

Honolulu, Hawaii

April 30, 2009

RE: H.B. No. 28  
H.D. 1  
S.D. 2  
C.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 28, H.D. 1, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO DEAD HUMAN BODIES,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to prevent commercial exploitation of human body remains by:

- (1) Prohibiting the sale or display of dead human bodies, including human bodies or remains that have been plastinated through the use of polymers; and
- (2) Increasing the monetary penalty for misuse of a dead human body from \$1,000 to \$5,000.



Your Committee on Conference has amended this bill by:

- (1) Clarifying that the display of a dead human body for commercial purposes is prohibited; provided that the prohibition does not apply to a display of a dead human body that:
  - (A) Has been dead for more than 80 years;
  - (B) Consists solely of human teeth or hair;
  - (C) Is part of the ordinary display or viewing of the deceased at a funeral establishment or part of a similar funeral or memorial service;
  - (D) Is an object of religious veneration;
  - (E) Is an object of research or educational display in the possession of any federal, state, or county agency, any public or private institution of higher learning accredited under federal or state law, or any private entity in receipt of a federal, state, or county grant for health-related research; or
  - (F) Is in the possession of a museum facility;
- (2) Changing the definition of "dead human body" to mean an individual who has sustained either irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of the entire brain, including the brain stem; provided that the determination of death be made in accordance with accepted medical standards;
- (3) Adding a definition of "museum facility";
- (4) Changing its effective date to upon its approval; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 28, H.D. 1, S.D. 2, as amended herein, and recommends that

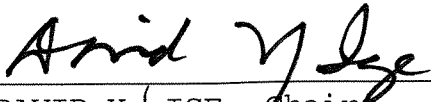



it pass Final Reading in the form attached hereto as H.B. No. 28,  
H.D. 1, S.D. 2, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE SENATE

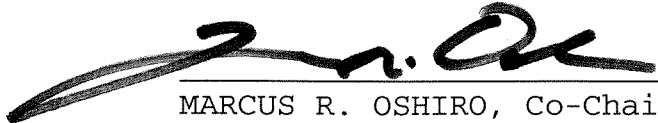
ON THE PART OF THE HOUSE

  
\_\_\_\_\_  
DAVID Y. IGE, Chair

  
\_\_\_\_\_  
RYAN I. YAMANE, Co-Chair

  
\_\_\_\_\_  
BRIAN T. TANIGUCHI, Co-Chair

  
\_\_\_\_\_  
JON RIKI KARAMATSU, Co-Chair

  
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MARCUS R. OSHIRO, Co-Chair



**Record of Votes of a  
Conference Committee**

Bill / Concurrent Resolution No.: HB 28, HD 1, SD 2	Date/Time: 4/27/09 4:15pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

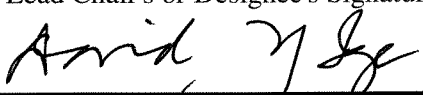
The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
IGE, David Y., Chr.	/				YAMANE, Ryan I., Co-Chr.	/			
TANIGUCHI, Brian T., Co-Chr.	/				KARAMATSU, Jon Riki, Co-Chr.	/			
SLOM, Sam	/				OSHIRO, Marcus R., Co-Chr.	/			
					FINNEGAN, Lynn				/
<b>TOTAL</b>	0				<b>TOTAL</b>	3			1

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is:  
 Adopted       Not Adopted

House Recommendation is:  
 Adopted       Not Adopted

Senate Lead Chair's or Designee's Signature:  


House Lead Chair's or Designee's Signature:  


**Distribution:**      **Original**      **Yellow**      **Pink**      **Goldenrod**  
 File with Conference Committee Report      House Clerk's Office      Senate Clerk's Office      Drafting Agency