

## NATIVE AMERICAN HERITAGE COMMISSION

MAY 9, 2025

## Draft CalNAGPRA Enforcement Regulations

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California Health & Safety Code section 8029 allows the Native American Heritage Commission (NAHC) to impose civil penalties up to the amount of \$20,000 for violations of California Native American Graves Protection and Repatriation Act. (CalNAGPRA) However, regulations are required before the NAHC may take enforcement action for non-compliance with CalNAGPRA. The draft regulations provide that enforcement of the provisions of CalNAGPRA will be pursued in instances where an institution in possession or control of Native American human remains or cultural items does not receive federal funds and therefore is subject only to state law. In the alternative, enforcement provisions of CalNAGPRA will be pursued when those who are subject to the Native American Graves Protection and Repatriation Act (NAGPRA) are not taking actions determined to be in good faith compliance with federal law, as is determined by the NAGPRA program manager.

The draft CalNAGPRA enforcement regulations are being released for early tribal consultation and comment prior to initiating the formal rulemaking process.