

DOCUMENT SOURCE Lawrence Berkeley Laboratory Archives and Records Office	
Records Series Title	<u>LBL Life Sciences Division</u>
	<u>R&D Administrative Files</u>
Accession No.	<u>434-90-0236</u>
File Code No.	<u>73-11-26</u>
Carton No.	<u>26/30</u>
Folder No.	<u>Encls Box</u>
Notes	
Found By	<u>John Storer</u>
Dates	<u>Copied 7-21-94</u>

COPY

713680

§ 7411 DEAD BODIES Div. 7

§ 7411. Renumbered § 10478. Stats.1955, c. 94, p. —, § 4

Historical Note

The renumbered section required the person in charge to sign the permit, endorse upon it the date of interment or cremation and return the permit to the local registrar. The section, enacted in 1929 as part of the codification was derived from Stats.1915, c. 378, p. 581, § 11; Stats.1927, c. 718, p. 1312, § 1.

§ 7412. Renumbered § 10182. Stats.1955, c. 94, p. —, § 8

Historical Note

The renumbered section related to the permit and return where a cemetery is located in two registration districts. The section was added by Stats.1939, c. 612, p. 2068.

§ 7413. Repealed. Stats.1951, c. 117, p. 375, § 1

Historical Note

This section, added by Stats.1945, c. 1057, related to human remains shipped into the state. The subject is now treated in Section 7503.

Part 2

DISINTERMENT AND REMOVAL

Chapter	Section
1. General Provisions	7500
2. Removals to Out-of-State Points [Repealed]	7550
3. Removal of All Remains: Cities of 1,500-100,000	7600
4. Removal of All Remains: Cities and Counties over 100,000	7700

Chapter 1

GENERAL PROVISIONS

Article	Section
1. Permits	7500
2. Consent to Removal	7525

Article 1

PERMITS

- Sec.
- 7500. Requirement of order for removal; record; contents.
 - 7501. Requirement of removal permit; application; issuance.
 - 7502. Removal of all remains in cemetery.

§ 7500. Requirement of order for removal; record; contents. No remains of any deceased person shall be removed from any cemetery, except upon written order of the health department having juris-

1089935

HUMAN SUBJECTS I
HISTORICAL 1972-1975

Part 2
tion, or c
is situated.
of the recor
from any ce
showing:
(a) Th
(b) Th
lars can be
were remov
(c) Th
buried.
If the
shall be me
removal sh
tory from v
copy of such
Derivation

Records of cen

to general 2
Construction

Library refer
Dead Bodies
Health
C.S. Dead
C.S. Dead

1. Construct
Section 758
tives or frien
had been in
governed or
disinterment
rules, regulat
church, applic
article and
viding for
upon breach
Nitty v. Olive
C.A.2d 452.

2. In general
Stats.1878,
disinter or
the remains
out a permit
with China
Chinese sh
copy of
shall be

DOCUMENT SOURCE	
Lawrence Berkeley Laboratory Archives and Records Office	
Records Series Title	<i>LBL Life Sciences Division</i>
<i>Rad Administrative Files</i>	
Accession No.	<i>434-90-0236</i>
File Code No.	<i>13-11-26</i>
Carton No.	<i>26/30</i>
Folder No.	<i>Enrico Box</i>
Notes	
Found By	<i>John Stoner</i>
Dates	<i>Copied 7-21-94</i>

COPY

Pt. 2 DISINTERMENT AND REMOVAL § 7500

diction, or of the superior court of the county in which such cemetery is situated. A duplicate copy of the order shall be maintained as a part of the records of the cemetery. Any person who removes any remains from any cemetery shall keep and maintain a true and correct record showing:

- (a) The date such remains were removed.
- (b) The name and age of the person removed, when these particulars can be conveniently obtained and the place to which the remains were removed.
- (c) The cemetery and the plot therein in which such remains were buried.

If the remains are disposed of other than by interment, a record shall be made and kept of such disposition. The person making the removal shall deliver to the cemetery authority operating the cemetery from which the remains were removed, a true, full and complete copy of such record. (Stats.1939, c. 60, p. 654, § 7500.)

Derivation: Stats.1931, c. 1148, p. 2446, § 23.

Cross References

Records of cemeteries, see § 8330 et seq.

Notes of Decisions

In general 2
Construction and application 1

Library references

Dead Bodies C-5.
Health C-35.
C.J.S. Dead Bodies § 4.
C.J.S. Health § 27.

1. Construction and application

Section 7950 providing that heirs, relatives or friends of decedent whose remains had been interred in cemetery owned, governed or controlled by church shall not disinter remains except in accordance with rules, regulations and discipline of such church, applies to a proceeding under this article and article 2 of this chapter, providing for disinterment of bodies based upon breach of contract for perpetual care. *Mitty v. Oliveira* (1932) 244 P.2d 921, 111 C.A.2d 432.

2. In general

Stats.1878, § 1, making it an offense to disinter or remove from the place of burial the remains of any deceased person without a permit, does not violate the treaty with China, 10 Stat. 740, providing that Chinese subjects in the United States shall enjoy entire liberty of conscience, and shall be exempt from all disability or per-

secution on account of their religious faith or worship. In re *Wong Yung Quy* (C.C. 1880) 2 F. 624, 6 Sawy. 442.

Performance, breach, enforcement or rescission of perpetual care contract executed by survivor with cemetery authority would have no compelling, persuasive or proper bearing upon question of whether or not court of equity should consent to removal and cremation contrary to presumed desires and in desecration of memory of decedents, and in contravention of canon law and tenets of their church in accordance with which their remains were buried, and was not sufficient reason to grant permission for removal and cremation. *Mitty v. Oliveira* (1932) 244 P.2d 921, 111 C.A.2d 432.

A county ordinance, prohibiting disinterment of dead bodies without permission of the county health officer, and imposing a fee of \$10 for permits unless the body is to be reinterred in the county, is not invalid as conflicting with Stats.1878, as amended in 1880, regulating disinterment of remains and transportation thereof in cities, towns, and cities and counties, nor does it conflict with Stats.1905, p. 115, providing for registration of deaths, nor with Stats.1907, p. 893, providing for preservation of the public health by regulating transportation, etc., of dead bodies. Ex parte *John* (1911) 118 P. 722, 17 C.A. 38.

DOCUMENT SOURCE Lawrence Berkeley Laboratory Archives and Records Office	
Records Series Title	<u>LBL Life Sciences Division</u>
	<u>R & D Administrative Files</u>
Accession No.	<u>434-90-0236</u>
File Code No.	<u>13-11-2.6</u>
Carton No.	<u>26/30</u>
Folder No.	<u>Entire Box</u>
Notes	
Found By	<u>John Stoner</u>
Dates	<u>Copied 7-21-94</u>

COPY

HEALTH AND SAFETY CODE § 8000

PART 2. DISINTERMENT AND REMOVAL

CHAPTER I. GENERAL PROVISIONS

§ 7501. Requirement of removal permit; applications; issuance; contents; destruction of permits

A cemetery authority shall not remove or permit the removal of any interred remains, unless a permit for the removal has been issued by the local registrar of the district in which the premises are located, and delivered to the cemetery authority. Any person entitled by law to remove any remains may apply to the local registrar for a permit to remove them. The local registrar shall issue a permit, which in all cases shall specify the name of a cemetery where the remains shall be interred, and shall retain a copy, except that if cremated remains are to be buried at sea as provided in Section 7117 of this code, the permit shall so specify and indicate the county where the fact of burial at sea shall be reported. After one year the local registrar may destroy any original or duplicate permit retained by him pursuant to this section. (As amended Stats.1965, c. 1300, p. 3185, § 3; Stats.1965, c. 1421, p. 3346, § 9.)

Stats.1965, c. 1290, p. 3153, § 4 provided: p. 3345] and in such case at the same time as said bill takes effect, at which time Section 7501 of the Health and Safety Code, as amended by Section 1 of this act is repealed."

§ 7525. Required consent; persons

Law Review Commentaries
Cemeteries and land use problems. (1967)
40 So.Cal.L.Rev. 724.

CHAPTER 2. REMOVALS TO OUT-OF-STATE POINTS [REPEALED]

The heading of Chapter 2 was repealed by Stats.1969, c. 39, p. —, § 10.

CHAPTER 4. REMOVAL OF ALL REMAINS; CITIES AND COUNTIES OVER 100,000

ARTICLE 12. REMOVAL BY COUNTIES

§ 8000. County cemeteries; conditions for disinterment and removal

If it appears to the board of supervisors of any county owning a county cemetery that:

- (a) It is necessary that the property be used for other purposes, and
- (b) The cemetery is located on a portion of the site of an existing county institution maintained for the relief of the indigent, sick and afflicted, and
- (c) Adequate facilities are otherwise provided for by the county for the burial of the indigent dead;

the board may, by following the procedure contained in this article, order the disinterment and removal of all human remains interred in such cemetery. (As amended Stats.1961, c. 303, p. 1345, § 1.)

Asterisks * * * Indicate deletions by amendment