

**ACT 94**

H. B. 866.

A Bill for an Act Relating to Donation of Bodies After Death for the Purposes of Medical Science and Education and Amending Chapter 322, Revised Laws of Hawaii 1955.

*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 50F**

**DONATION OF BODIES AFTER DEATH**

**Sec. 50F-1. Donation of bodies authorized.** Every person of testamentary capacity may provide for the disposition of his body after death, by a will or other written instrument which directs that his remains be donated to 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, for teaching or scientific research purposes; provided that no person shall receive remuneration or anything of value for such disposition of his body. Every donation made pursuant to this chapter shall become effective immediately upon the death of the donor.

**Sec. 50F-2. Duties of donor's heirs.** The person or persons otherwise entitled by law to control the disposition of a decedent's body shall

faithfully carry out the directions of the decedent made pursuant to section 50F-1 subject only to the provisions of chapter 260 with respect to the duties of the coroner.

**Sec. 50F-3. Duties of donee.** Every university, hospital or institution which is a donee of a dead body as provided in section 50F-1 shall:

(a) Provide appropriate forms and other necessary papers approved by the director of health to be executed by the donor and shall also provide forms for the consent of the donor's spouse, adult children, parents, and adult brothers and sisters;

(b) Bear all reasonable expenses incurred in the transportation, preservation, and final disposition of the body;

(c) Use the body or parts thereof, solely for the purpose of teaching and research to promote medical science and education, including the retention of such material as may be needed for such purpose;

(d) Cooperate in carrying out any reasonable burial or funeral arrangements requested by the donor's surviving spouse, adult children, parents, or adult brothers and sisters; provided the costs of such arrangements shall not be the responsibility of the donee;

(e) In the absence of a request as specified in subsection (d), make final disposition of the body in a manner approved by the director of health;

(f) File with the local registrar of public health statistics of the district in which the death occurred a certificate of death within three days after death and comply with the provisions set forth in sections 57-11, 57-12, and 57-13.

**Sec. 50F-4. Refusal of donated bodies.** A university hospital or institution which is a donee of a dead body as provided in section 50F-1 may refuse to accept it under the following circumstances:

(a) The death occurs outside the island on which the university, hospital or institution is located;

(b) The body is autopsied or embalmed;

(c) The body is not intact;

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

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

**Sec. 50F-5. Immunity from liability.** A university, hospital, or institution to which a body is donated pursuant to this chapter, or any agent, officer, or employee of such university, hospital, or institution, shall not be liable for any damage or subject to criminal prosecution for using the body or parts thereof for teaching and scientific research purposes.

**Sec. 50F-6. Form of disposing instrument; carrying out instructions; revocation.** (a) No particular form or words shall be necessary or required for a person to donate his body pursuant to this chapter, except that in cases of a donation made by a written instrument other than a will, the instrument shall be witnessed by two adult persons and shall provide for the written consent to the donation by, to the extent applicable, the donor's

spouse, adult children, parents, and adult brothers and sisters.

(b) In cases of a donation made by a will the directions of the testator that his body be donated as provided in sections 50F-1 and 322-1 shall be immediately carried out regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date.

(c) Every donation made pursuant to this chapter may be revoked by the donor at any time prior to his death by the execution of a subsequent written instrument.

**Sec. 50F-7. Construction.** This chapter shall be administered and construed to the end that the expressed directions of any person in a will or other written instrument for the donation of his body as herein provided shall be faithfully and promptly performed.

**Sec. 50F-8. Administration.** The use of any dead body or parts thereof for medical science and education purposes and the subsequent final disposition of any such body made pursuant to the provisions of this chapter shall be administered by the department of health for administrative purposes.”

SECTION 2. Section 322-1, Revised Laws of Hawaii 1955, is amended to read as follows:

**“Sec. 322-1. Age; sound mind; disposal of testator’s body.** Every person of the age of twenty years and of sound mind may dispose of his estate both real and personal by will. In addition, every such person may by will dispose of the whole or any part of his body to 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, for teaching or scientific research purposes.”

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

(Approved May 20, 1967.)