

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**

**No. 2299** Session of  
2008

INTRODUCED BY FLECK, BEYER, BAKER, BELFANTI, BENNINGHOFF,  
BOBACK, BOYD, BRENNAN, CAUSER, CLYMER, DALLY, FRANKEL,  
GIBBONS, GODSHALL, GRELL, HENNESSEY, KAUFFMAN, KORTZ, LEACH,  
MAHONEY, McILVAINE SMITH, METCALFE, MURT, O'NEILL, PASHINSKI,  
PEIFER, PICKETT, QUINN, RAPP, ROAE, SAYLOR, SCAVELLO,  
SCHRODER, SIPTROTH, S. H. SMITH, STERN, R. STEVENSON,  
SWANGER, TRUE, VULAKOVICH, WATSON, GOODMAN, HORNAMAN AND  
ROHRER, MARCH 10, 2008

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 10, 2008

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the  
2 Pennsylvania Consolidated Statutes, providing for commercial  
3 display of human remains; and imposing civil penalties.

4 The General Assembly finds and declares as follows:

5 (1) 20 Pa.C.S. Ch. 86 (relating to anatomical gifts)  
6 calls for anatomical gifts to be made for medical or dental  
7 education, research, advancement of medical or dental  
8 science, therapy or transplantation.

9 (2) Every State, county, city or municipal official  
10 responsible for the remains of unclaimed dead bodies is  
11 required to use due diligence to notify the relatives of the  
12 decedent.

13 (3) The public display of human remains must be  
14 regulated to protect individual bodily integrity, as well as  
15 the social and cultural values of the Commonwealth.

1 (4) It is the intent of the General Assembly to require  
2 persons who participate in the public display of human  
3 remains for commercial purposes to provide evidence of  
4 informed consent from the decedent or relatives of all humans  
5 whose remains are put on display and to provide for the  
6 continued use of human remains in the educational, medical  
7 and scientific communities to promote human health and  
8 safety.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Title 20 of the Pennsylvania Consolidated  
12 Statutes is amended by adding a chapter to read:

13 CHAPTER 89

14 COMMERCIAL DISPLAY OF HUMAN REMAINS

15 Sec.

16 8901. Definitions.

17 8902. Display requirement, exceptions and penalty.

18 8903. Permit program.

19 8904. Applicability.

20 § 8901. Definitions.

21 The following words and phrases when used in this chapter  
22 shall have the meanings given to them in this section unless the  
23 context clearly indicates otherwise:

24 "Commercial purposes." Either of the following:

25 (1) A display for which the public is charged a fee or  
26 other consideration as a condition of viewing.

27 (2) A display for which an exhibitor accepts payment or  
28 other consideration.

29 "Exhibitor." A person or entity who shows or puts on, or  
30 contracts to show or put on, a temporary public display of human

1 remains.

2 "Museum facility." A public or private nonprofit institution  
3 that is accredited by the American Association of Museums or is  
4 part of an accredited college or university and that is  
5 organized on a permanent basis for essentially educational or  
6 aesthetic purposes and that owns or uses tangible objects, cares  
7 for those objects and exhibits them to the general public on a  
8 regular basis.

9 § 8902. Display requirement, exceptions and penalty.

10 (a) Display requirement.--Except as provided in subsection  
11 (b), a person shall not display human remains to the public for  
12 commercial purposes without first obtaining a permit issued by  
13 the county where the human remains will be displayed, as  
14 described in section 8903 (relating to permit program).

15 (b) Exceptions.--This section shall not apply to a display  
16 of human remains that is any of the following:

17 (1) More than 100 years old.

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

19 (3) Part of the ordinary display or viewing of the  
20 deceased at a funeral establishment or part of a similar  
21 funeral or memorial service.

22 (4) An object of religious veneration.

23 (5) In the possession of a museum facility. However, if  
24 the museum facility paid or offered other consideration to an  
25 exhibitor to display the remains and the remains are not  
26 exempt from this chapter pursuant to paragraph (1), (2), (3)  
27 or (4), the exhibitor shall be required to obtain a permit  
28 pursuant to section 8903.

29 (c) Penalty.--Any person who violates this section shall be  
30 subject to a civil penalty of not more than \$10,000 for each

1 violation.

2 § 8903. Permit program.

3 If a county elects to establish a permit program under this  
4 chapter, a county may issue a permit to any person for the  
5 purpose described in section 8902 (relating to display  
6 requirement, exceptions and penalty) only upon a determination  
7 by the county public health official, or the public health  
8 official's designee, that the person has provided valid written  
9 authorization to display human remains for consideration from  
10 any of the following individuals:

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

13 (2) Any person authorized to make an anatomical gift  
14 under section 8611 (relating to persons who may execute  
15 anatomical gift.).

16 § 8904. Applicability.

17 Nothing in this chapter shall be construed to apply to the  
18 utilization of human remains in a manner that meets the purposes  
19 set forth in Chapter 86 (relating to anatomical gifts).

20 Section 2. This act shall take effect in 60 days.