STAND. COM. REP. NO.

Honolulu, Hawaii Robriam 1, 2013

RE: H.B. No. 134 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 134 entitled:

"A BILL FOR AN ACT RELATING TO DISPOSITION OF REMAINS,"

begs leave to report as follows:

The purpose of this measure is to clarify the law regarding the right of disposition of human remains by:

- Establishing a priority system of persons who may direct the disposition of a decedent's remains and the arrangements for funeral goods and services;
- (2) Providing that funeral establishments, cemeteries, mortuaries, and crematories rely and act upon written directions from the decedent or persons who claim the right of disposition without liability; and
- (3) Permitting funeral establishments, cemeteries, mortuaries, and crematories to control the disposition of a decedent's remains, in manners currently prescribed by law, under certain circumstances.

Dodo Mortuary, Inc. & Crematory; Hawaii Funeral and Cemetery Association, Inc.; Hawaiian Memorial Life Plan, Ltd.; Hosoi Garden Mortuary, Inc.; Leeward Funeral Home; Mililani Group, Inc.; Nuuanu Memorial Park & Mortuary; and the Oahu Cemetery Association



STAND. COM. REP. NO. Q

testified in support of this measure. The Hawaii Association for Justice testified in opposition to this measure.

Your Committee has amended this measure by:

- Permitting, rather than mandating funeral establishments, cemeteries, mortuaries, and crematories to rely and act according to the disposition instructions of appropriate priority class members;
- (2) Specifying that funeral establishments, cemeteries, mortuaries, and crematories shall be subject to liability for the disposition of remains under circumstances of gross negligence, or intentional, or wanton conduct; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 134, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 134, H.D. 1, and be referred to the Committee on Judiciary.

HB134 HD1 HSCR CPC HMS 2013-1802

Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

CENTRAL PARTY OF

ANGUS L.K. MCKELVEY, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

	cee Referral: Date: C, JUD, FIN 02/04/175			
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit) 				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	V			
2. KAWAKAMI, Derek S.K. (VC)	V			
3. BELATTI, Della Au				
4. BROWER, Tom	1			
5. CABANILLA, Rida T.R.	V			
6. CACHOLA, Romy M.				
7. CARROLL, Mele				V
8. EVANS, Cindy	\checkmark			
9. HAR, Sharon E.				\checkmark
10. ITO, Ken	V			
11. LEE, Chris				
12. TSUJI, Clift	V,			
13. YAMANE, Ryan I.				
14. MCDERMOTT, Bob	V /			
15. THIELEN, Cynthia				
			•	
TOTAL (15)	12/2	-0	Ø	3
The recommendation is: Adopted Not Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				