

**LATE**

**TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII  
ASSOCIATION FOR JUSTICE (HAJ) IN OPPOSITION TO S.B. NO. 341**

DATE: Wednesday, January 30, 2013  
TIME: 8:30 a.m.

To: Chairperson Rosalyn Baker and Members of the Senate Committee on Commerce  
and Consumer Protection:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the  
Hawaii Association for Justice (HAJ) in OPPOSITION to <sup>SB 341</sup>~~HB No. 134~~, relating to  
Disposition of Remains. This opposition applies only to the immunity contained in  
section 11 of the Bill.

The grant of immunity from civil liability contained in section 11 is overly broad,  
unnecessary and bad public policy. It is suggested that the following sentence be added  
to the end of section 11: "The immunity contained in this section shall not apply to gross  
negligence, intentional, willful or wanton conduct."

The sanctity of final disposition of the human body and its remains requires that  
there be a reasonable level of care exercised in the handling and disposition of the body  
and its remains. We trust that there is no disagreement that grossly negligent, intentional  
or wanton conduct should not be permitted and their exclusion from immunity is  
appropriate.

For these reasons, HAJ opposes this measure as drafted and asks that it be  
amended to appropriately limit the scope of the immunity provided in section 11.

Thank you for the opportunity to testify on this measure. Please feel free to  
contact me should there be any questions.