

## ACT 108

H.B. NO. 1533

A Bill for an Act Relating to Death Benefits.

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

SECTION 1. The legislature finds that Hawaii's mortuaries and cemeteries are inadequately compensated for cremating and storing unclaimed human remains on behalf of the State. The department of human services provides death benefits to cover cremation and disposition costs for a deceased person who was eligible for medical or financial assistance at the time of the person's death and whose body is unclaimed. However, the amount is not adequate to cover the mortuary's or cemetery's expenses. Currently, the State offers \$800 in reimbursement to cover the costs of transporting, cremating, storing, and handling the final disposition of an unclaimed body. The Hawaii Funeral and Cemetery Association estimates that the average market rate for these services is approximately \$2,400. The rising costs of fuel, labor, and materials make this pay discrepancy unsustainable for the industry. If mortuaries and cemeteries are not more fairly compensated, they may begin to decline the State's request to handle cremations paid through death benefits.

Accordingly, the purpose of this Act is to increase from \$800 to \$1,600 the amount of death benefits paid by the department of human services to cover

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the cremation and disposition costs for a deceased person who was eligible for medical or financial assistance at the time of the person's death and whose body is unclaimed.

SECTION 2. Section 346-15, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) All unclaimed dead human bodies shall undergo cremation as defined in section 531B-2. The department may bear the cost of the mortuary, crematory, or hydrolysis facility services for unclaimed dead human bodies furnished by any licensed provider of these services. Payments for these services shall be made to the extent of the cost, or in the sum of [~~\$800~~] \$1,600 in total, whichever is less, for each unclaimed dead human body. Individuals who have possession, charge, or control of any unclaimed dead human body to undergo cremation at public expense shall have sixty days from the date of the deceased's death to submit in writing to the department its determination that the dead human body is unclaimed and its application for payment for cremation. The county medical examiners or coroners shall have no time limitation by which to submit their written determination that the dead human body is unclaimed and their application for payment for cremation.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$277,600 or so much thereof as may be necessary for fiscal year 2024-2025 to cover the increased cremation and disposition costs for a deceased person who was eligible for medical or financial assistance at the time of the person's death and whose body is unclaimed.

The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2024.

(Approved June 27, 2024.)