

Honolulu, Hawaii

March 28, 2013

RE: S.B. No. 341  
S.D. 2

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 S.B. No. 341, S.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to establish the Disposition  
of Remains Act.

Specifically, this measure establishes:

- (1) A priority list of persons authorized to control the  
disposition of a decedent's remains, and the location,  
manner, and conditions of the disposition; and
- (2) Procedures for the resolution of disputes regarding the  
right of disposition;
- (3) The right of a funeral establishment, cemetery,  
mortuary, or crematory to rely and act upon written  
instructions in a funeral service agreement or similar  
document; and
- (4) Provisions for the disposition of a decedent's remains  
and recovery of reasonable expenses by a funeral  
director or manager of a funeral establishment,  
cemetery, mortuary, or crematory.

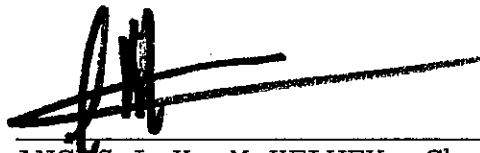


Your Committee received testimony in support of this measure from the Hawaii Association for Justice; Hawaii Funeral and Cemetery Association, Inc.; Hosoi Garden Mortuary, Inc.; Leeward Funeral Home; Hawaiian Memorial Life Plan; Mililani Group, Inc.; and one individual.

Your Committee finds that forty-eight states have enacted laws that specify the priority of persons who may control the disposition of a decedent's remains or the arrangements for funeral goods and services. Your Committee believes that, by establishing a priority list of persons able to control the disposition of a decedent's remains, this measure will minimize disputes and allow funeral establishments, cemeteries, mortuaries, and crematories to take direction from the appropriate person, thus enabling the prompt provision of needed services.

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 S.B. No. 341, S.D. 2, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



ANGUS L.K. MCKELVEY, Chair



State of Hawaii  
House of Representatives  
The Twenty-seventh Legislature

HSUR1240

**Record of Votes of the Committee on Consumer Protection & Commerce**

<b>Bill/Resolution No.:</b> SB 341 S02	<b>Committee Referral:</b> CPC	<b>Date:</b> 03/18/2013		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	✓			
2. KAWAKAMI, Derek S.K. (VC)	✓			
3. BELATTI, Della Au				
4. BROWER, Tom				✓
5. CABANILLA, Rida T.R.	✓			WR OK
6. CACHOLA, Romy M.	✓			
7. CARROLL, Mele	✓			✓
8. EVANS, Cindy				
9. HAR, Sharon E.				✓
10. ITO, Ken	✓			
11. LEE, Chris	✓			WR OK
12. TSUJI, Clift				✓
13. YAMANE, Ryan I.	✓			
14. MCDERMOTT, Bob				✓
15. THIELEN, Cynthia	✓			
<b>TOTAL (15)</b>	10			5
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b> _____				
<b>Distribution:</b> Original (White) -- Committee      Duplicate (Yellow) -- Chief Clerk's Office      Duplicate (Pink) -- HMSO				