
HOUSE 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.

1 WHEREAS, advances in medical technology, including the use
2 of metal implants, are contributing to the quality and increased
3 longevity of life of the State's population; and
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5 WHEREAS, mortuaries are increasingly being faced with the
6 need to dispose of metal implants after cremation; and
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8 WHEREAS, given the frequent use of cremation as the
9 preferred method for the final arrangement of the deceased, the
10 disposition of incombustible metal surgical implants represents
11 a new issue as metal implants are not included with the ash
12 remains returned to the family in an urn; and
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14 WHEREAS, mortuaries in the State do not uniformly request
15 families of the deceased for express written permission to
16 dispose of incombustible metal implants; and
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18 WHEREAS, incombustible metal surgical implants may include
19 gold, silver, platinum cobalt, palladium, platinum, and other
20 precious metals which may have monetary value when sold in bulk;
21 and
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23 WHEREAS, the promotion of ethical practices that require
24 communication and consent on the part of cremation service
25 providers prevents any potential misuse or unauthorized sale of
26 incombustible metal implants or precious metals therein; now,
27 therefore,
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1 BE IT RESOLVED by the House of Representatives of the
2 Thirty-third Legislature of the State of Hawaii, Regular Session
3 of 2025, the Senate concurring, that the Senate Standing
4 Committee and House of Representatives Standing Committee whose
5 purview includes consumer protection, with the support of the
6 Legislative Reference Bureau, are requested to convene a
7 legislative working group to determine recommendations for
8 establishing appropriate family notice and standardized consent
9 provisions for pre-need contracts governing cremation; and

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11 BE IT FURTHER RESOLVED that the working group is requested
12 to:

- 13
14 (1) Conduct a review of mortuary operations in each county
15 of the State and mainland jurisdictions involved in
16 the collection, recycling, potential disposition, and
17 sale of incombustible metal surgical implants to
18 determine the revenues generated from these practices;
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20 (2) Propose definitions for incombustible metal implants
21 that remain following cremation;
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23 (3) Recommend contract provisions that mortuaries in the
24 State should include in pre-need contracts which
25 designated family representatives sign to express
26 their preferences and decisions regarding the
27 disposition of metal implants that remain following
28 cremation;
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30 (4) Report on current practices employed by mortuaries
31 that sell accumulated incombustible metal surgical
32 implants in bulk and report revenue generated from the
33 sale of incombustible metal surgical implants;
34
35 (5) Identify conditions that may impact the quality and
36 quantity of metal fragments during cremation and
37 recommend the appropriate recycling or disposition of
38 incombustible metal surgical implants;
39
40 (6) Recommend best practices for estate planners, senior
41 advocacy groups, and eldercare attorneys addressing
42 health care directives and wills in addressing



1 decisions related to cremation services and the
2 disposition of metal implants, including donations of
3 income from disposed metal implants to a designated
4 nonprofit organization; and

- 5
6 (7) Submit a report of its findings and recommendations to
7 the Legislature, including any proposed legislation,
8 by November 30, 2025; and
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10 BE IT FURTHER RESOLVED that the working group is requested
11 to consist of the following members:

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13 (1) One member from each of the Senate and House Standing
14 Committees whose purview include consumer protection,
15 who is requested to serve as co-chairs of the working
16 group, to be appointed respectively by the President
17 of the Senate or Speaker of the House of
18 Representatives;
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20 (2) The Complaints and Enforcement Officer of the
21 Regulated Industries Complaints Office of the
22 Department of Commerce and Consumer Affairs or their
23 designee;
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25 (3) The Executive Director of the Office of Consumer
26 Protection of the Department of Commerce and Consumer
27 Affairs or their designee;
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29 (4) The Division Administrator of the Professional
30 Vocational Licensing Division of the Department of
31 Commerce and Consumer Affairs or their designee;
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33 (5) One member representing Kokua Mau, to be invited by
34 the co-chairs or the working group;
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36 (6) One member representing Kokua Council, to be invited
37 by the co-chairs of the working group;
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39 (7) One member who is a higher education faculty member
40 with expertise in gerontology and related family care
41 issues, to be invited by the co-chairs of the working
42 group;



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- 1 (8) One member from the Family Caregiver Foundation to be
- 2 invited by the co-chairs of the working group;
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- 4 (9) One member from the Hawaii Family Caregiver Coalition
- 5 to be invited by the co-chairs of the working group;
- 6 and
- 7
- 8 (10) One member from each county representing the funeral
- 9 industry of the respective county to be invited by the
- 10 co-chairs of the working group; and
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12 BE IT FURTHER RESOLVED that the Legislative Reference
 13 Bureau is requested to provide administrative support to the
 14 working group, including assisting with the drafting of its
 15 report to the Legislature; and

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 17 BE IT FURTHER RESOLVED that certified copies of this
 18 Concurrent Resolution be transmitted to the President of the
 19 Senate, Speaker of the House of Representatives, Director of the
 20 Legislative Reference Bureau, and Director of Commerce and
 21 Consumer Affairs.

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24 OFFERED BY:

John M. Shimizu

 MAR 05 2025

