
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 organ
9 procurement organization that holds a dead human body as a
10 result of an anatomical gift shall, when the body is deemed of
11 no further value for [~~medical~~] purposes of transplantation,
12 therapy, research, or education [~~and research purposes~~], be
13 responsible for the final disposition of that dead human body
14 and all of its parts, except those parts used for
15 transplantation. The person or organ procurement organization
16 shall dispose of the remains by cremation, except as otherwise
17 provided in section 327-14[-] or as directed in a document of
18 gift, subject to any required 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 an organ procurement
14 organization to remove body parts or organs for transplantation
15 or therapy 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 SECTION 5. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Dead Bodies; Anatomical Gifts; Disposition of Bodies; Abuse of a Corpse

Description:

Clarifies prohibited actions related to anatomical gifts and disposition of bodies. Effective 7/1/2050. (HD2)

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