



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

September 15, 2020

**GOV. MSG. NO. 1148**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirtieth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirtieth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on September 15, 2020, the following bill was signed into law:

HB2340 HD2 SD1

RELATING TO DEAD BODIES.  
**Act 043 (20)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

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# A BILL FOR AN ACT

RELATING TO DEAD BODIES.

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

1           SECTION 1. The purpose of this Act is to clarify  
2 prohibited actions related to anatomical gifts and disposition  
3 of bodies.

4           SECTION 2. Section 327-11, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6           "(a) An anatomical gift of a body or body part may be made  
7 to the following persons:

8           (1) A named hospital, accredited medical school, dental  
9 school, college, university, or [organ] procurement  
10 organization[, or other appropriate person] for  
11 research or education;

12           (2) A named individual designated by the person making the  
13 anatomical gift if the individual is the recipient of  
14 the body part; or, if the body part for any reason  
15 cannot be transplanted into the individual, the body  
16 part shall pass in accordance with subsection (f) in



1 the absence of an express, contrary indication by the  
2 person making the anatomical gift; or

3 (3) A named eye bank or tissue bank."

4 SECTION 3. Section 327-36, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "§327-36 Final disposition of [~~bodies retained for medical~~  
7 ~~education and research purposes.~~] anatomical gifts. A  
8 [~~university, hospital, or institution~~] person or procurement  
9 organization that holds a dead human body as a result of an  
10 anatomical gift shall, when the body is deemed of no further  
11 value for [~~medical~~] purposes of transplantation, therapy,  
12 research, or education [~~and research purposes~~], be responsible  
13 for the final disposition of that dead human body and all of its  
14 parts, except those parts used for transplantation. The person  
15 or procurement organization shall dispose of the remains by  
16 cremation, except as otherwise provided in section 327-14[-] or  
17 as directed in a document of gift, subject to any required  
18 disposition permits."

19 SECTION 4. Section 711-1108, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "§711-1108 Abuse of a corpse. (1) A person commits the  
2 offense of abuse of a corpse if, except as authorized by law,  
3 the person [~~treats~~]:

4           (a) Treats a human corpse in a way that the person knows  
5           would outrage ordinary family sensibilities[-]; or

6           (b) Accepts the donation of a dead human body or any of  
7           its parts.

8           (2) An entity to whom body parts are entrusted commits the  
9           offense of abuse of a corpse if, except as authorized by law,  
10           the entity to whom body parts are entrusted disposes of a dead  
11           human body without a disposition permit. Disposal of a dead  
12           human body includes removal of body parts or organs; provided  
13           that it shall not be an offense for a procurement organization  
14           to remove body parts or organs for transplantation or therapy  
15           prior to obtaining a disposition permit.

16           ~~[-(2)]~~ (3) The preparation of a corpse for burial or  
17 cremation in a manner consistent with traditional Hawaiian  
18 cultural customs and practices shall not be a violation of this  
19 section.



1           ~~[(3)]~~ (4) The burial or cremation of a corpse prepared  
2 consistent with traditional Hawaiian cultural customs and  
3 practices shall not be a violation of this section.

4           ~~[(4)]~~ (5) Abuse of a corpse is a misdemeanor.

5           (6) For the purposes of this section, "procurement  
6 organization" has the same meaning as defined in section 327-2."

7           SECTION 5. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9           SECTION 6. This Act shall take effect on January 1, 2021.

APPROVED this 15 day of SEP , 2020




GOVERNOR OF THE STATE OF HAWAII

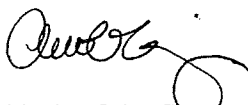


**THE SENATE OF THE STATE OF HAWAI'I**

Date: July 6, 2020  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate  
of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020.

  
President of the Senate

  
Clerk of the Senate

HB No. 2340, HD 2, SD 1

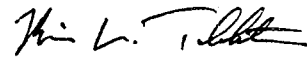
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: July 10, 2020  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives