

1 [Prohibiting the display of human remains without appropriate written authorization from the
2 deceased or the deceased's next-of-kin.]

3 **Ordinance amending the San Francisco Police Code, by adding a new Article 11.1,**
4 **beginning with Section 788, to prohibit the display of human remains without**
5 **appropriate written authorization from the deceased or the deceased's next-of-kin.**

6 Note: Additions are single-underline italics Times New Roman;
7 deletions are ~~strikethrough italics Times New Roman~~.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. The San Francisco Police Code is hereby amended by adding Section 788,
11 to read as follows:

12 **SEC. 788. COMMERCIAL DISPLAY OF DEAD HUMAN BODIES.**

13 (a) It shall be unlawful to display to the public all or part of a dead human body or bodies for
14 consideration or commercial purposes without valid written authorization from the deceased, which
15 consent may be given in the last will of the deceased, or by a person who has the right to control the
16 disposition of the remains pursuant to California Health and Safety Code Sections 7100 et seq., as
17 amended, or any successor legislation. The Director of Public Health or the Director's designee shall
18 determine the adequacy of the documentation offered to establish consent.

19 (b) The provisions of this Section shall not apply to the display of human remains:

20 (1) More than 100 years old;

21 (2) Consisting solely of human teeth or hair;

22 (3) As part of the ordinary display or viewing of the deceased at a licensed funeral
23 establishment under Article 2, Chapter 12, Division 3 of the California Business and Professions Code
24 (beginning with Section 7615), as amended, or any successor legislation, or as part of a similar funeral
25 or memorial service; or,

1 (4) As objects of religious veneration.

2 (c) Any human remains in the possession of an institution accredited by the American
3 Association of Museums, or in the possession of a museum facility of an accredited college or
4 university, shall be presumed to be held in compliance with this Section.

5 (d) Violation of this Section shall be a misdemeanor, punishable by imprisonment in the county
6 jail for a period not to exceed one year, a fine not to exceed \$1,000, or both. The City Attorney may
7 also bring a civil action to enjoin a violation of this Section.

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9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By:


13 THOMAS J. OWEN
14 Deputy City Attorney
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 051034

Date Passed:

Ordinance amending the San Francisco Police Code, by adding a new Article 11.1, beginning with Section 788, to prohibit the display of human remains without appropriate written authorization from the deceased or the deceased's next-of-kin.

August 2, 2005 Board of Supervisors — CALLED FROM COMMITTEE

August 9, 2005 Board of Supervisors — CONTINUED

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval

Excused: 1 - Ammiano

August 16, 2005 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,
Mirkarimi, Peskin, Sandoval

Noes: 1 - McGoldrick

September 6, 2005 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Ammiano, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval

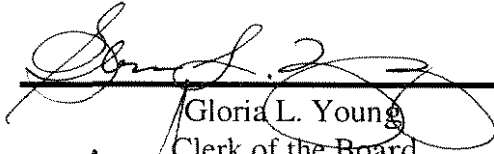
Excused: 3 - Alioto-Pier, Daly, McGoldrick

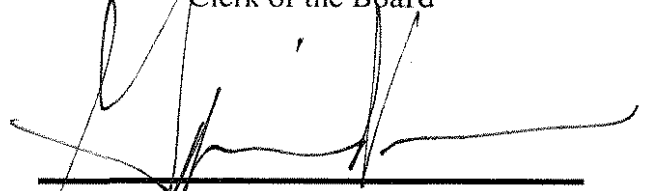
File No. 051034

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on September 6,
2005 by the Board of Supervisors of the City
and County of San Francisco.

09/09/05

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Gavin Newsom