

Ordinance No. 123356

Council Bill No. 116916

AN ORDINANCE regulating the commercial display of human remains, establishing that unlawful commercial display of human remains is a civil infraction, and creating a new section 14.14.010 of the Seattle Municipal Code.

Related Legislation File:

Date Introduced and Referred: <u>July 12, 2010</u>	To: (committee): <u>Housing, Human Services, Health, and Culture</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>7-19-10</u>	Date Presented to Mayor: <u>7-20-10</u>
Date Signed by Mayor: <u>July 27, 2010</u>	Date Returned to City Clerk: <u>July 28, 2010</u>
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Published in Full Text <input checked="" type="checkbox"/>	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Nick Licata

Bruce A. Hamilton

Committee Action:

Date	Recommendation	Vote
<u>pass</u>	<u>4-0 NL, SC, TR, BH</u>	<u>7/14/10 (CA)</u>

This file is complete and ready for presentation to Full Council.

Full Council Action:

Date	Decision	Vote
<u>7-19-10</u>	<u>Passed</u>	<u>9-0</u>

ORDINANCE 123356

AN ORDINANCE regulating the commercial display of human remains, establishing that unlawful commercial display of human remains is a civil infraction, and creating a new section 14.14.010 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Findings.

The Seattle City Council finds and declares as follows:

A. The Uniform Anatomical Gift Act, Ch. 68.64 RCW, requires any donor and specified authorized individuals to authorize the use of anatomical gifts for transplantation, therapy, research, and education purposes.

B. Officials responsible for unclaimed human remains are required to make a good faith attempt to notify the next of kin of the decedent.

C. The public commercial display of dead human bodies must be regulated to protect individual bodily integrity, as well as the social and cultural values of the City.

It is the intent of the City Council to require persons who participate in the public commercial display of dead human bodies to provide evidence of informed consent specific to the public exhibition and display of human remains from the decedent or relatives of humans whose remains are put on display, and to provide for the continued use of human remains in the educational, medical, and scientific communities to promote human health and safety.

Section 2. A new Chapter 14.14 is added to the Seattle Municipal Code as follows:

Human Dignity

Section 3. A new Section 14.14.010 of the Seattle Municipal Code is added as follows:

Commercial Display of Human Remains



(Ver. 2)

1 A. It shall be unlawful to display to the public human remains for consideration or
2 commercial purposes without valid written authorization from the deceased, which consent may
3 be given in the last will of the deceased, or by a person who has the right to control the
4 disposition of the remains pursuant to Ch. 68.50 RCW or Ch. 68.64 RCW, or any successor
5 legislation. The Director of Financial and Administrative Services or the Director's designee
6 shall determine the adequacy of the documentation offered to establish consent.
7

8 B. The provisions of this Section shall not apply to the display of human remains:

9 (1) More than 100 years old;

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

11 (3) As part of the ordinary display or viewing of the deceased at a funeral
12 establishment licensed by the Washington State Department of Licensing, or as part of a similar
13 funeral or memorial service; or,
14

15 (4) As objects of religious veneration.

16 C. There shall be a rebuttable presumption that human remains in the possession of
17 an institution accredited by the American Association of Museums or in the possession of a
18 museum facility of an accredited college or university are held in compliance with this Section.
19

20 D. Violation of this Section shall be a civil infraction as contemplated by RCW
21 Chapter 7.80 and subject as a Class 1 civil infraction under RCW 7.80.120(2) to a maximum
22 monetary penalty and a default amount of \$250.00 plus statutory assessments. Each day of
23 noncompliance shall be a separate violation, and the monetary penalties shall accumulate.
24

25 E. The City Attorney may bring a civil action in a court of competent jurisdiction to
26 enjoin a continuing violation of this Section.
27
28




(Ver. 2)

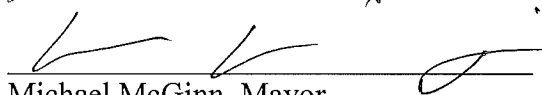
1 F. As used in this section, "commercial purposes" includes any display for which the
2 public is charged a fee or other consideration.

3 **Section 4.** This ordinance shall take effect and be in force thirty (30) days from and after
4 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
5 after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

6 Passed by the City Council the 19th day of July, 2010 and signed by me in open
7 session in authentication of its passage this 19th day of July, 2010

8
9
10 
11 President _____ of the City Council

12 Approved by me this 27th day of July, 2010.

13 
14 Michael McGinn, Mayor

15 Filed by me this 28th day of July, 2010.

16 
17 City Clerk

18 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Ben Noble / 4-8160	N/A

Legislation Title:

AN ORDINANCE regulating the commercial display of human remains, establishing that unlawful commercial display of human remains is a civil infraction, and creating a new section 14.14.010 of the Seattle Municipal Code.

• **Summary of the Legislation:**

This legislation would prohibit the display of human remains within Seattle without the written permission of the deceased or an individual legally empowered to control the remains.

• **Background:**

There have been at least two commercial displays of human bodies hosted within the city. A number of residents have raised concerns that the bodies used in these displays were acquired without the consent of appropriately authorized individuals.

• *Please check one of the following:*

This legislation does not have any financial implications

This legislation has financial implications.

Appropriations:

Fund Name and Number	Department	Budget Control Level*	2010 Appropriation	2011 Anticipated Appropriation
TOTAL				

**See budget book to obtain the appropriate Budget Control Level for your department.*

Notes: This ordinance includes no appropriations. The proposed regulations will not require any significant proactive enforcement and existing personnel within the Department of Finance and Administrative services should be able to staff any specific complaints or certification requests without additional resources.



Anticipated Revenue/Reimbursement Resulting From This Legislation:

Fund Name and Number	Department	Revenue Source	2010 Revenue	2011 Revenue
General Subfund		Admissions Tax		-\$45,000
TOTAL				

Notes: During its 2009-2010 tour, the “Bodies” exhibit which is the one known entity that would likely be affected by this ordinance generated about \$90,000 in revenue. The analysis presented here assumes that such an exhibit would otherwise visit the city every other year. If such an exhibit cannot meet the requirements set out in this legislation, the City will thus lose an average of \$45,000 per year. By current policy, 75% of admissions tax revenues are allocated to the Seattle Office of Arts and Cultural Affairs (OACA)^; and 25% to the General Fund. This implies a potential loss of \$34,000 per year for OACA and \$11,000 for the General Fund.

(^ The allocation to OACA is done on lagged basis. Seventy-five percent of the revenues received two years prior are allocated in the current calendar year, allowing a better basis for long-term planning. Thus, while there will be a two-year delay in the initial reduction, over time the lost revenue will directly impact the funds available to the Office.)

Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact:

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2010 Positions	2010 FTE	2011 Positions*	2011 FTE*
TOTAL							

Notes: This ordinance creates no positions.

Spending/Cash Flow:

Fund Name & #	Department	Budget Control Level*	2010 Expenditures	2011 Anticipated Expenditures
TOTAL				

Notes: This ordinance involves no spending.

- **What is the financial cost of not implementing the legislation?** Given that existing staff can implement these new regulations, no direct financial cost is anticipated.



- **Does this legislation affect any departments besides the originating department?**
The Department of Finance and Administrative Services is the only one affected by this legislation.
- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** County- or State-level regulation might provide an alternative approach to control the displaying of human remains without appropriate authorization.
- **Is the legislation subject to public hearing requirements:** No.