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AB-356 Human remains: disposition. (2017-2018)

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Assembly Bill No. 356

CHAPTER 187

An act to amend Section 103050 of the Health and Safety Code, relating to human remains.

[Approved by Governor September 01, 2017. Filed with Secretary of State September 01, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 356, Bigelow. Human remains: disposition.

Existing law authorizes human remains to be transported from California to an adjacent state for disposition in that state without a death certificate or permit for disposition in specified circumstances if the remains are found within 50 miles of the California border and the nearest licensed funeral establishment is within 20 miles of the border in the adjacent state, and the remains are released to that funeral establishment.

This bill would authorize human remains to be transported from California to an adjacent state for disposition in that state without a death certificate or a permit for disposition if 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.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 103050 of the Health and Safety Code is amended to read:

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.