

MAR 06 2025

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# 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.

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 Senate of the Thirty-third  
2 Legislature of the State of Hawaii, Regular Session of 2025, the  
3 House of Representatives 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

10  
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;  
19  
20 (2) Propose definitions for incombustible metal implants  
21 that remain following cremation;  
22  
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;  
29  
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:

- 12  
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;  
19  
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;  
24  
25 (3) The Executive Director of the Office of Consumer  
26 Protection of the Department of Commerce and Consumer  
27 Affairs or their designee;  
28  
29 (4) The Division Administrator of the Professional  
30 Vocational Licensing Division of the Department of  
31 Commerce and Consumer Affairs or their designee;  
32  
33 (5) One member representing Kokua Mau, to be invited by  
34 the co-chairs or the working group;  
35  
36 (6) One member representing Kokua Council, to be invited  
37 by the co-chairs of the working group;  
38  
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
- 11

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

16

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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OFFERED BY:         *Carol Johnson*        

