

Honolulu, Hawaii

February 7, 2013

RE: H.B. No. 134
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which
was referred H.B. No. 134 entitled:

"A BILL FOR AN ACT RELATING TO DISPOSITION OF REMAINS,"

begs leave to report as follows:

The purpose of this measure is to clarify the law regarding
the right of disposition of human remains by:

- (1) Establishing a priority system of persons who may direct
the disposition of a decedent's remains and the
arrangements for funeral goods and services;
- (2) Providing that funeral establishments, cemeteries,
mortuaries, and crematories rely and act upon written
directions from the decedent or persons who claim the
right of disposition without liability; and
- (3) Permitting funeral establishments, cemeteries,
mortuaries, and crematories to control the disposition
of a decedent's remains, in manners currently prescribed
by law, under certain circumstances.

Dodo Mortuary, Inc. & Crematory; Hawaii Funeral and Cemetery
Association, Inc.; Hawaiian Memorial Life Plan, Ltd.; Hosoi Garden
Mortuary, Inc.; Leeward Funeral Home; Mililani Group, Inc.; Nuuanu
Memorial Park & Mortuary; and the Oahu Cemetery Association



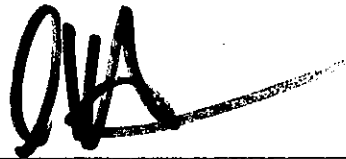
testified in support of this measure. The Hawaii Association for Justice testified in opposition to this measure.

Your Committee has amended this measure by:

- (1) Permitting, rather than mandating funeral establishments, cemeteries, mortuaries, and crematories to rely and act according to the disposition instructions of appropriate priority class members;
- (2) Specifying that funeral establishments, cemeteries, mortuaries, and crematories shall be subject to liability for the disposition of remains under circumstances of gross negligence, or intentional, or wanton conduct; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 134, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 134, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ANGUS L.K. MCKELVEY, Chair



