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CONSENT

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Bill No: AB 2331  
Author: Nguyen (D)  
Amended: 3/16/26 in Assembly  
Vote: 21

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SENATE JUDICIARY COMMITTEE: 11-0, 6/16/26  
AYES: Umberg, Niello, Allen, Caballero, Durazo, Laird, Reyes, Stern,  
Valladares, Wahab, Wiener  
NO VOTE RECORDED: Ashby, Weber Pierson  
  
ASSEMBLY FLOOR: 68-0, 4/16/26 (Consent) - See last page for vote

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**SUBJECT:** Cemeteries: removal of remains

**SOURCE:** Author

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**DIGEST:** This bill requires a superior court to grant an application for the removal of human remains, when the required consent from a family member cannot be obtained, if the application for permission establishes good cause for the removal.

**ANALYSIS:**

Existing law:

1) Defines the following relevant terms:

- a) “Human remains” or “remains” means the body of a deceased person, regardless of its stage of decomposition, and includes cremated, reduced, or hydrolyzed human remains. (Health & Safety (Saf.) Code, § 7001.)
- b) “Cemetery” means a burial park, a mausoleum, a crematory and columbarium, or a place where six or more human bodies are buried. (Health & Saf. Code, § 7003.)

- c) “Cemetery authority” is the entity or person owning or controlling cemetery lands or property. (Health & Saf. Code, § 7018.)
  - d) “Lot,” “plot,” or “interment plot” means space in a cemetery used or intended to be used for the interment of human remains. (Health & Saf. Code, § 7022.)
- 2) Provides that the remains of a deceased person may be removed from a plot in a cemetery with the consent of the cemetery authority and the consent of one of the following, in the order named:
- a) The surviving spouse.
  - b) The surviving children.
  - c) The surviving parents.
  - d) The surviving brothers or sisters. (Health & Saf. Code, § 7525.)
- 3) Provides that, if the required consent cannot be obtained under 2), permission by the superior court of the county where the cemetery is situated may be granted in lieu of consent. (Health & Saf. Code, § 7526.)
- 4) Requires notice of an application for permission under 3) to be given, at least 10 days prior thereto if by personal service, or at least 15 days prior thereto if by mail, to the cemetery authority and to the persons not consenting, and to every other person or association on whom service of notice may be required by the court. (Health & Saf. Code, § 7527.)
- 5) Provides that the requirement for consent or a court order does not apply in the following circumstances:
- a) When the remains will be moved from one plot to another in the same cemetery, or the removal of remains is from a plot for which the purchase price is past due and unpaid, and the remains will be moved to another suitable place within the same cemetery.
  - b) When the disinterment is ordered by the court or coroner. (Health & Saf. Code, § 7528.)

This bill requires a court to grant an application to move remains from a plot in a cemetery, when consent cannot be obtained, upon a showing of good cause.

**Comments**

Current law provides that the remains of a deceased person may not, in most circumstances, be removed from a cemetery plot without either (1) consent of the cemetery authority and a qualified family member, or (2) an order from the superior court granting permission for the removal.

This bill requires a superior court to grant an application for the removal of human remains, when the required consent from a family member cannot be obtained, if the application for permission establishes good cause for the removal.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: No Local: No

**SUPPORT:** (Verified 6/17/26)

California League of United Latin American Citizens

**OPPOSITION:** (Verified 6/17/26)

None received

**ARGUMENTS IN SUPPORT:** According to the California League of United Latin American Citizens:

Under existing law, when required consent cannot be obtained, permission from the superior court is sufficient to allow the removal of remains from a cemetery plot. However, current law does not clearly direct courts on when such applications should be granted. AB 2331 provides needed clarity by requiring the court to grant an application when the petitioner demonstrates good cause.

For Latino families and many immigrant, farmworker, and working-class communities, burial traditions and the ability to honor loved ones in accordance with family, cultural, and religious wishes are deeply meaningful. When loved ones are buried far from family, or in circumstances unknown to their relatives at the time of death, families deserve a fair and accessible process to seek relief.

**ASSEMBLY FLOOR:** 68-0, 4/16/26

**AYES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Boerner, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Elhawary, Ellis, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos,

Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Arambula, Berman, Bonta, Dixon, Flora, Harabedian, Hart, Hoover, Irwin, Papan, Celeste Rodriguez, Schiavo

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113  
6/18/26 16:33:42

\*\*\*\* END \*\*\*\*