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# A BILL FOR AN ACT

RELATING TO DEATH BENEFITS.

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

1           SECTION 1. Act 205, Session Laws of Hawaii 2010, decreased  
2 death benefits for medical and financial assistance recipients  
3 to an amount equal to the Social Security Administration's one-  
4 time lump-sum death benefit. Act 205 has a sunset date of June  
5 30, 2012, at which time the decrease in the death benefit will  
6 be repealed.

7           In the current economic climate of decreased state revenue  
8 and the unfortunate necessity of reducing medical assistance  
9 benefits, identifying areas to decrease expenditures with  
10 minimal impact on the public becomes increasingly important.  
11 The senate committee on ways and means stated in Senate Standing  
12 Committee Report No. 3033, 2010 Senate Journal, that "the  
13 State's economic difficulties threaten the provision of human  
14 services under many state programs. Your Committee finds that,  
15 despite budget cuts and realignments, it is important to  
16 maintain the level of services that are provided to the neediest  
17 populations in the State." Maintaining the decreased death



1 benefit amount authorized in Act 205 will help preserve health  
2 care benefits for low-income adults and children.

3       Additionally, language in Act 205 appears to make the  
4 department of human services responsible for authorizing the  
5 disposition of unclaimed dead human bodies. Clarification is  
6 needed to ensure that the department pays for mortuary and  
7 crematory costs for unclaimed dead human bodies only after the  
8 determination that the dead human body is unclaimed has been  
9 approved.

10       The purpose of this Act is to:

- 11       (1) Make permanent the reduced death benefit under Act 205  
12           in order to avoid the need for further reductions to  
13           necessary health care assistance; and
- 14       (2) Clarify that the department of human services is only  
15           responsible for the payment of crematory and mortuary  
16           services for unclaimed dead human bodies after a  
17           determination of the body's unclaimed status has been  
18           approved.

19       SECTION 2. Section 346-15, Hawaii Revised Statutes, is  
20 amended as follows:

- 21       1. By amending its title to read:



1           "**§346-15 Death benefits for deceased medical or financial**  
2 **assistance recipients and disposition of unclaimed [~~corpses~~]**  
3 **dead human bodies."**

4           2. By amending subsection (b) to read:

5           "(b) All unclaimed dead human bodies shall be cremated.

6 The department may [~~authorize and~~] bear the cost of the mortuary  
7 and crematory services for unclaimed [~~corpses~~] dead human bodies  
8 furnished by any licensed provider of mortuary or crematory  
9 services. Payments for mortuary and crematory services shall be  
10 made to the extent of the cost, or in the sum of \$800 in total,  
11 whichever is less, for each unclaimed [~~corpse~~] dead human body.  
12 Individuals who have possession, charge, or control of any  
13 unclaimed dead human body to be cremated at public expense shall  
14 within sixty days from the date of death, submit in writing to  
15 the department the individual's determination that the dead  
16 human body is unclaimed and an application for payment for  
17 cremation; provided that the county medical examiners or  
18 coroners shall have no time limitation by which to submit their  
19 written determination that the dead human body is unclaimed and  
20 their application for payment for cremation.

21           The department shall review the application, including the  
22 written description of the efforts used in making the



1 determination that a dead human body is unclaimed, and approve  
2 the application for purposes of payment of the mortuary and  
3 crematory services, if it meets the department's requirements."

4 3. By amending subsection (e) to read:

5 "(e) For the purposes of this section, [~~"unclaimed~~  
6 ~~corpse"~~] "unclaimed dead human body" means the remains of any  
7 deceased person for whom no one has assumed responsibility for  
8 disposition of the body [~~within five working days, excluding~~  
9 ~~weekends, from the date of death and about whom the department~~  
10 ~~and the respective county medical examiner or coroner have no~~  
11 ~~actual knowledge of a legally responsible party.] and no legally  
12 responsible individual has been identified."~~

13 SECTION 3. Act 205, Session Laws of Hawaii 2010, is  
14 amended by amending section 9 to read as follows:

15 "SECTION 9. This Act shall take effect on July 1, 2010;  
16 provided that on June 30, 2012, parts I and III of this Act  
17 shall be repealed and [~~sections 346-15 and~~] section 346-59.9,  
18 Hawaii Revised Statutes, shall be reenacted in the form in which  
19 [~~they~~] it read on the day prior to the effective date of this  
20 Act; and provided further that section 6 of this Act shall take  
21 effect retroactive to May 1, 2010."



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on June 29, 2012.



**Report Title:**  
Death Benefits

**Description:**

Makes permanent the reduced death benefits for medical and financial assistance recipients, clarifies that the Department of Human Services may bear the cost for crematory and mortuary services for unclaimed dead human bodies only after approving the determination that a dead human body is unclaimed, and sets time limitations to submit a written determination that a dead human body is unclaimed and apply for crematory payment to the Department of Human Services. Effective June 29, 2012. (HB2534 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

