
A BILL FOR AN ACT

RELATING TO HUMAN REMAINS.

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

1 SECTION 1. Section 531B-2, Hawaii Revised Statutes, is
2 amended by adding four new definitions to be appropriately
3 inserted and to read as follows:

4 "Alkaline hydrolysis" or "hydrolysis" means the reduction
5 of human remains to bone fragments and essential elements in a
6 licensed hydrolysis facility using heat, pressure, water, and
7 base chemical agents.

8 "Hydrolysis facility" means a structure, room, or other
9 space in a building or structure containing one or more
10 hydrolysis vessels, to be used for alkaline hydrolysis.

11 "Natural organic reduction" means the contained,
12 accelerated conversion of human remains to soil.

13 "Natural organic reduction facility" means a structure,
14 room, or other space in a building or real property where
15 natural organic reduction of a human body occurs."

16 SECTION 2. Section 327-32, Hawaii Revised Statutes, is
17 amended to read as follows:



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1 "§327-32 Administration; duties of health officers. Every
2 head officer of a hospital, nursing home, correctional facility,
3 funeral parlor, or mortuary and every county medical examiner or
4 coroner and every state or county officer, and every other
5 person who has possession, charge, or control of any unclaimed
6 dead human body that may [~~be-cremated~~] undergo cremation,
7 alkaline hydrolysis, or natural organic reduction at public
8 expense pursuant to section 346-15 shall:

- 9 (1) Exercise due diligence to notify the relatives,
10 friends of the decedent, any representative of a
11 fraternal society of which the deceased was a member,
12 and any legally responsible party;
- 13 (2) Submit in writing to the department of human services
14 a description of the efforts used in making the
15 determination that the dead human body is unclaimed in
16 accordance with section 346-15, if payment for
17 cremation is sought.

18 Nothing in this section shall be construed to affect the
19 requirements relating to the filing of a certificate of death
20 with the department of health pursuant to chapter 338."



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

3 "§327-36 Final disposition of bodies retained for medical
4 education and research purposes. A university, hospital, or
5 institution that holds a dead human body shall, when the body is
6 deemed of no further value for medical education and research
7 purposes, dispose of the remains by cremation~~[,]~~ alkaline
8 hydrolysis, or natural organic reduction, except as otherwise
9 provided in section 327-14."

10 SECTION 4. Section 346-15, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) All unclaimed dead human bodies shall ~~[be cremated.]~~
13 undergo cremation, alkaline hydrolysis, or natural organic
14 reduction. The department may bear the cost of the mortuary
15 ~~[and],~~ crematory, alkaline hydrolysis, or natural organic
16 reduction services for unclaimed dead human bodies furnished by
17 any licensed provider of mortuary or crematory services.
18 Payments for mortuary and crematory services shall be made to
19 the extent of the cost, or in the sum of \$800 in total,
20 whichever is less, for each unclaimed dead human body.
21 Individuals who have possession, charge, or control of any



1 unclaimed dead human body to be cremated at public expense shall
2 have sixty days from the date of the deceased's death to submit
3 in writing to the department its determination that the dead
4 human body is unclaimed and its application for payment for
5 cremation. The county medical examiners or coroners shall have
6 no time limitation by which to submit their written
7 determination that the dead human body is unclaimed and their
8 application for payment for cremation."

9 SECTION 5. Section 531B-6, Hawaii Revised Statutes, is
10 amended to read as follows:

11 " ~~[f]~~ §531B-6 ~~[f]~~ **Forfeiture of right to direct disposition.**

12 A person entitled under law to the right of disposition shall
13 forfeit that right, and the right is passed on to the next
14 person in the order of priority as listed in section 531B-4,
15 under the following circumstances:

16 (1) The person is charged with murder or manslaughter in
17 connection with the decedent's death, and the charges
18 are known to the funeral director or manager of the
19 funeral establishment, cemetery, mortuary, ~~[or]~~
20 crematory~~[r]~~, hydrolysis facility, or natural organic
21 reduction facility; provided that if the charges



1 against the person are dismissed, or if the person is
2 acquitted of the charges, the right of disposition is
3 returned to that person, unless the dismissal or
4 acquittal occurs after the final disposition has been
5 completed;

6 (2) The person does not exercise the person's right of
7 disposition within five days of notification of the
8 decedent's death or within seven days of the
9 decedent's death, whichever is earlier;

10 (3) The person and the decedent are spouses, civil union
11 partners, or reciprocal beneficiaries, and at the time
12 of the decedent's death, proceedings for annulment,
13 divorce, or separation had been initiated or a
14 declaration for termination of the reciprocal
15 beneficiary relationship had been filed; or

16 (4) The probate court pursuant to section 531B-7
17 determines that the person entitled to the right of
18 disposition and the decedent were estranged at the
19 time of death."

20 SECTION 6. Section 531B-7, Hawaii Revised Statutes, is
21 amended to read as follows:



1 " ~~[f]~~ §531B-7 ~~[f]~~ **Disputes.** (a) Any dispute among any of
2 the persons listed in section 531B-4 concerning the right of
3 disposition or priority shall be resolved by the probate court
4 for the county where the decedent resided. The probate court
5 may award the right of disposition to the person determined by
6 the court to be the most fit and appropriate to carry out the
7 right of disposition, and may make decisions regarding the
8 decedent's remains.

9 (b) The following provisions shall apply to the court's
10 determination under this section:

11 (1) If two or more persons with the same priority class
12 hold the right of disposition and cannot agree by
13 majority vote regarding the disposition of the
14 decedent's remains, or there are any persons who claim
15 to have priority over any other person, any of these
16 persons or a funeral establishment, cemetery,
17 mortuary, ~~[e]~~ crematory, hydrolysis facility, or
18 natural organic reduction facility with custody of the
19 remains may file a petition asking the probate court
20 to make a determination in the matter; and



- 1 (2) In making a determination in a case where there are
2 two or more persons with the same priority class who
3 cannot agree by majority vote, the probate court may
4 consider the following:
- 5 (A) The reasonableness and practicality of the
6 proposed funeral arrangements and disposition;
- 7 (B) The degree of the personal relationship between
8 the decedent and each of the persons claiming the
9 right of disposition;
- 10 (C) The desires of the person or persons who are
11 ready, able, and willing to pay the cost of the
12 funeral arrangements and disposition;
- 13 (D) The convenience and needs of other families and
14 friends wishing to pay respects;
- 15 (E) The desires of the decedent; and
- 16 (F) The degree to which the funeral arrangements
17 would allow maximum participation by all wishing
18 to pay respect.
- 19 (c) In the event of a dispute regarding the right of
20 disposition, a funeral establishment, cemetery, mortuary, [~~or~~]
21 crematory, hydrolysis facility, or natural organic reduction



1 facility shall not be liable for refusing to accept the remains,
2 to inter or otherwise dispose of the remains of the decedent, or
3 complete the arrangements for the final disposition of the
4 remains until it receives a court order or other written
5 agreement signed by the parties in the disagreement that the
6 dispute has been resolved or settled.

7 If the funeral establishment, cemetery, mortuary, [~~or~~]
8 crematory, hydrolysis facility, or natural organic reduction
9 facility retains the remains for final disposition while the
10 parties are in disagreement, it may embalm or refrigerate and
11 shelter the body, or both, while awaiting the final decision of
12 the probate court and may add the cost of embalming or
13 refrigeration and sheltering to the cost of final disposition.

14 If a funeral establishment, cemetery, mortuary, [~~or~~]
15 crematory, hydrolysis facility, or natural organic reduction
16 facility brings an action under this section, it may add the
17 legal fees and court costs associated with a petition under this
18 section to the cost of final disposition.

19 This section shall not be construed to require or impose a
20 duty upon a funeral establishment, cemetery, mortuary, or
21 crematory to bring an action under this section.



1 A funeral establishment, cemetery, mortuary, [~~e~~]
2 crematory, hydrolysis facility, or natural organic reduction
3 facility and its officers, directors, managers, members,
4 partners, or employees may not be held criminally or civilly
5 liable for choosing not to bring an action under this section."

6 SECTION 7. Section 531B-8, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[~~H~~]§531B-8 [~~H~~] **Right to rely on representations.** (a) Any
9 person signing a funeral service agreement, cremation
10 authorization form, or any other authorization for disposition
11 shall be deemed to warrant the truthfulness of any facts set
12 forth therein, including the identity of the decedent whose
13 remains are to be buried, cremated, or otherwise disposed of,
14 and the party's authority to order the disposition.

15 (b) A funeral establishment, cemetery, mortuary, [~~e~~]
16 crematory, hydrolysis facility, or natural organic reduction
17 facility shall have the right to rely on the funeral service
18 agreement, cremation authorization form, or any other
19 authorization form, including the identification of the
20 decedent, and shall have the authority to carry out the
21 instructions of the person or persons whom the funeral



1 establishment, cemetery, mortuary, ~~[crematory]~~, hydrolysis
2 facility, or natural organic reduction facility reasonably
3 believes to hold the right of disposition.

4 (c) The funeral establishment, cemetery, mortuary, ~~[crematory]~~
5 crematory, hydrolysis facility, or natural organic reduction
6 facility shall have no responsibility to verify the identity of
7 the decedent or contact or independently investigate the
8 existence of any person who may have a right of disposition. If
9 there is more than one person in the same priority class
10 pursuant to section 531B-4 and the funeral establishment,
11 cemetery, mortuary, ~~[crematory]~~, hydrolysis facility, or
12 natural organic reduction facility has no knowledge of any
13 objection by other members of the priority class, it may rely on
14 and act according to the instructions of the first person in the
15 priority class to make funeral and disposition arrangements;
16 provided that no other person in the priority class provides
17 written notice to the funeral establishment, cemetery, mortuary,
18 ~~[crematory]~~, hydrolysis facility, or natural organic
19 reduction facility of that person's objections."

20 SECTION 8. Section 531B-9, Hawaii Revised Statutes, is
21 amended to read as follows:



1 " ~~[+]~~ §531B-9 ~~[+]~~ Authority to direct and control
2 disposition; recovery of reasonable expenses. (a) A funeral
3 director or manager of a funeral establishment, cemetery,
4 mortuary, ~~[ø]~~ crematory, hydrolysis facility, or natural
5 organic reduction facility shall have complete authority to
6 direct and control the final disposition and disposal of a
7 decedent's remains and to proceed under this chapter to recover
8 reasonable charges for the final disposition and disposal if:

9 (1) The funeral director or manager:

10 (A) Has no knowledge that any of the persons
11 described in section 531B-4(a)(1) through
12 ~~[+]~~ (a) (10) ~~[+]~~ exist;

13 (B) Has knowledge that the person or persons who may
14 or do have the right of disposition cannot be
15 found after reasonable inquiry or reasonable
16 attempts to contact; or

17 (C) Has knowledge that the person or persons who may
18 or do have the right of disposition have lost
19 this right pursuant to section 531B-6; and

20 (2) The appropriate public authority fails to assume
21 responsibility for disposition of the remains within



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1 thirty-six hours after having been given written
2 notice of the decedent's death. Written notice may be
3 given by hand delivery, certified mail, facsimile
4 transmission, or electronic mail transmission.

5 (b) Disposal of the decedent's remains pursuant to this
6 section shall be by any means that are not prohibited by law."

7 SECTION 9. Section 531B-11, Hawaii Revised Statutes, is
8 amended to read as follows:

9 " [†] §531B-11 [†] **Immunity.** No funeral establishment,
10 cemetery, mortuary, [~~ex~~] crematory, hydrolysis facility, or
11 natural organic reduction facility or any of its officers,
12 directors, members, partners, funeral directors, managers, or
13 employees who reasonably rely in good faith upon the
14 instructions of an individual claiming the right of disposition
15 shall be subject to criminal or civil liability or
16 administrative or disciplinary action for carrying out the
17 disposition of the remains in accordance with the instructions."

18 SECTION 10. Section 841-10, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "§841-10 **Decent burial.** When any coroner or deputy
21 coroner takes an inquest upon the dead body of a stranger or



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1 indigent person or, being called for that purpose, does not
 2 think it necessary, on view of the body, that any inquest should
 3 be taken, the coroner or deputy coroner shall cause the body to
 4 be decently buried, ~~[or]~~ cremated~~[-]~~, or undergo alkaline
 5 hydrolysis or natural organic reduction. A burial-transit
 6 permit authorizing a burial, ~~[or]~~ cremation, alkaline
 7 hydrolysis, or natural organic reduction, shall be secured from
 8 the local agent of the department of health by the person in
 9 charge of such burial, ~~[or]~~ cremation~~[-]~~, alkaline hydrolysis,
 10 or natural organic reduction."

11 SECTION 11. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 12. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 09 2020



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Report Title:

Human Remains; Alkaline Hydrolysis; Natural Organic Reduction

Description:

Includes the use of alkaline hydrolysis and natural organic reduction as methods for the disposal of human remains. Amends the procedures for the resolution of disputes regarding the right of disposition, the right to rely and act upon written instructions in a funeral service agreement or similar document, and provisions for the disposition of a decedent's remains and recovery of reasonable expenses to include hydrolysis facilities and natural organic reduction facilities.

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