

STAND. COM. REP. NO. 1355

Honolulu, Hawaii

MAR 24 2025

RE: S.C.R. No. 44
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred S.C.R. No. 44 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE SENATE STANDING COMMITTEE AND HOUSE OF REPRESENTATIVES STANDING COMMITTEE WHOSE PURVIEW INCLUDES CONSUMER PROTECTION, WITH THE SUPPORT OF THE LEGISLATIVE REFERENCE BUREAU, TO CONVENE A LEGISLATIVE WORKING GROUP TO DETERMINE RECOMMENDATIONS FOR ESTABLISHING APPROPRIATE FAMILY NOTICE AND STANDARDIZED CONSENT PROVISIONS FOR PRE-NEED CONTRACTS GOVERNING CREMATION,"

begs leave to report as follows:

The purpose and intent of this measure is to request the Senate Standing Committee and House of Representatives Standing Committee whose purview includes consumer protection, with the support of the Legislative Reference Bureau, to convene a legislative working group to determine recommendations for establishing appropriate family notice and standardized consent provisions for pre-need contracts governing cremation.

Your Committee received testimony in support of this measure from one member of the Hawaii State Senate.

Your Committee received testimony in opposition to this measure from the Hawaii Funeral and Cemetery Association, Inc.; Mililani Group, Inc.; and Dodo Mortuary, Inc. & Crematory.



Your Committee received comments on this measure from the Regulated Industries Complaints Office and the Cemetery and Funeral Trusts Program of the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs.

Your Committee finds that planning and paying for cremation services in advance through pre-need contracts is an increasingly common method selected by individuals to ensure that their wishes and choices regarding their final arrangements are honored and to ease the financial burdens on their loved ones. With the simultaneous rise in the prevalence of incombustible metal surgical implants due to advances in medical technology, the disposition of these implants following cremation has become a pressing issue for many families and mortuaries. This measure addresses the moral and environmental concerns relating to the disposal of these implants by establishing a working group to develop recommendations on best practices to ensure responsible disposition of the implants by mortuaries, including standard notice and consent provisions to be included in contracts governing cremation.

Your Committee acknowledges the concerns raised in testimony that the Environmental Health Services Division of the Department of Health regulates the licensing of mortuaries, and should therefore be included in the legislative working group. Therefore, this measure needs to be amended to address this concern.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the working group is requested to review mortuary operations in other states, rather than "mainland jurisdictions";
- (2) Adding the Chief of the Environmental Health Services Division of the Department of Health or their designee as a requested member of the working group; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



Your Committee notes the request made by the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs to be removed from the legislative working group, stating that the Office, which regulates fifty-two separate industries and professions, may not be best suited given its heavy workload and limited expertise in the subject matter. Your Committee further notes the concerns raised by local mortuary businesses that this measure is unnecessary because their existing practices and documents already address the disposition of incombustible metal surgical implants, including informing clients of their procedures. While acknowledging the local industry's existing practices, your Committee finds that the issues addressed by this measure and the concerns raised in testimony merit further discussion among all stakeholders, including families, funeral service providers, and regulatory agencies, and respectfully requests that subsequent Committees to which this measure is referred conduct a more thorough and comprehensive examination of the matter.

As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 44, as amended herein, and recommends that it be referred to your Committee on Commerce and Consumer Protection, in the form attached hereto as S.C.R. No. 44, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Government
Operations,



ANGUS L.K. MCKELVEY, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
 Committee on Government Operations
 GVO

Bill / Resolution No.:* SCR 44	Committee Referral: GVO, CPN	Date: 3-20-25		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
MCKELVEY, Angus L.K. (C)	✓			
GABBARD, Mike (VC)	✓			
MORIWAKI, Sharon Y.				✓
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt				✓
TOTAL	3	—	—	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes