

## ACT 198

H.B. NO. 214

A Bill for an Act Relating to Disinterment of Human Bodies.

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

SECTION 1. Section 338-25.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) No corpse, nor the remains of any dead human body, exclusive of ashes, shall be exposed, disturbed, or removed from its place of burial, nor shall the receptacle, container, or coffin holding the remains or corpse be opened, removed, or disturbed after due interment, except upon written application made to the director of health for a permit therefor and upon the issuance and according to the terms of a permit granted therefor by the director. After any removal or disturbance the grave shall be filled at once and restored to its former condition. A cemetery authority with a current and active license with the department of commerce and consumer affairs may disinter and reinter a corpse or remains within that same cemetery without filing an application for a permit from the department of health if the cemetery authority has written authorization from the majority of the next-of-kin of the person whose corpse or remains is disinterred, as determined by the priority of succession order required by section 531B-4; provided that this exception shall not apply to disinterment of a corpse or remains for transfer off of the cemetery property to another physical address. The cemetery authority may require a licensed embalmer to be available during the disinterment in the event that human remains may be exposed.

For the purposes of this subsection, “cemetery,” “cemetery authority,” and “cemetery property” have the same meaning as provided in section 441-1.”

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2019.

(Approved July 2, 2019.)