
SENATE CONCURRENT RESOLUTION

REQUESTING THE SENATE STANDING COMMITTEE AND HOUSE OF REPRESENTATIVES STANDING COMMITTEE WHOSE PURVIEW INCLUDES CONSUMER PROTECTION, WITH THE SUPPORT OF THE LEGISLATIVE REFERENCE BUREAU, TO CONVENE A LEGISLATIVE WORKING GROUP TO DETERMINE RECOMMENDATIONS FOR ESTABLISHING APPROPRIATE FAMILY NOTICE AND STANDARDIZED CONSENT PROVISIONS FOR PRE-NEED CONTRACTS GOVERNING CREMATION.

1 WHEREAS, advances in medical technology, including the use
2 of metal implants, are contributing to the increased quality and
3 longevity of life of the State's population; and
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5 WHEREAS, mortuaries are increasingly faced with the need to
6 dispose of metal implants after cremation; and
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8 WHEREAS, given the frequent use of cremation as the
9 preferred method for the final arrangement of the deceased, the
10 disposition of incombustible metal surgical implants represents
11 a new issue as metal implants are not included with the ash
12 remains returned to the family in an urn; and
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14 WHEREAS, mortuaries in the State do not uniformly request
15 families of the deceased for express written permission to
16 dispose of incombustible metal implants; and
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18 WHEREAS, incombustible metal surgical implants may include
19 gold, silver, platinum cobalt, palladium, platinum, and other
20 precious metals which may have monetary value when sold in bulk;
21 and
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23 WHEREAS, the promotion of ethical practices that require
24 communication and consent on the part of cremation service
25 providers prevents any potential misuse or unauthorized sale of
26 incombustible metal implants or precious metals therein; now,
27 therefore,



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2 BE IT RESOLVED by the Senate of the Thirty-third
3 Legislature of the State of Hawaii, Regular Session of 2025, the
4 House of Representatives concurring, that the Senate Standing
5 Committee and House of Representatives Standing Committee whose
6 purview includes consumer protection, with the support of the
7 Legislative Reference Bureau, are requested to convene a
8 legislative working group to determine recommendations for
9 establishing appropriate family notice and standardized consent
10 provisions for pre-need contracts governing cremation; and

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12 BE IT FURTHER RESOLVED that the working group is requested
13 to:

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15 (1) Conduct a review of mortuary operations in each county
16 of the State and other states involved in the
17 collection, recycling, potential disposition, and sale
18 of incombustible metal surgical implants to determine
19 the revenues generated from these practices;
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21 (2) Propose definitions for incombustible metal implants
22 that remain following cremation;
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24 (3) Recommend contract provisions that mortuaries in the
25 State should include in pre-need contracts which
26 designated family representatives sign to express
27 their preferences and decisions regarding the
28 disposition of metal implants that remain following
29 cremation;
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31 (4) Report on current practices employed by mortuaries
32 that sell accumulated incombustible metal surgical
33 implants in bulk and report revenue generated from the
34 sale of incombustible metal surgical implants;
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36 (5) Identify conditions that may impact the quality and
37 quantity of metal fragments during cremation and
38 recommend the appropriate recycling or disposition of
39 incombustible metal surgical implants;
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41 (6) Recommend best practices for estate planners, senior
42 advocacy groups, and eldercare attorneys addressing



1 health care directives and wills in addressing
2 decisions related to cremation services and the
3 disposition of metal implants, including donations of
4 income from disposed metal implants to a designated
5 nonprofit organization; and
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- 7 (7) Submit a report of its findings and recommendations to
8 the Legislature, including any proposed legislation,
9 by November 30, 2025; and
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11 BE IT FURTHER RESOLVED that the working group is requested
12 to consist of the following members:
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- 14 (1) One member from each of the Senate and House Standing
15 Committees whose purview include consumer protection,
16 who are requested to serve as co-chairs of the working
17 group, to be appointed respectively by the President
18 of the Senate or Speaker of the House of
19 Representatives;
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- 21 (2) The Chief of the Environmental Health Services
22 Division of the Department of Health or their
23 designee;
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- 25 (3) The Complaints and Enforcement Officer of the
26 Regulated Industries Complaints Office of the
27 Department of Commerce and Consumer Affairs or their
28 designee;
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- 30 (4) The Executive Director of the Office of Consumer
31 Protection of the Department of Commerce and Consumer
32 Affairs or their designee;
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- 34 (5) The Division Administrator of the Professional and
35 Vocational Licensing Division of the Department of
36 Commerce and Consumer Affairs or their designee;
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- 38 (6) One member representing Kokua Mau, to be invited by
39 the co-chairs of the working group;
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- 41 (7) One member representing Kokua Council, to be invited
42 by the co-chairs of the working group;



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2 (8) One member who is a higher education faculty member
3 with expertise in gerontology and related family care
4 issues, to be invited by the co-chairs of the working
5 group;
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7 (9) One member from The Caregiver Foundation to be invited
8 by the co-chairs of the working group;
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10 (10) One member from the Hawaii Family Caregiver Coalition
11 to be invited by the co-chairs of the working group;
12 and
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14 (11) One member from each county representing the funeral
15 industry of the respective county to be invited by the
16 co-chairs of the working group; and
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18 BE IT FURTHER RESOLVED that the Legislative Reference
19 Bureau is requested to provide administrative support to the
20 working group, including assisting with the drafting of its
21 report to the Legislature; and
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23 BE IT FURTHER RESOLVED that certified copies of this
24 Concurrent Resolution be transmitted to the President of the
25 Senate, Speaker of the House of Representatives, Director of the
26 Legislative Reference Bureau, Director of Commerce and Consumer
27 Affairs, and Director of Health.

