

ACT 240

H. B. 867.

A Bill for an Act Relating to Acquisition of Human Bodies for Medical Science and Education.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Revised Laws of Hawaii 1955 is amended by adding thereto a new chapter to be designated and to read as follows:

**“CHAPTER 50G
MEDICAL USE OF UNCLAIMED BODIES**

Sec. 50G-1. Medical, etc., use of unclaimed bodies authorized. A university, hospital, or institution within the State authorized to teach and conduct research in medicine, anatomy, or surgery or having a medical preparatory or medical graduate course of instruction may receive from the department of health the unclaimed body of any person required to be buried at public expense and to use any such body for medical education and research purposes.

Sec. 50G-2. Administration; duties of health officers, etc. (a) The department of health shall administer the provisions of this chapter and

may provide by rules and regulations, promulgated pursuant to chapter 6C, for the distribution and use of unclaimed bodies as authorized in section 50G-1.

(b) The department of health upon receipt of notice of an unclaimed body shall deliver the body to a university, hospital, or institution for the purposes authorized in section 50G-1.

(c) Every head officer of a hospital, nursing home, correctional facility, funeral parlor or mortuary and every county medical examiner or coroner and every state or county officer, and every other person who has possession, charge, or control of any unclaimed dead human body required to be buried at public expense shall: (1) exercise due diligence to notify the relatives of the decedent; (2) in the absence of any known relative or friend of the deceased or any representative of a fraternal society of which the deceased was a member, who desires to direct the disposition of the remains in a manner other than in this chapter provided, notify the department of health not later than immediately after the end of twenty-four hours following the death, stating, whenever possible, the name, age, sex, and cause of death of the decedent.

(d) Every head officer of a hospital, nursing home or correctional facility in which a decedent was a patient or inmate at the time of death and whose body is unclaimed and required to be buried at public expense shall transmit to the department of health a medical history of the decedent for the purpose of identification and permanent record, which records shall be open to inspection by any state or county public official or prosecuting attorney.

Sec. 50G-3. Duties of university, etc., receiving bodies. Every university, hospital, or institution which receives an unclaimed body as provided in this chapter shall:

(a) Bear all reasonable expenses incurred in the transportation and preservation of the body.

(b) Keep a permanent record of every body received, giving an identification number, source, and disposition of the body and, if possible, the name, age, sex, nationality, race, and place of last residence of the decedent, which records shall be open to inspection by the department of health.

(c) Report annually, and at such other times as the department of health may specify, to the department concerning the receipt, preservation, retention, use, surrender, refusal, and disposition of dead bodies as provided in this chapter.

(d) Retain every body received in a receiving vault for a period of not less than thirty days before allowing its use for medical education and research purposes.

(e) Be deemed the "person in charge of interment" as to each body received for the purposes of chapter 57, part I, and comply with the requirements pertaining to the filing of death certificates.

Sec. 50G-4. Claimants; surrender. Any person may claim a body held by a university, hospital, or institution, as provided in this chapter,

upon payment of the expenses incurred in obtaining, preparing, and handling the body. Upon receipt of such claim and payment, the university, hospital, or institution shall surrender the body to the claimant.

Sec. 50G-5. Refusal of university, etc. (a) A university, hospital, or institution authorized to receive unclaimed bodies as provided in this chapter may refuse to accept any such body for the following reasons:

(1) Death occurs outside the island on which the university, hospital, or institution is located;

(2) The body is autopsied or embalmed;

(3) The body is not intact;

(4) The university, hospital, or institution has insufficient facilities to handle, store, and use the body; or

(5) Medical or health reasons endanger or threaten to endanger the public health and safety.

(b) In case of such refusal, the university, hospital, or institution shall notify the appropriate public agency which shall provide for the final disposition of such body pursuant to law.

Sec. 50G-6. Final disposition of bodies retained for medical education and research purposes. A university, hospital, or institution which holds an unclaimed body as provided in this chapter shall when the body is deemed of no further value to medical education and research purposes dispose of the remains by cremation, except as otherwise provided in section 50G-4.

Sec. 50G-7. Exceptions. No dead body shall be subject to the provisions of this chapter if:

(a) Death appears to have occurred under any of the circumstances set forth in section 260-3, in which case the provisions of chapter 260 shall apply;

(b) The decedent was an honorably discharged member of the United States armed forces, in which case the decedent shall be buried in accordance with law; or

(c) Any person claims the body for burial at his own expense.

Sec. 50G-8. Prohibitions; penalty. (a) No person shall give, offer, or promise any money or other things of value to any other person in consideration of receiving a dead human body.

(b) No university, hospital, or institution shall use a body received under the provisions of this chapter for any purpose except medical education and research.

Any person who violates any provision of this section shall be fined not more than \$1,000.00 or imprisoned not more than one year, or both.

Sec. 50G-9. Immunity from liability. A person or public or private agency shall not be liable for any damage or subject to criminal prosecution for any act done pursuant to and in compliance with the provisions of this chapter."

SECTION 2. This Act shall take effect upon its approval.

(Approved June 6, 1967.)