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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 increased quality and  
3 longevity of life of the State's population; and  
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5 WHEREAS, mortuaries are increasingly faced with the need to  
6 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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BE IT RESOLVED by the Senate of the Thirty-third Legislature of the State of Hawaii, Regular Session of 2025, the House of Representatives concurring, that the Senate Standing Committee and House of Representatives Standing Committee whose purview includes consumer protection, with the support of the Legislative Reference Bureau, are requested to convene a legislative working group to determine recommendations for establishing appropriate family notice and standardized consent provisions for pre-need contracts governing cremation; and

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

- (1) Conduct a review of mortuary operations in each county of the State and other states involved in the collection, recycling, potential disposition, and sale of incombustible metal surgical implants to determine the revenues generated from these practices;
- (2) Propose definitions for incombustible metal implants that remain following cremation;
- (3) Recommend contract provisions that mortuaries in the State should include in pre-need contracts which designated family representatives sign to express their preferences and decisions regarding the disposition of metal implants that remain following cremation;
- (4) Report on current practices employed by mortuaries that sell accumulated incombustible metal surgical implants in bulk and report revenue generated from the sale of incombustible metal surgical implants;
- (5) Identify conditions that may impact the quality and quantity of metal fragments during cremation and recommend the appropriate recycling or disposition of incombustible metal surgical implants;
- (6) Recommend best practices for estate planners, senior advocacy groups, and eldercare attorneys addressing



1 health care directives and wills in addressing  
2 decisions related to cremation services and the  
3 disposition of metal implants, including donations of  
4 income from disposed metal implants to a designated  
5 nonprofit organization; and  
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- 7 (7) Submit a report of its findings and recommendations to  
8 the Legislature, including any proposed legislation,  
9 by November 30, 2025; and  
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11 BE IT FURTHER RESOLVED that the working group is requested  
12 to consist of the following members:  
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- 14 (1) One member from each of the Senate and House Standing  
15 Committees whose purview include consumer protection,  
16 who are requested to serve as co-chairs of the working  
17 group, to be appointed respectively by the President  
18 of the Senate or Speaker of the House of  
19 Representatives;  
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- 21 (2) The Chief of the Environmental Health Services  
22 Division of the Department of Health or their  
23 designee;  
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- 25 (3) The Complaints and Enforcement Officer of the  
26 Regulated Industries Complaints Office of the  
27 Department of Commerce and Consumer Affairs or their  
28 designee;  
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- 30 (4) The Executive Director of the Office of Consumer  
31 Protection of the Department of Commerce and Consumer  
32 Affairs or their designee;  
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- 34 (5) The Division Administrator of the Professional and  
35 Vocational Licensing Division of the Department of  
36 Commerce and Consumer Affairs or their designee;  
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- 38 (6) One member representing Kokua Mau, to be invited by  
39 the co-chairs of the working group;  
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- 41 (7) One member representing Kokua Council, to be invited  
42 by the co-chairs of the working group;



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- 2 (8) One member who is a higher education faculty member
- 3 with expertise in gerontology and related family care
- 4 issues, to be invited by the co-chairs of the working
- 5 group;
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- 7 (9) One member from The Caregiver Foundation to be invited
- 8 by the co-chairs of the working group;
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- 10 (10) One member from the Hawaii Family Caregiver Coalition
- 11 to be invited by the co-chairs of the working group;
- 12 and
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- 14 (11) One member from each county representing the funeral
- 15 industry of the respective county to be invited by the
- 16 co-chairs of the working group; and
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18 BE IT FURTHER RESOLVED that the Legislative Reference  
19 Bureau is requested to provide administrative support to the  
20 working group, including assisting with the drafting of its  
21 report to the Legislature; and

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23 BE IT FURTHER RESOLVED that certified copies of this  
24 Concurrent Resolution be transmitted to the President of the  
25 Senate, Speaker of the House of Representatives, Director of the  
26 Legislative Reference Bureau, Director of Commerce and Consumer  
27 Affairs, and Director of Health.

