

HB

214

HD1

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. Private cemeteries in good standing with the
13 department of commerce and consumer affairs may disinter and
14 reinter a corpse or remains within the same cemetery without
15 filing an application for a permit from the department of health
16 if the cemetery authority has written authorization from the
17 majority of the next-of-kin of the person whose corpse or



1 remains is disinterred; provided that this exception shall not
2 apply to disinterment of a corpse or remains for transfer off of
3 the cemetery property to another physical address. The cemetery
4 authority may require a licensed embalmer to be available during
5 the disinterment in the event that human remains may be exposed.
6 For the purposes of this section, "cemetery authority" has the
7 same meaning as provided in section 441-1."

8 SECTION 2. New statutory material is underscored.

9 SECTION 3. This Act shall take effect on July 1, 2050.



Report Title:

Private Cemeteries; Disinterment of Human Bodies

Description:

Allows private cemeteries in good standing with the Department of Commerce and Consumer Affairs to disinter and reinter human bodies within the same cemetery without filing an application for a permit with the Department of Health. (HB214 HD1)

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





Hawaii Funeral & Cemetery Association

1330 Maunakea Street · Honolulu, Hawaii 96817

Date: February 19, 2019

Written Testimony in **SUPPORT** of
HB214 Relating to Disinterment of Human Bodies

TO: Representative Roy Takumi, Chair, Committee on Consumer Protection and Commerce
Representative Linda Ichiyama, Vice Chair, Committee on Consumer Protection and Commerce
Members of the Committee

HEARING DATE: Wednesday, February 20th

TIME: 2:00 p.m.

Place: Conference Room 329

Chair Roy Takumi, Vice Chair Linda Ichiyama and Members of the Committee:

My name is Jay Morford, representing the Hawaii Funeral & Cemetery Association (“HFCA”).

The HFCA is in strong support of HB214. We agree that HB214 streamlines the disinterment process between the family and a “Cemetery Authority” without applying for a permit.

On the recommendation of Representative John M. Mizuno, Chair-House Committee on Health; Officers of the HFCA, Department of Health Deputy Director and the Deputy Attorney General, met to discuss HB214. We are pleased to say the meeting went very well and we believe we came to a tentative agreement on a language amendment in HB214 that is agreeable to all parties. We are in the process of working through language changes and would like to provide a final to you on February 21, 2019.

Thank you for your consideration in this matter.

A handwritten signature in black ink that reads "Jay Morford".

Jay Morford
President

CC: Representative John M. Mizuno, Chair-House Committee on Health
Jill T. Nagamine; Deputy Attorney General
Dr. Alvin Onaka- Hawaii State Registrar
Cathy Ross – Deputy Director – Department of Health



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**Testimony COMMENTING on HB214 H.D. 1
RELATING TO DISINTERMENT OF HUMAN BODIES.**

REPRESENTATIVE ROY M. TAKUMI, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Hearing Date: February 20, 2019

Room Number: 329

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** The Department of Health (DOH) met with the supporters of the
3 proposed amendment exempting “private cemeteries in good standing with the department of
4 commerce and consumer affairs” from having to obtain a disinterment permit for corpses or
5 remains that are not removed from the private cemetery. We believe we have successfully
6 worked out our differences.

7 The DOH recently adopted chapter 11-118, Hawaii Administrative Rules (HAR), “Disinterment
8 Permits,” to simplify and expedite the permitting process. According to the Department of
9 Commerce and Consumer Affairs (DCCA) there are only 12 cemetery authorities who are in
10 good standing with the agency among the hundreds of burial sites in the State of Hawaii. The
11 proposed bill would apply only to those. Our agreement involves defining terms, making the
12 change applicable only to licensed cemeteries in good standing with the Department of
13 Commerce and Consumer Affairs (DCCA), and clarifying that permission from next-of-kin shall
14 be obtained in priority of succession order.

15 We respectfully request time to coordinate a new version of this bill reflecting our agreement.

16 **Offered Amendments:** N/A.