
A BILL FOR AN ACT

RELATING TO DISINTERMENT OF HUMAN BODIES.

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

1 SECTION 1. Section 338-25.5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) No corpse, nor the remains of any dead human body,
4 exclusive of ashes, shall be exposed, disturbed, or removed from
5 its place of burial, nor shall the receptacle, container, or
6 coffin holding the remains or corpse be opened, removed, or
7 disturbed after due interment, except upon written application
8 made to the director of health for a permit therefor and upon
9 the issuance and according to the terms of a permit granted
10 therefor by the director. After any removal or disturbance the
11 grave shall be filled at once and restored to its former
12 condition. A cemetery authority with a current and active
13 license with the department of commerce and consumer affairs may
14 disinter and reinter a corpse or remains within that same
15 cemetery without filing an application for a permit from the
16 department of health if the cemetery authority has written
17 authorization from the majority of the next-of-kin of the person
18 whose corpse or remains is disinterred, as determined by the



1 priority of succession order required by section 531B-4;
2 provided that this exception shall not apply to disinterment of
3 a corpse or remains for transfer off of the cemetery property to
4 another physical address. The cemetery authority may require a
5 licensed embalmer to be available during the disinterment in the
6 event that human remains may be exposed.

7 For the purposes of this subsection, "cemetery," "cemetery
8 authority," and "cemetery property" have the same meaning as
9 provided in section 441-1."

10 SECTION 2. New statutory material is underscored.

11 SECTION 3. This Act shall take effect on July 1, 2019.



Report Title:

Cemetery Authority; Disinterment of Human Bodies

Description:

Allows cemetery authorities with a current and active license with the Department of Commerce and Consumer Affairs to disinter and reinter the corpse or remains of a human body within that same cemetery without filing an application for a permit with the Department of Health. (HB214 CD1)

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