

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

## House Committee on Health

### HB0029, RELATING TO DEAD HUMAN BODIES

Testimony of Chiyome Leinaala Fukino, M.D.  
Director of Health

January 27, 2009  
10:00 AM

1 **Department's Position:** The Department of Health cannot support this measure as written.

2 **Fiscal Implications:** Absorbing a new function into existing staff resources.

3 **Purpose and Justification:** This measure asks the Department of Health to issue permits for  
4 exhibitions involving the commercial display of dead human bodies, to promulgate administrative rules  
5 governing the permit process, and creates a human remains exhibit permit fund to hold permit fees  
6 collected in order to fund the administration of this new duty.

7 While the Department appreciates and respects what this measure is attempting to accomplish,  
8 we believe the issuance of permits for public exhibitions is a business regulation matter. There is no  
9 danger to the public health and safety from this type of exhibition; and, therefore, such permitting is not  
10 within the purview of the Department of Health.

11 Thank you for the opportunity to testify.

nishimoto2-Bryce

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**From:** Angel Yanagihara [angel@pbrc.hawaii.edu]  
**Sent:** Monday, January 26, 2009 7:48 AM  
**To:** HLTtestimony  
**Subject:** Support of HB 28 & 29 Hearings on Tuesday, January 27, 2009  
**Attachments:** image001.wmz: image002.pcz: image003.aif

January 26, 2009

Rep. Ryan I. Yamane, Chair  
Committee on Health  
Conference Room 329  
State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

RE: Support of HB 28 & 29 Hearings on Tuesday, January 27, 2009

Dear Rep. Yamane:

I respectfully submit this letter in strong support of HB 28 and 29 aimed at limiting commercial exploitation of human body remains and the letter submitted by Dr. Scott Lozanoff. I am an Assistant Research Professor in the Pacific Biosciences Research Center at the University of Hawaii at Manoa. As both a research scientist and private citizen, I strongly agree that such important safeguards should be set forth to prevent exploitation of human remains.

Aloha,

Angel A. Yanagihara, Ph.D.  
Assistant Research Professor  
Bekesy Laboratory of Neurobiology  
1993 East West Road  
Pacific Biosciences Research Center  
University of Hawaii at Manoa  
Honolulu, HI 96822  
Tel 808 956-8328  
FAX 808 956-8713

# UNIVERSITY OF HAWAI'I AT MANOA

John A. Burns School of Medicine  
Department of Anatomy, Biochemistry & Physiology

January 26, 2009

Rep. Ryan I. Yamane, Chair  
Committee on Health  
Conference Room 329  
State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

**RE: HB 28 & 29, House Committee on Health, Hearings on Tuesday, January 27, 2009, 10:00 AM, Conference Room, 329**

Dear Rep. Yamane:

I provide this letter in strong support of HB 28 and 29 aimed at limiting commercial exploitation of human body remains. I am Chairman of the Department of Anatomy, Biochemistry & Physiology and I supervise the Willed Body Program at the John A. Burns School of Medicine (JABSOM). This Program is responsible for the procurement and use of human remains for the purpose of medical and allied medical education and research.

Anatomical dissection is indispensable for the proper understanding of the human body for the purpose of medical treatment. The cadaver enables the student to understand spatial relationships in three dimensions that otherwise are impossible to fully understand from two-dimensional depictions in books or computer programs. In many instances, the cadaver is the first experience that a student has with death and it provides a source of humility and compassion. The dissection process also facilitates teamwork among the dissection group and promotes a sense of cooperation and mutual understanding among students. Thus, the availability of cadavers is critical to the medical and allied medical education curriculum at JABSOM advancing the health status of our entire community. The policies of JABSOM's Willed Body Program have been published in the *Hawaii Medical Journal* (*Labrash and Lozanoff, 2007, Standards and guidelines of the Willed Body donations at the John A. Burns School of Medicine, 2007, Hawaii Medical Journal, 66:74-75*) and thus available for public review. Numerous altruistic community members and their families have unselfishly donated their bodies to JABSOM for the purpose of medical and allied medical education and training. Thus, a sufficient number of cadavers are currently available.

651 Ilalo Street, Honolulu, Hawai'i 96813  
Telephone: (808) 692-1440, Facsimile: (808) 692-1951  
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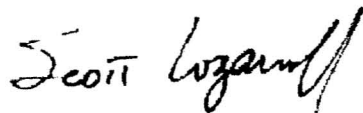
An insufficient supply of cadavers existed for medical education during the 19<sup>th</sup> century and commercial exploitation was rampant resulting in the promulgation of the Uniform Anatomical Gift Act. This law contributed to the demise of grave robbing by unscrupulous individuals attempting to benefit financially from families of less fortunate individuals who did not have the financial means to insure proper disposition of the remains following death. Under current Hawaii State Statutes, business people could benefit financially from the procurement, display and sale of human remains, particularly unclaimed bodies in much the same fashion. The indigent population is especially at risk since they have no financial means to insure proper handling of their bodies after death. Commercial exploitation has the potential to impact negatively on our Willed Body Program at JABSOM since the public associates these exploitative activities with our program, even though absolutely no relationship exists. Nonetheless, we frequently see a downturn in body donations when negative activities concerning unethical procurement, display, and body disposition occur in Hawaii diminishing the credibility of our own program and sustaining a negative impact on our educational activities as well as community health in general.

Specific examples exist that have impacted negatively or have the potential to do so. Premier Exhibits recently debuted “Bodies The Exhibition” at Ala Moana. This exhibition displayed plastinated human specimens for profit, and was sued in New York by the State Attorney General because “it is not able to confirm that the bodies on display are not Chinese prisoners who may have been tortured and executed” (NY Times, Saturday, May 31, 2008). Overwhelming evidence exists to suggest that individuals used in the Exhibition were executed Chinese prisoners. Another example is a commercial website link (“dot.com”) recently posted for a company in Hawaii requesting body donations for what is described as medically related activities, but simultaneously indicates on a downloadable Donation Consent form that the company “*may provide my body or tissues derived thereof to other appropriate institutions, domestic and abroad, to maximize the Medical, Scientific, and Educational benefits of my donation.*” It would appear that this company is prepared to accept body donations from Hawaiian residents and distribute them beyond state and federal borders. This begs the question: Why should human remains leave the state and how does a human body procurement company finance its operation for such extensive distribution?

The use of human remains after death is interpreted differently by individuals based on their own spiritual or cultural perceptions. Some might argue that procuring, selling, and public display of postmortem human remains is an individual right and choice superseding any rules introduced by the government. However, commercialization of postmortem remains reduces the human body to a commodity potentially ignoring donor rights on one hand, particularly in the case of an unclaimed body, and a procurer’s ethical responsibilities to a family and society. A government must ensure proper respect and final disposition of human remains otherwise it is a small

step to objectifying and commodifying human body parts prior to death. House Bills 28 and 29 seek to address the issue of commercialized display and distribution of human body parts taking its place among other such bills passed in New York, Pennsylvania, and California. Ultimately, our state government is responsible for human health in our community and House Bills 28 & 29 will go a long way to ensure ethical treatment of human remains thus promoting human health and individual respect within our community.

Aloha,

A handwritten signature in black ink that reads "Scott Lozanoff". The signature is written in a cursive style with a large, stylized "S" and "L".

Scott Lozanoff, PhD  
Professor and Chair

January 26, 2009

Representative Ryan I. Yamane:

I am writing in strong support of House Bills 28 and 29 designed to prevent commercial use of human bodies. I served as the Director of the Willed Body Program of the John A. Burns School of Medicine for 25 years. This program is essential to the training of physicians as well as other allied health professionals and any misuse of human remains seriously jeopardizes its success. In order for potential donors to feel secure in their decision to donate their bodies for medical education purposes, they need to know that the bodies will be treated with respect. Permitting commercial use of human bodies undermines any respect and thereby damages the possibility of donations.

We have recently had an example of the commercial use of human remains at Ala Moana. That company, Premier Exhibitions, has been forced out of several states because they could not identify the bodies and it now appears that they were purchasing bodies of executed Chinese prisoners. Such commercial use of the human body offends our conscience as anatomists and medical professionals. In our Willed Body Program, we have held to the principle that donations would only be accepted if they were the donor's expressed wishes. These are the same principles espoused by the American Assoc. of Clinical Anatomists which has denounced the misuse of human remains by Premier Exhibitions and others hoping to profit from the commercial display of cadaveric specimens.

I understand there has been a recent advertisement soliciting body donations for a fee for use both here in Hawaii and abroad by an unnamed group. This is another example of how essential it is to prevent the improper acquisition and commercial use of human remains by enacting legislation now. I urge you to support both House Bills 28 and 29.

Marita L. Nelson, Ph.D.  
Emerita Professor of Clinical Anatomy  
Dept. of Pathology  
John A. Burns School of Medicine