

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health Regulation Committee

BILL: CS/SB 414

INTRODUCER: Health Regulation Committee and Senator Crist

SUBJECT: Conveyance of Bodies

DATE: April 6, 2009 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McKay	Wilson	GO	Fav/1 amendment
2.	Munroe	Wilson	HR	Fav/CS
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill permits certain accredited entities to convey plastinated bodies into or out of the state for exhibition and educational purposes without the consent of the anatomical board, if the museum notifies that board regarding the duration and location of the exhibition at least 30 days before the intended conveyance, and if the entity can document that the plastinated body has been legally donated for the purpose of plastination.

This bill amends section 406.61, Florida Statutes.

II. Present Situation:

“Plastination” or “polymer preservation” is a technique used to preserve bodies or body parts. The water and fat are replaced with curable polymers or plastics, yielding specimens that can be touched, do not smell or decay, and retain microscopic properties of the original specimen.¹

¹ See, the website for *BODIES HUMAN ANATOMY IN MOTION* at <<http://bodieshuman.com/plastination.html>> (Last visited on April 3, 2009) and <<http://en.wikipedia.org/wiki/Plastination>> (Last visited on April 3, 2009).

Plastination requires four main steps. First, decomposition of the body must be stopped, requiring the body to be embalmed, usually in a formaldehyde solution. Thereafter, the body or body part is placed in a bath of acetone. Under freezing conditions, the acetone draws out all the water and the acetone replaces it inside the cells. In the next step, the body or body part is placed in a bath of liquid polymer, such as silicone rubber, polyester or epoxy resin. The acetone is forced to boil by creating a vacuum. As the acetone vaporizes and leaves the cells, it draws the liquid polymer in behind it, leaving a cell filled with liquid plastic. In the next step, gas, heat or UV light is used to harden or cure the plastic.

Part II of chapter 406, F.S., regulates the disposition of dead bodies. Section 406.61, F.S., makes the sale of a body or body parts a misdemeanor of the first degree. Further, it makes the transmission or conveyance of a body or body parts outside the state a misdemeanor of the first degree, except by a recognized Florida medical or dental school.

Section 406.50, F.S., specifies that the “anatomical board” means the anatomical board located at the University of Florida Health Science Center. Section 406.61, F.S., does not prohibit the anatomical board from transporting human specimens outside the state for educational or scientific purposes nor does it prohibit the transport of bodies, parts of bodies, or tissue specimens in furtherance of lawful examination, investigation, or autopsy. Any person, institution, or organization that conveys bodies or parts of bodies into or out of the state for medical education or research purposes must notify the anatomical board of their intent and receive approval from the board.

In the summer of 2005, the anatomical board, which regulates the distribution of cadavers for research and education, voted 4-2 against a proposed exhibit of plastinated bodies at Tampa’s Museum of Science and Industry (MOSI). According to news reports, the board wanted written records from the show’s promoters that the donors or their families consented to the transport and use of their bodies in the exhibit.² The attorney general opined that the anatomical board had jurisdiction but declined to seek an injunction.³ Despite the ban, the museum opened the exhibit, claiming that the anatomical board did not have jurisdiction over the exhibit because the law refers to medical education at a medical school, not public education at a museum. The exhibit broke attendance records at the MOSI.⁴

According to its website, the American Association of Museums (AAM) “is the only organization representing the entire scope of museums and professionals and nonpaid staff who work for and with museums. We currently represent more than 15,000 individual museum professionals and volunteers, 3,000 institutions, and 300 corporate members.” The AAM, through its Accreditation Commission, evaluates museums for accreditation based on the established program standards and requirements.⁵ Two core questions guide each review: (1) How well does the museum achieve its stated mission and goals?; and (2) How well does the

² See “*Florida Museumgoers Line Up to See Corpses*,” by Abby Weingarten, *The New York Times*, August 20, 2005.

³ See “*Defiant MOSI unveils Bodies*,” by Kevin Graham, *St. Petersburg Times*, August 18, 2005.

⁴ See “*Human Cadaver Exhibit Breaks Tampa Museum Records*,” *Chamber News by The Greater Tampa Bay Chamber of Commerce*, August 23, 2005.

⁵ A more detailed explanation can be found at the following URL: <<http://www.aam-us.org/museumresources/accred/standards.cfm>> (Last visited on April 3, 2009).

museum's performance meet standards and best practices as they are generally understood in the museum field, as appropriate to its circumstances? The review is composed of the following seven parts:

1. Public Trust and Accountability, which is determined by the following standards: the museum is a good steward of its resources held in the public trust; the museum identifies the communities it serves, and makes appropriate decisions in how it serves them, regardless of its self-identified communities; the museum strives to be a good neighbor in its geographic area; the museum strives to be inclusive and offers opportunities for diverse participation; the museum asserts its public service role and places education at the center of that role; the museum demonstrates a commitment to providing the public with physical and intellectual access to the museum and its resources; the museum is committed to public accountability and is transparent in its mission and its operations; and, the museum complies with local, state, and federal laws, codes, and regulations applicable to its facilities, operations, and administration.

2. Mission and Planning, which is determined by the following standards: the museum has a clear understanding of its mission and communicates why it exists and who benefits as a result of its efforts; all aspects of the museum's operations are integrated and focused on meeting its mission; the museum's governing authority and staff think and act strategically to acquire, develop, and allocate resources to advance the mission of the museum; the museum engages in ongoing and reflective institutional planning that includes involvement of its audiences and community; and, the museum establishes measures of success and uses them to evaluate and adjust its activities.

3. Leadership and Organizational Structure, which is determined by the following standards: the governance, staff, and volunteer structures and processes effectively advance the museum's mission; the governing authority, staff, and volunteers have a clear and shared understanding of their roles and responsibilities; the governing authority, staff, and volunteers legally, ethically, and effectively carry out their responsibilities; the composition, qualifications, and diversity of the museum's leadership, staff, and volunteers enable it to carry out the museum's mission and goals; and, there is a clear and formal division of responsibilities between the governing authority and any group that supports the museum, whether separately incorporated or operating within the museum or its parent organization.

4. Collections Stewardship, which is determined by the following standards: the museum owns, exhibits, or uses collections that are appropriate to its mission; the museum legally, ethically, and effectively manages, documents, cares for, and uses the collections; the museum's collections-related research is conducted according to appropriate scholarly standards; the museum strategically plans for the use and development of its collections; and, guided by its mission, the museum provides public access to its collections while ensuring their preservation.

5. Education and Interpretation, which is determined by the following standards: the museum clearly states its overall educational goals, philosophy, and messages, and demonstrates that its activities are in alignment with them; the museum understands the characteristics and needs of its existing and potential audiences and uses this understanding to inform its interpretation; the museum's interpretive content is based on appropriate research; the museums conducting primary research do so according to scholarly standards; the museum uses techniques,

technologies, and methods appropriate to its educational goals, content, audiences, and resources; the museum presents accurate and appropriate content for each of its audiences; the museum demonstrates consistent high quality in its interpretive activities; and, the museum assesses the effectiveness of its interpretive activities and uses those results to plan and improve its activities.

6. Financial Stability, which is determined by the following standards: the museum legally, ethically, and responsibly acquires, manages, and allocates its financial resources in a way that advances its mission; and, the museum operates in a fiscally responsible manner that promotes its long-term sustainability.

7. Facilities and Risk Management, which is determined by the following standards: the museum allocates its space and uses its facilities to meet the needs of the collections, audience, and staff; the museum has appropriate measures to ensure the safety and security of people, its collections and/or objects, and the facilities it owns or uses; the museum has an effective program for the care and long-term maintenance of its facilities; the museum is clean and well-maintained, and provides for the visitors' needs; the museum takes appropriate measures to protect itself against potential risk and loss.⁶

According to its website, the Association of Science-Technology Centers (ASTC) “. . . is an organization of science centers and museums dedicated to furthering the public understanding of science among increasingly diverse audiences.”⁷ The ASTC has more than 540 members in 40 countries. Members include science-technology centers, science museums, nature centers, aquariums, planetariums, zoos, botanical gardens, space theaters, and natural history and children's museums.

III. Effect of Proposed Changes:

The bill makes clarifying grammatical changes to s. 406.61, F.S. Further, the bill provides that an entity accredited by the American Association of Museums or certified by the Association of Science-Technology Centers may convey plastinated bodies into, within, or out of the state for exhibition and educational purposes without the consent of the anatomical board if that entity notifies the anatomical board regarding the duration and location of the exhibition at least 30 days before the intended conveyance, and can document that the plastinated body has been legally donated for the purpose of plastinization.

The effective date of the bill is July 1, 2009.

⁶ Additional information about the accreditation process may be found at the following URL: < <http://www.aamus.org/museumresources/accred/standards.cfm> > (Last visited on April 3, 2009).

⁷ See the website of the Association of Science-Technology Centers at: < <http://www.astc.org/> > (Last visited on April 3, 2009).

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Regulation on April 6, 2009:

The committee substitute changes the documentation required to exhibit plastinated bodies. Instead of documentation showing that the plastinated body is not provided through the unlawful detainment of a citizen, the exhibitor must provide documentation that the body has been legally donated for the purpose of plastination.

B. Amendments:

Barcode 193544 by Governmental Oversight and Accountability on March 11, 2009:

The amendment changes the documentation required to exhibit plastinated bodies.

Instead of documentation showing that the plastinated body is not provided through the unlawful detainment of a citizen, the exhibitor must provide documentation that the body has been legally donated for the purpose of plastinization.