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# 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 two new definitions to be appropriately  
3 inserted and to read as follows:

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

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

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

11           "**§327-32 Administration; duties of health officers.** Every  
12 head officer of a hospital, nursing home, correctional facility,  
13 funeral parlor, or mortuary and every county medical examiner or  
14 coroner and every state or county officer, and every other  
15 person who has possession, charge, or control of any unclaimed  
16 dead human body that may [~~be cremated~~] undergo cremation or



1 natural organic reduction at public expense pursuant to section  
2 346-15 shall:

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

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

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

17 "**§327-36 Final disposition of bodies retained for medical**  
18 **education and research purposes.** A university, hospital, or  
19 institution that holds a dead human body shall, when the body is  
20 deemed of no further value for medical education and research  
21 purposes, dispose of the remains by cremation[7] or natural



1 organic reduction, except as otherwise provided in section 327-  
2 14."

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

5 "(b) All unclaimed dead human bodies shall [~~be cremated.~~]  
6 undergo cremation or natural organic reduction. The department  
7 may bear the cost of the mortuary [~~and~~], crematory or natural  
8 organic reduction services for unclaimed dead human bodies  
9 furnished by any licensed provider of mortuary or crematory  
10 services. Payments for mortuary and crematory services shall be  
11 made to the extent of the cost, or in the sum of \$800 in total,  
12 whichever is less, for each unclaimed dead human body.  
13 Individuals who have possession, charge, or control of any  
14 unclaimed dead human body to be cremated at public expense shall  
15 have sixty days from the date of the deceased's death to submit  
16 in writing to the department its determination that the dead  
17 human body is unclaimed and its application for payment for  
18 cremation. The county medical examiners or coroners shall have  
19 no time limitation by which to submit their written  
20 determination that the dead human body is unclaimed and their  
21 application for payment for cremation."



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

3 "[~~+~~]§531B-6[+] Forfeiture of right to direct disposition.

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

- 8 (1) The person is charged with murder or manslaughter in  
9 connection with the decedent's death, and the charges  
10 are known to the funeral director or manager of the  
11 funeral establishment, cemetery, mortuary, [~~or~~]  
12 crematory[+], or natural organic reduction facility;  
13 provided that if the charges against the person are  
14 dismissed, or if the person is acquitted of the  
15 charges, the right of disposition is returned to that  
16 person, unless the dismissal or acquittal occurs after  
17 the final disposition has been completed;
- 18 (2) The person does not exercise the person's right of  
19 disposition within five days of notification of the  
20 decedent's death or within seven days of the  
21 decedent's death, whichever is earlier;



1 (3) The person and the decedent are spouses, civil union  
 2 partners, or reciprocal beneficiaries, and at the time  
 3 of the decedent's death, proceedings for annulment,  
 4 divorce, or separation had been initiated or a  
 5 declaration for termination of the reciprocal  
 6 beneficiary relationship had been filed; or

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

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

13 "[+] §531B-7 [+] **Disputes.** (a) Any dispute among any of  
 14 the persons listed in section 531B-4 concerning the right of  
 15 disposition or priority shall be resolved by the probate court  
 16 for the county where the decedent resided. The probate court  
 17 may award the right of disposition to the person determined by  
 18 the court to be the most fit and appropriate to carry out the  
 19 right of disposition, and may make decisions regarding the  
 20 decedent's remains.



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

3 (1) If two or more persons with the same priority class  
4 hold the right of disposition and cannot agree by  
5 majority vote regarding the disposition of the  
6 decedent's remains, or there are any persons who claim  
7 to have priority over any other person, any of these  
8 persons or a funeral establishment, cemetery,  
9 mortuary, ~~[or]~~ crematory, or natural organic reduction  
10 facility with custody of the remains may file a  
11 petition asking the probate court to make a  
12 determination in the matter; and

13 (2) In making a determination in a case where there are  
14 two or more persons with the same priority class who  
15 cannot agree by majority vote, the probate court may  
16 consider the following:

17 (A) The reasonableness and practicality of the  
18 proposed funeral arrangements and disposition;

19 (B) The degree of the personal relationship between  
20 the decedent and each of the persons claiming the  
21 right of disposition;



1 (C) The desires of the person or persons who are  
2 ready, able, and willing to pay the cost of the  
3 funeral arrangements and disposition;

4 (D) The convenience and needs of other families and  
5 friends wishing to pay respects;

6 (E) The desires of the decedent; and

7 (F) The degree to which the funeral arrangements  
8 would allow maximum participation by all wishing  
9 to pay respect.

10 (c) In the event of a dispute regarding the right of  
11 disposition, a funeral establishment, cemetery, mortuary, [~~or~~]  
12 crematory, or natural organic reduction facility shall not be  
13 liable for refusing to accept the remains, to inter or otherwise  
14 dispose of the remains of the decedent, or complete the  
15 arrangements for the final disposition of the remains until it  
16 receives a court order or other written agreement signed by the  
17 parties in the disagreement that the dispute has been resolved  
18 or settled.

19 If the funeral establishment, cemetery, mortuary, [~~or~~]  
20 crematory, or natural organic reduction facility retains the  
21 remains for final disposition while the parties are in



1 disagreement, it may embalm or refrigerate and shelter the body,  
2 or both, while awaiting the final decision of the probate court  
3 and may add the cost of embalming or refrigeration and  
4 sheltering to the cost of final disposition.

5 If a funeral establishment, cemetery, mortuary, [~~or~~]  
6 crematory, or natural organic reduction facility brings an  
7 action under this section, it may add the legal fees and court  
8 costs associated with a petition under this section to the cost  
9 of final disposition.

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

13 A funeral establishment, cemetery, mortuary, [~~or~~]  
14 crematory, or natural organic reduction facility and its  
15 officers, directors, managers, members, partners, or employees  
16 may not be held criminally or civilly liable for choosing not to  
17 bring an action under this section."

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

20 "[~~f~~]§531B-8[~~t~~] **Right to rely on representations.** (a) Any  
21 person signing a funeral service agreement, cremation





1 authorization form, or any other authorization for disposition  
2 shall be deemed to warrant the truthfulness of any facts set  
3 forth therein, including the identity of the decedent whose  
4 remains are to be buried, cremated, or otherwise disposed of,  
5 and the party's authority to order the disposition.

6 (b) A funeral establishment, cemetery, mortuary, [~~or~~]  
7 crematory, or natural organic reduction facility shall have the  
8 right to rely on the funeral service agreement, cremation  
9 authorization form, or any other authorization form, including  
10 the identification of the decedent, and shall have the authority  
11 to carry out the instructions of the person or persons whom the  
12 funeral establishment, cemetery, mortuary, [~~or~~] crematory, or  
13 natural organic reduction facility reasonably believes to hold  
14 the right of disposition.

15 (c) The funeral establishment, cemetery, mortuary, [~~or~~]  
16 crematory, or natural organic reduction facility shall have no  
17 responsibility to verify the identity of the decedent or contact  
18 or independently investigate the existence of any person who may  
19 have a right of disposition. If there is more than one person  
20 in the same priority class pursuant to section 531B-4 and the  
21 funeral establishment, cemetery, mortuary, [~~or~~] crematory, or



1 natural organic reduction facility has no knowledge of any  
2 objection by other members of the priority class, it may rely on  
3 and act according to the instructions of the first person in the  
4 priority class to make funeral and disposition arrangements;  
5 provided that no other person in the priority class provides  
6 written notice to the funeral establishment, cemetery, mortuary,  
7 [~~or~~] crematory, or natural organic reduction facility of that  
8 person's objections."

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

11 "[~~+~~]§531B-9[~~+~~] Authority to direct and control  
12 disposition; recovery of reasonable expenses. (a) A funeral  
13 director or manager of a funeral establishment, cemetery,  
14 mortuary, [~~or~~] crematory, or natural organic reduction facility  
15 shall have complete authority to direct and control the final  
16 disposition and disposal of a decedent's remains and to proceed  
17 under this chapter to recover reasonable charges for the final  
18 disposition and disposal if:

19 (1) The funeral director or manager:



- 1 (A) Has no knowledge that any of the persons
- 2 described in section 531B-4(a)(1) through
- 3 [†] (a) (10) [†] exist;
- 4 (B) Has knowledge that the person or persons who may
- 5 or do have the right of disposition cannot be
- 6 found after reasonable inquiry or reasonable
- 7 attempts to contact; or
- 8 (C) Has knowledge that the person or persons who may
- 9 or do have the right of disposition have lost
- 10 this right pursuant to section 531B-6; and
- 11 (2) The appropriate public authority fails to assume
- 12 responsibility for disposition of the remains within
- 13 thirty-six hours after having been given written
- 14 notice of the decedent's death. Written notice may be
- 15 given by hand delivery, certified mail, facsimile
- 16 transmission, or electronic mail transmission.
- 17 (b) Disposal of the decedent's remains pursuant to this
- 18 section shall be by any means that are not prohibited by law."

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



1           " ~~[f]~~ §531B-11 ~~[f]~~ **Immunity.** No funeral establishment,  
2 cemetery, mortuary, ~~[e]~~ crematory, or natural organic reduction  
3 facility or any of its officers, directors, members, partners,  
4 funeral directors, managers, or employees who reasonably rely in  
5 good faith upon the instructions of an individual claiming the  
6 right of disposition shall be subject to criminal or civil  
7 liability or administrative or disciplinary action for carrying  
8 out the disposition of the remains in accordance with the  
9 instructions."

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

12           "§841-10 **Decent burial.** When any coroner or deputy  
13 coroner takes an inquest upon the dead body of a stranger or  
14 indigent person or, being called for that purpose, does not  
15 think it necessary, on view of the body, that any inquest should  
16 be taken, the coroner or deputy coroner shall cause the body to  
17 be decently buried or cremated~~[-]~~ or undergo natural organic  
18 reduction. A burial-transit permit authorizing a burial ~~[e]~~,  
19 cremation, or natural organic reduction shall be secured from  
20 the local agent of the department of health by the person in



1 charge of such burial [~~or~~], cremation[~~-~~], or natural organic  
2 reduction."

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

5 SECTION 12. This Act shall take effect on July 1, 2050.



**Report Title:**

Human Remains; Natural Organic Reduction

**Description:**

Includes the use of natural organic reduction as a method 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 natural organic reduction facilities.

Effective 7/1/2050. (HD1)

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

