
A BILL FOR AN ACT

RELATING TO DEAD HUMAN BODIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 327, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . COMMERCIAL DISPLAY OF DEAD HUMAN BODIES**

5 **§327-A Definitions.** As used in this part, unless the
6 context otherwise requires:

7 "Commercial display" means either of the following:

- 8 (1) A display for which the public is charged a fee or
9 other consideration as a condition of viewing; or
10 (2) A display for which an exhibitor accepts payment or
11 other consideration.

12 "Dead human body" means either of the following:

- 13 (1) A lifeless human body, or any part of a lifeless human
14 body, including the bones thereof, from the state of
15 which it reasonably may be concluded that death
16 recently occurred; or
17 (2) Plastinated human bodies or remains, including tissue,
18 organs, and other body parts, that are preserved from



1 decay by replacing the water and fats in the human
2 remains with a polymer.

3 "Department" means the department of health.

4 "Director" means the director of health.

5 "Exhibitor" means a person or entity that publicly displays
6 or contracts to publicly display dead human bodies.

7 "Museum facility" means a public or private nonprofit
8 institution that:

9 (1) Is accredited by the American Association of Museums
10 or is part of an accredited college or university;

11 (2) Is organized on a permanent basis for essentially
12 educational or aesthetic purposes; and

13 (3) Owns or uses tangible objects, cares for those
14 objects, and exhibits them to the general public on a
15 regular basis.

16 **§327-B Commercial display of dead human bodies;**

17 **prohibition; exceptions.** (a) Except as provided in subsection

18 (b), a commercial display of dead human bodies is prohibited
19 unless a permit for the display has been issued by the
20 department, pursuant to section 327-C.

21 (b) This section shall not apply to a display of a dead
22 human body that:



- 1 (1) Has been dead for more than eighty years;
- 2 (2) Consists solely of human teeth or hair;
- 3 (3) Is part of the ordinary display or viewing of the
4 deceased at a funeral establishment or part of a
5 similar funeral or memorial service;
- 6 (4) Is an object of religious veneration; or
- 7 (5) Is in the possession of a museum facility; provided
8 that if the museum facility paid or offered other
9 consideration to an exhibitor to display the body, and
10 the body is not exempt under paragraphs (1) to (4),
11 inclusive, the exhibitor shall be required to obtain a
12 permit pursuant to section 327-C.

13 **§327-C Commercial display of dead human bodies;**
14 **requirements for permit; fee.** (a) The department may issue a
15 permit to any person for the purpose described in section 327-B
16 only upon a determination by the director that the person has
17 met the requirements to exhibit dead human bodies, which shall
18 be adopted as rules by the department in accordance with section
19 327-G. The rules shall include but not be limited to a
20 requirement that valid written authorization to display a dead
21 human body for consideration has been obtained from any of the
22 following individuals:



1 (1) The decedent, including but not limited to
2 authorization given by will; or

3 (2) A person authorized to make an anatomical gift under
4 the Revised Uniform Anatomical Gift Act, sections 327-
5 4 and 327-9.

6 (b) If the dead human body is that of a minor, the valid
7 written authorization required by subsection (a) shall be
8 executed by the minor's parent or legal guardian.

9 (c) The amount of the fee for a permit issued pursuant to
10 this section shall be determined by the department and shall be
11 no more than is reasonably necessary to fund the administration
12 of this chapter.

13 **§327-D Human remains exhibit permit fund.** There is
14 established in the state treasury the human remains exhibit
15 permit fund, into which shall be deposited the fees collected
16 pursuant to section 327-C. The department shall use the moneys
17 in this fund for the purposes of administering this chapter.

18 **§327-E Anatomical gifts permitted.** Nothing in this
19 chapter shall be construed to apply to the use of dead human
20 bodies in a manner that meets the purposes set forth in the
21 Revised Uniform Anatomical Gift Act.



1 **§327-F Publication and broadcast permitted.** Nothing in
2 this chapter shall be construed to apply to:

3 (1) The publisher of any newspaper, periodical, or other
4 publication;

5 (2) The producer of a motion picture or other visual or
6 audiovisual work;

7 (3) Any radio or television broadcaster; or

8 (4) The owner or operator of any cable, satellite, or
9 other medium of communication who broadcasts,
10 produces, or publishes, including over the Internet.

11 **§327-G Rules.** (a) The department shall adopt rules
12 pursuant to chapter 91 necessary for the purposes of this
13 chapter, including but not limited to rules that prescribe the
14 requirements described in section 327-C.

15 (b) Notwithstanding any other provision of law, whenever
16 the department is authorized or required by statute, rule, or
17 due process to conduct an adjudicative hearing leading to a
18 final decision by the director, the proceeding shall be
19 conducted pursuant to the administrative adjudication provisions
20 of chapter 91.

21 **§327-H Preemption.** Nothing in this chapter shall preempt
22 county regulation of the commercial display of dead human



1 bodies. An ordinance passed on or after January 1, 2010, on the
2 same subject is not preempted; provided that the restrictions
3 contained therein are more restrictive than those contained in
4 rules adopted pursuant to this chapter."

5 SECTION 2. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun, before its effective date.

8 SECTION 3. In codifying the new sections added by section
9 1 of this Act, the revisor of statutes shall substitute
10 appropriate section numbers for the letters used in designating
11 the new sections in this Act.

12 SECTION 4. This Act shall take effect on July 1, 2046.



Report Title:

Dead Bodies; Commercial Display

Description:

Prohibits the commercial display of dead human bodies without a permit from the department of health. (HB29 HD1)

