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## A BILL FOR AN ACT

RELATING TO HUMAN REMAINS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that natural organic  
2 reduction or "human composting" is a process in which human  
3 remains are turned into soil. The legislature further finds  
4 that natural organic reduction is more environmentally friendly  
5 than traditional burial and cremation processes as it utilizes  
6 less energy and does not rely on fossil fuels. The legislature  
7 also finds that California, Colorado, and Washington, amongst  
8 other states, have legalized this practice.

9           Accordingly, the purpose of this Act is to allow for the  
10 use of natural organic reduction in the treatment and disposal  
11 of human remains.

12           SECTION 2. Section 327-32, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           "**§327-32 Administration; duties of health officers.** Every  
15 head officer of a hospital, nursing home, correctional facility,  
16 funeral parlor, or mortuary and every county medical examiner or  
17 coroner and every state or county officer, and every other



1 person who has possession, charge, or control of any unclaimed  
2 dead human body that may undergo cremation or natural organic  
3 reduction as defined in section 531B-2 at public expense  
4 pursuant to section 346-15 shall:

5 (1) Exercise due diligence to notify the relatives and  
6 friends of the decedent, any representative of a  
7 fraternal society of which the deceased was a member,  
8 and any legally responsible party; and

9 (2) Submit in writing to the department of human services  
10 a description of the efforts used in making the  
11 determination that the dead human body is unclaimed in  
12 accordance with section 346-15, if payment for  
13 cremation is sought.

14 Nothing in this section shall be construed to affect the  
15 requirements relating to the filing of a certificate of death  
16 with the department of health pursuant to chapter 338."

17 SECTION 3. Section 327-36, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§327-36 Final disposition of anatomical gifts.** A person  
20 or procurement organization that holds a dead human body as a  
21 result of an anatomical gift shall, when the body is deemed of



1 no further value for purposes of transplantation, therapy,  
 2 research, or education, be responsible for the final disposition  
 3 of that dead human body and all of its parts, except those parts  
 4 used for transplantation. The person or procurement  
 5 organization shall dispose of the remains by cremation or  
 6 natural organic reduction as defined in section 531B-2, except  
 7 as otherwise provided in section 327-14 or as directed in a  
 8 document of gift, subject to any required disposition permits."

9 SECTION 4. Chapter 327N, Hawaii Revised Statutes, is  
 10 amended by amending its title to read as follows:

11 "[+]CHAPTER 327N[+]

12 **HYDROLYSIS FACILITIES; NATURAL ORGANIC REDUCTION FACILITIES**"

13 SECTION 5. Section 327N-1, Hawaii Revised Statutes, is  
 14 amended by adding a new definition to be appropriately inserted  
 15 and to read as follows:

16 ""Natural organic reduction facility" has the same meaning  
 17 as in 531B-2."

18 SECTION 6. Section 327N-2, Hawaii Revised Statutes, is  
 19 amended to read as follows:

20 "[+]§327N-2[+] **Hydrolysis facilities and natural organic**  
 21 **reduction facilities** operating as mortuaries or funeral



1 **establishments; human remains.** Any commercial hydrolysis  
2 facility or natural organic reduction facility in the State  
3 handling human remains shall be subject to the requirements for  
4 funeral establishments and mortuaries."

5 SECTION 7. Section 346-15, Hawaii Revised Statutes, is  
6 amended as follows:

7 1. By amending subsection (b) to read:

8 "(b) All unclaimed dead human bodies shall undergo  
9 cremation or natural organic reduction as defined in section  
10 531B-2. The department may bear the cost of the mortuary,  
11 crematory, [~~or~~] hydrolysis facility, or natural organic  
12 reduction facility services for unclaimed dead human bodies  
13 furnished by any licensed provider of these services. Payments  
14 for these services shall be made to the extent of the cost, or  
15 in the sum of \$800 in total, whichever is less, for each  
16 unclaimed dead human body. Individuals who have possession,  
17 charge, or control of any unclaimed dead human body to undergo  
18 cremation or natural organic reduction at public expense shall  
19 have sixty days from the date of the deceased's death to submit  
20 in writing to the department its determination that the dead  
21 human body is unclaimed and its application for payment for



1 cremation. The county medical examiners or coroners shall have  
2 no time limitation by which to submit their written  
3 determination that the dead human body is unclaimed and their  
4 application for payment for cremation."

5 2. By amending subsection (e) to read:

6 "(e) For the purposes of this section, "unclaimed dead  
7 human body" means the remains of any deceased person for whom no  
8 one has assumed responsibility for disposition and no legally  
9 responsible individual has been identified. Pursuant to section  
10 327-32, the department shall review the written description of  
11 the efforts used in making the determination that a dead human  
12 body is unclaimed and approve the determination for purposes of  
13 payment of the mortuary, crematory, ~~[or]~~ hydrolysis facility, or  
14 natural organic reduction facility services, if it meets the  
15 department's requirements."

16 SECTION 8. Section 531B-2, Hawaii Revised Statutes, is  
17 amended by adding two new definitions to be appropriately  
18 inserted and to read as follows:

19 ""Natural organic reduction" means the contained,  
20 accelerated conversion of human remains to soil.



1       "Natural organic reduction facility" means a structure,  
2 room, or other space in a building or real property where  
3 natural organic reduction of a human body occurs."

4       SECTION 9. Section 531B-6, Hawaii Revised Statutes, is  
5 amended to read as follows:

6       "**§531B-6 Forfeiture of right to direct disposition.** A  
7 person entitled under law to the right of disposition shall  
8 forfeit that right, and the right is passed on to the next  
9 person in the order of priority as listed in section 531B-4,  
10 under the following circumstances:

11       (1) The person is charged with murder or manslaughter in  
12 connection with the decedent's death, and the charges  
13 are known to the funeral director or manager of the  
14 funeral establishment, cemetery, mortuary, crematory,  
15 [~~or~~] hydrolysis facility[+] or natural organic  
16 reduction facility; provided that if the charges  
17 against the person are dismissed, or if the person is  
18 acquitted of the charges, the right of disposition is  
19 returned to that person, unless the dismissal or  
20 acquittal occurs after the final disposition has been  
21 completed;



1           (2) The person does not exercise the person's right of  
2           disposition within five days of notification of the  
3           decedent's death or within seven days of the  
4           decedent's death, whichever is earlier;

5           (3) The person and the decedent are spouses, civil union  
6           partners, or reciprocal beneficiaries, and at the time  
7           of the decedent's death, proceedings for annulment,  
8           divorce, or separation had been initiated or a  
9           declaration for termination of the reciprocal  
10          beneficiary relationship had been filed; or

11          (4) The probate court pursuant to section 531B-7  
12          determines that the person entitled to the right of  
13          disposition and the decedent were estranged at the  
14          time of death."

15          SECTION 10. Section 531B-7, Hawaii Revised Statutes, is  
16          amended by amending subsections (b) and (c) to read as follows:

17          "(b) The following provisions shall apply to the court's  
18          determination under this section:

19          (1) If two or more persons with the same priority class  
20          hold the right of disposition and cannot agree by  
21          majority vote regarding the disposition of the



1 decedent's remains, or there are any persons who claim  
2 to have priority over any other person, any of these  
3 persons or a funeral establishment, cemetery,  
4 mortuary, crematory, ~~[or]~~ hydrolysis facility, or  
5 natural organic reduction facility with custody of the  
6 remains may file a petition asking the probate court  
7 to make a determination in the matter; and

8 (2) In making a determination in a case where there are  
9 two or more persons with the same priority class who  
10 cannot agree by majority vote, the probate court may  
11 consider the following:

- 12 (A) The reasonableness and practicality of the  
13 proposed funeral arrangements and disposition;
- 14 (B) The degree of the personal relationship between  
15 the decedent and each of the persons claiming the  
16 right of disposition;
- 17 (C) The desires of the person or persons who are  
18 ready, able, and willing to pay the cost of the  
19 funeral arrangements and disposition;
- 20 (D) The convenience and needs of other families and  
21 friends wishing to pay respects;



- 1 (E) The desires of the decedent; and
- 2 (F) The degree to which the funeral arrangements
- 3 would allow maximum participation by all wishing
- 4 to pay respect.

5 (c) In the event of a dispute regarding the right of  
6 disposition, a funeral establishment, cemetery, mortuary,  
7 crematory, [~~or~~] hydrolysis facility, or natural organic  
8 reduction facility shall not be liable for refusing to accept  
9 the remains, to inter or otherwise dispose of the remains of the  
10 decedent, or complete the arrangements for the final disposition  
11 of the remains until it receives a court order or other written  
12 agreement signed by the parties in the disagreement that the  
13 dispute has been resolved or settled.

14 If the funeral establishment, cemetery, mortuary,  
15 crematory, [~~or~~] hydrolysis facility, or natural organic  
16 reduction facility retains the remains for final disposition  
17 while the parties are in disagreement, it may embalm or  
18 refrigerate and shelter the body, or both, while awaiting the  
19 final decision of the probate court and may add the cost of  
20 embalming or refrigeration and sheltering to the cost of final  
21 disposition.



1           If a funeral establishment, cemetery, mortuary, crematory,  
2 ~~[or]~~ hydrolysis facility, or natural organic reduction facility  
3 brings an action under this section, it may add the legal fees  
4 and court costs associated with a petition under this section to  
5 the cost of final disposition.

6           This section shall not be construed to require or impose a  
7 duty upon a funeral establishment, cemetery, mortuary,  
8 crematory, ~~[or]~~ hydrolysis facility, or natural organic  
9 reduction facility to bring an action under this section.

10           A funeral establishment, cemetery, mortuary, crematory,  
11 ~~[or]~~ hydrolysis facility, or natural organic reduction facility  
12 and its officers, directors, managers, members, partners, or  
13 employees may not be held criminally or civilly liable for  
14 choosing not to bring an action under this section."

15           SECTION 11. Section 531B-8, Hawaii Revised Statutes, is  
16 amended by amending subsections (b) and (c) to read as follows:

17           "(b) A funeral establishment, cemetery, mortuary,  
18 crematory, ~~[or]~~ hydrolysis facility, or natural organic  
19 reduction facility shall have the right to rely on the funeral  
20 service agreement, cremation authorization form, or any other  
21 authorization form, including the identification of the



1 decedent, and shall have the authority to carry out the  
2 instructions of the person or persons whom the funeral  
3 establishment, cemetery, mortuary, crematory, ~~[or]~~ hydrolysis  
4 facility, or natural organic reduction facility reasonably  
5 believes to hold the right of disposition.

6 (c) The funeral establishment, cemetery, mortuary,  
7 crematory, ~~[or]~~ hydrolysis facility, or natural organic  
8 reduction facility shall have no responsibility to verify the  
9 identity of the decedent or contact or independently investigate  
10 the existence of any person who may have a right of disposition.  
11 If there is more than one person in the same priority class  
12 pursuant to section 531B-4 and the funeral establishment,  
13 cemetery, mortuary, crematory, ~~[or]~~ hydrolysis facility, or  
14 natural organic reduction facility has no knowledge of any  
15 objection by other members of the priority class, it may rely on  
16 and act according to the instructions of the first person in the  
17 priority class to make funeral and disposition arrangements;  
18 provided that no other person in the priority class provides  
19 written notice to the funeral establishment, cemetery, mortuary,  
20 crematory, ~~[or]~~ hydrolysis facility, or natural organic  
21 reduction facility of that person's objections."



1 SECTION 12. Section 531B-9, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) A funeral director or manager of a funeral  
4 establishment, cemetery, mortuary, crematory, ~~[or]~~ hydrolysis  
5 facility, or natural organic reduction facility shall have  
6 complete authority to direct and control the final disposition  
7 and disposal of a decedent's remains and to proceed under this  
8 chapter to recover reasonable charges for the final disposition  
9 and disposal if:

10 (1) The funeral director or manager:

11 (A) Has no knowledge that any of the persons  
12 described in section 531B-4(a)(1) through (a)(10)  
13 exist;

14 (B) Has knowledge that the person or persons who may  
15 or do have the right of disposition cannot be  
16 found after reasonable inquiry or reasonable  
17 attempts to contact; or

18 (C) Has knowledge that the person or persons who may  
19 or do have the right of disposition have lost  
20 this right pursuant to section 531B-6; and



1           (2) The appropriate public authority fails to assume  
2           responsibility for disposition of the remains within  
3           thirty-six hours after having been given written  
4           notice of the decedent's death. Written notice may be  
5           given by hand delivery, certified mail, facsimile  
6           transmission, or electronic mail transmission."

7           SECTION 13. Section 531B-10, Hawaii Revised Statutes, is  
8           amended to read as follows:

9           "**§531B-10 Disposition of unclaimed cremated remains.**

10          Whenever any cremated remains have been in the lawful possession  
11          of any funeral establishment, cemetery, mortuary, crematory,  
12          ~~[or]~~ hydrolysis facility, or natural organic reduction facility  
13          for sixty or more days, and the person entitled under law to the  
14          right of disposition fails, neglects, or refuses to take custody  
15          of the cremated remains or direct the disposition, the funeral  
16          establishment, cemetery, mortuary, crematory, ~~[or]~~ hydrolysis  
17          facility, or natural organic reduction facility with lawful  
18          possession of the cremated remains may dispose of the remains by  
19          any manner that is not inconsistent with any law of the State."

20          SECTION 14. Section 531B-11, Hawaii Revised Statutes, is  
21          amended to read as follows:



1           "**§531B-11 Immunity.** No funeral establishment, cemetery,  
2 mortuary, crematory, [~~or~~] hydrolysis facility, or natural  
3 organic reduction facility or any of its officers, directors,  
4 members, partners, funeral directors, managers, or employees who  
5 reasonably rely in good faith upon the instructions of an  
6 individual claiming the right of disposition shall be subject to  
7 criminal or civil liability or administrative or disciplinary  
8 action for carrying out the disposition of the remains in  
9 accordance with the instructions."

10           SECTION 15. Section 841-10, Hawaii Revised Statutes, is  
11 amended to read as follows:

12           "**§841-10 Decent burial.** When any coroner or deputy  
13 coroner takes an inquest upon the dead body of a stranger or  
14 indigent person or, being called for that purpose, does not  
15 determine it necessary, on view of the body, that any inquest  
16 should be taken, the coroner or deputy coroner shall cause the  
17 body to be decently buried or undergo cremation or natural  
18 organic reduction as defined in section 531B-2. A burial-  
19 transit permit authorizing a burial [~~or~~], cremation, or natural  
20 organic reduction shall be secured from the local agent of the



1 department of health by the person in charge of the burial [~~or~~],  
2 cremation[~~-~~], or natural organic reduction."

3 SECTION 16. This Act does not affect rights and duties  
4 that matured, penalties that were incurred, and proceedings that  
5 were begun before its effective date.

6 SECTION 17. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 18. This Act shall take effect upon its approval.

9

INTRODUCED BY:

*ZPL*

JAN 17 2025



# H.B. NO. 747

**Report Title:**

Department of Health; Human Remains; Natural Organic Reduction

**Description:**

Allows for the use of natural organic reduction for the treatment and disposal of human remains.

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