
A BILL FOR AN ACT

RELATING TO HUMAN REMAINS.

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

1 PART I

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

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

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

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

12 **"§327-32 Administration; duties of health officers.** Every
13 head officer of a hospital, nursing home, correctional facility,
14 funeral parlor, or mortuary and every county medical examiner or
15 coroner and every state or county officer, and every other
16 person who has possession, charge, or control of any unclaimed
17 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
2 327-14."

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



1 the dead human body is unclaimed and their application for
2 payment for cremation[-] or natural organic reduction services."

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

5 "[+]§531B-6[+] **Forfeiture of right to direct disposition.**

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

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



1 decedent's death or within seven days of the
2 decedent's death, whichever is earlier;
3 (3) The person and the decedent are spouses, civil union
4 partners, or reciprocal beneficiaries, and at the time
5 of the decedent's death, proceedings for annulment,
6 divorce, or separation had been initiated or a
7 declaration for termination of the reciprocal
8 beneficiary relationship had been filed; or
9 (4) The probate court pursuant to section 531B-7
10 determines that the person entitled to the right of
11 disposition and the decedent were estranged at the
12 time of death."

13 SECTION 6. Section 531B-7, Hawaii Revised Statutes, is
14 amended by amending subsections (b) and (c) to read as follows:

15 "(b) The following provisions shall apply to the court's
16 determination under this section:

17 (1) If two or more persons with the same priority class
18 hold the right of disposition and cannot agree by
19 majority vote regarding the disposition of the
20 decedent's remains, or there are any persons who claim
21 to have priority over any other person, any of these



1 persons or a funeral establishment, cemetery,
2 mortuary, [~~or~~] crematory, or natural organic reduction
3 facility with custody of the remains may file a
4 petition asking the probate court to make a
5 determination in the matter; and

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

- 10 (A) The reasonableness and practicality of the
11 proposed funeral arrangements and disposition;
- 12 (B) The degree of the personal relationship between
13 the decedent and each of the persons claiming the
14 right of disposition;
- 15 (C) The desires of the person or persons who are
16 ready, able, and willing to pay the cost of the
17 funeral arrangements and disposition;
- 18 (D) The convenience and needs of other families and
19 friends wishing to pay respects;
- 20 (E) The desires of the decedent; and



1 (F) The degree to which the funeral arrangements
2 would allow maximum participation by all wishing
3 to pay respect.

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

13 If the funeral establishment, cemetery, mortuary, [~~or~~]
14 crematory, or natural organic reduction facility retains the
15 remains for final disposition while the parties are in
16 disagreement, it may embalm or refrigerate and shelter the body,
17 or both, while awaiting the final decision of the probate court
18 and may add the cost of embalming or refrigeration and
19 sheltering to the cost of final disposition.

20 If a funeral establishment, cemetery, mortuary, [~~or~~]
21 crematory, or natural organic reduction facility brings an



1 action under this section, it may add the legal fees and court
2 costs associated with a petition under this section to the cost
3 of final disposition.

4 This section shall not be construed to require or impose a
5 duty upon a funeral establishment, cemetery, mortuary, [~~or~~]
6 crematory, or natural organic reduction facility to bring an
7 action under this section.

8 A funeral establishment, cemetery, mortuary, [~~or~~]
9 crematory, or natural organic reduction facility and its
10 officers, directors, managers, members, partners, or employees
11 [~~may~~] shall not be held criminally or civilly liable for
12 choosing not to bring an action under this section."

13 SECTION 7. Section 531B-8, Hawaii Revised Statutes, is
14 amended by amending subsections (b) and (c) to read as follows:

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



1 natural organic reduction facility reasonably believes to hold
2 the right of disposition.

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

18 SECTION 8. Section 531B-9, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) A funeral director or manager of a funeral
21 establishment, cemetery, mortuary, [~~or~~] crematory, or natural



1 organic reduction facility shall have complete authority to
2 direct and control the final disposition and disposal of a
3 decedent's remains and to proceed under this chapter to recover
4 reasonable charges for the final disposition and disposal if:

5 (1) The funeral director or manager:

6 (A) Has no knowledge that any of the persons
7 described in section 531B-4(a)(1) through
8 [†] (a) (10) [†] exist;

9 (B) Has knowledge that the person or persons who may
10 or do have the right of disposition cannot be
11 found after reasonable inquiry or reasonable
12 attempts to contact; or

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

16 (2) The appropriate public authority fails to assume
17 responsibility for disposition of the remains within
18 thirty-six hours after having been given written
19 notice of the decedent's death. Written notice may be
20 given by hand delivery, certified mail, facsimile
21 transmission, or electronic mail transmission."



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

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

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

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



1 the local agent of the department of health by the person in
2 charge of such burial [~~or~~], cremation[-], or natural organic
3 reduction."

4 PART II

5 SECTION 11. (a) The department of health shall convene a
6 working group to explore natural organic reduction as a means of
7 disposal of human remains.

8 (b) The members of the working group shall include the
9 following:

- 10 (1) The director of health, or the director's designee;
- 11 (2) The director of human services, or the director's
12 designee;
- 13 (3) Two members of the senate to be appointed by the
14 president of the senate;
- 15 (4) Two members of the house of representatives to be
16 appointed by the speaker of the house of
17 representatives; and
- 18 (5) One representative from the Hawaii Funeral and
19 Cemetery Association;

20 provided that the director of health, or the director's
21 designee, may invite other community members as appropriate.



Report Title:

Human Remains; Natural Organic Reduction; Working Group

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. Establishes a working group to explore natural organic reduction as a means of disposal of human remains. Effective 7/1/2050.
(SD1)

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

