human remains from the place of cremation, reduction, hydrolysis, or interment shall include a description of the final place of disposition sufficient to identify the place and shall be issued by the local registrar upon application of the person having the right to control the disposition of the remains under Section 7100.

(b) A permit for disposition shall be issued under this section only upon the signed acknowledgment by the person making application that trespass and nuisance laws apply to the disposition and that the permit gives no right of unrestricted access to property not owned by the person for the purpose of disposing of the remains.

(c) The person to whom the permit for disposition was issued shall sign the permit, endorse upon it the date of final disposition and, within 10 days, return the first copy of the permit so endorsed to the local registrar of the district in which the disposition took place. The third copy of the permit shall be returned to the office of issuance. After one year, the local registrar may destroy any original or duplicate permit retained pursuant to this section.

(d) This section shall become operative on January 1, 2027.

(Repealed (in Sec. 48) and added by Stats. 2022, Ch. 399, Sec. 49. (AB 351) Effective January 1, 2023. Operative January 1, 2027, by its own provisions.)

103065. (a) Upon the presentation of a certificate of death properly executed and completed in accordance with the policies and procedures of the county coroner in which the death occurred that are not in conflict with state law, the permit for disposition required by Sections 103050, 103055, and 103060 shall be issued by any local registrar pursuant to this section. The local registrar issuing the permit for disposition pursuant to this section shall promptly forward the death certificate and a duplicate of the permit for disposition to the local registrar of the district in which death occurred or the body was found.

(b) The applicant for a permit under this section shall pay a fee of six dollars (\$6) to the issuing registrar. Thirty percent of the fee shall be transferred by the issuing registrar to the local registrar of the county where the death occurred and 40 percent shall be transferred to the State Registrar for the administration of this section.

(c) Applicants for a permit for disposition pursuant to this section shall not be subject to Section 103675.

(Added by Stats. 1995, Ch. 415, Sec. 4. Effective January 1, 1996.)

103070. The body of any person whose death occurs in this state, or whose body is found in the state, or that is brought in from outside the state, shall not be temporarily held pending disposition more than eight calendar days after death, unless a permit for disposition is issued by the local registrar of the registration district in which the death occurred or the body was found.

(Added by Stats. 1995, Ch. 415, Sec. 4. Effective January 1, 1996.)

103075. Except when a permit is not required to be issued pursuant to subdivision (b) of Section 103050, the permit shall accompany the body to its destination, where, if within this state, it shall be delivered to the person in charge of the place of interment.

(Amended by Stats. 2006, Ch. 463, Sec. 3. Effective January 1, 2007.)

103080. (a) The person in charge of the place of interment, or the funeral director or person acting as funeral director if no person is in charge, shall sign the permit, endorse upon it the date of interment, hydrolysis, or cremation, and, within 10 days, return the first copy of the permit so endorsed to the local registrar of the district in which the interment took place. The third copy of the permit shall be returned to the office of issuance. After one year, the local registrar may destroy any original or duplicate permit retained by the local registrar pursuant to this section.

(b) This section shall become operative on July 1, 2020.

(Repealed (in Sec. 74) and added by Stats. 2017, Ch. 846, Sec. 75. (AB 967) Effective January 1, 2018. Section operative July 1, 2020, by its own provisions.)

103085. When human remains are transported from outside the state into a registration district in California for interment, the permit for disposition, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the human remains have been transported, as a basis upon which he or she shall issue a local permit, noting upon the face of the permit the fact that human remains were shipped in for interment and the place of death.

(Added by Stats. 1995, Ch. 415, Sec. 4. Effective January 1, 1996.)

103090. This chapter does not prevent a funeral director from removing a body from the registration district where the death occurred or the body was found to another registration district in the same or another county in a funeral director's conveyance for the purpose of preparing the body for interment or shipment.

(Added by Stats. 1995, Ch. 415, Sec. 4. Effective January 1, 1996.)

103095. A permit issued in one county or city is valid and sufficient in any county it specifies as the place of interment.

(Added by Stats. 1995, Ch. 415, Sec. 4. Effective January 1, 1996.)

103100. If any cemetery is located partly in one registration district and partly in another, only one permit shall be required for interment and a permit authorizing interment in the cemetery shall entitle interment to be made within or without the district to which the permit is directed. The permit shall be returned to the registration district in which the interment is made irrespective of the district

to which it is directed. The local registrar of the district in which the interment is made shall forthwith file the permit on presentation without charge.

(Added by Stats. 1995, Ch. 415, Sec. 4. Effective January 1, 1996.)

103105. Permits for the disinterment or removal of interred remains shall be required, as specified in Part 2 (commencing with Section 7500) of Division 7.

(Added by Stats. 1995, Ch. 415, Sec. 4. Effective January 1, 1996.)