
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 amend chapter
2 327, Hawaii Revised Statutes, relating to the medical and
3 research use of bodies, and chapter 711, Hawaii Revised
4 Statutes, relating to offenses against the public order to
5 clarify prohibited actions related to anatomical gifts.

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

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

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

14 (2) A named individual designated by the person making the
15 anatomical gift if the individual is the recipient of
16 the body part; or, if the body part for any reason
17 cannot be transplanted into the individual, the body



1 part shall pass in accordance with subsection (f) in
2 the absence of an express, contrary indication by the
3 person making the anatomical gift; or

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

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

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

20 SECTION 4. Section 711-1108, Hawaii Revised Statutes, is
21 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 a human corpse in a way that the person knows
4 would outrage ordinary family sensibilities.

5 (2) The preparation of a corpse for burial or cremation in
6 a manner consistent with traditional Hawaiian cultural customs
7 and practices shall not be a violation of this section.

8 (3) The burial or cremation of a corpse prepared
9 consistent with traditional Hawaiian cultural customs and
10 practices shall not be a violation of this section.

11 (4) A person commits the offense of abuse of a corpse if,
12 except as authorized by law, the person accepts the donation of
13 a dead human body or any of its parts.

14 (5) A person commits the offense of abuse of a corpse if,
15 except as authorized by law, the person disposes of a dead human
16 body without a disposition permit. Disposal of a dead human
17 body includes removal of body parts or organs; provided that it
18 shall not be an offense for a procurement organization to remove
19 body parts or organs for transplantation or therapy prior to
20 obtaining a disposition permit.

21 ~~[(4)]~~ (6) Abuse of a corpse is a misdemeanor."



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Dead Bodies; Anatomical Gifts

Description:

Amends chapter 327, Hawaii Revised Statutes, relating to the medical and research use of bodies, and chapter 711, Hawaii Revised Statutes, relating to offenses against the public order, to clarify prohibited actions related to anatomical gifts.
(SD1)

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