

ACT 277

H.B. NO. 2842

A Bill for an Act Relating to the Director of Health.

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

SECTION 1. Section 327C-1, Hawaii Revised Statutes, is amended by amending subsections (c), (d), and (e):

“(c) When a part of a donor is used for direct organ transplantation under chapter 327, and the donor’s death is established by determining that the donor experienced irreversible cessation of all functions of the entire brain, including the brain stem, the determination shall only be made under subsection (b) [of this section]. The determination of death in all other cases shall be made under subsection (a) [of this section]. The physicians making the determination of death shall not participate in the procedures for removing or transplanting a part, or in the care of any recipient.

(d) All death determinations in the State shall be made pursuant to this section and shall apply to all purposes, including but not limited to civil and criminal actions, any laws to the contrary notwithstanding[.]; provided that presumptive deaths under the Uniform Probate Code shall not be affected by this section.

(e) The director of health [shall] may convene in every odd-numbered year, a committee which shall be composed of representatives of appropriate general and specialized medical professional organizations, licensed attorneys, and members of the public. The committee shall review medical practice, legal developments, and other appropriate matters to determine the continuing viability of this section, and shall submit a report of its findings and recommendations to the legislature, prior to the convening of the regular session held in each even-numbered year.”

SECTION 2. Section 339-3, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§339-3]]~~ **Duties of the director.** (a) The director shall:

- (1) Be responsible for the study of available research in the field of litter control, prevention, removal, disposal, and recycling; the study of methods for the implementation of such research; and development of public educational programs[.];
- (2) Serve as a coordinator between the State, state agencies, and various organizations seeking to aid in the antilitter effort[.];
- (3) Cooperate with local governments to accomplish the coordination of antilitter efforts[.]; and
- (4) Encourage voluntary local antilitter campaigns.

(b) The director may:

- ~~[(5)]~~ (1) Apply for funds or other resources available from private or public sources[.];
- ~~[(6)]~~ (2) Conduct educational programs intended to instill the antilitter ethic[.];
- ~~[(7)]~~ (3) Design a state antilitter symbol[.];
- ~~[(8)]~~ (4) Post antilitter signs in public places where required[.]; and
- ~~[(9)]~~ (5) Design and make available a litter bag bearing the state antilitter symbol and a statement of the penalties prescribed herein for littering.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved July 20, 1998.)