

ACT 17

S. B. NO. 141

A Bill for an Act Relating to the Duties of the Coroner, the Coroner's Physician and Others in Connection with Deaths, Cremations and Burials.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 741-7, Hawaii Revised Statutes, is amended to read:

"Sec. 741-7 Reports of investigation.

(a) The coroner or deputy coroner shall reduce his findings to writing in the following form:

STATE OF HAWAII

County (or City and County) of.....

CORONER'S INQUEST

An inquisition taken at..... county (or city and county) of on the..... day of..... in the year 19..... before..... coroner of the county upon the body of..... there lying dead, resulted as follows:

That the deceased was named..... ; and a native of..... ; was aged about; that he came to h..... death, on the day of..... 19....., from.....

IN WITNESS WHEREOF, the coroner has hereunto set his hand on this day of 19.....

(b) Upon receipt of a certificate of death from the person in charge of the disposition of the body, the coroner's physician shall thereupon state the name of the disease or condition directly leading to the death; other significant conditions contributing to the death; day on which death occurred; and such other information as may be required on the certificate of death by the director of health in order to classify the death. The local agent of the department of health shall be notified in writing of the reason for the delay, if the cause of death cannot be determined within three days."

SECTION 2. Section 741-8, Hawaii Revised Statutes, is amended to read:

"Sec. 741-8 Duty to forward copy of reports to any county or prosecuting attorney and to person in charge of disposition of body.

(a) Every coroner, or deputy coroner, shall, without delay, forward to the county attorney in the case of coroners for the counties of Maui and Kauai, and the prosecuting attorney in the case of coroners for the city and county of Honolulu and the county of Hawaii, a true and correct copy of the inquisition.

(b) The coroner's physician shall, in addition, make available without delay the death certificate of the person whose death was investigated to the person in charge of the disposition of the body so that he may file the death certificate with the local agent of the department of health as required by section 338-9."

SECTION 3. Section 741-10, Hawaii Revised Statutes, is amended to read:

"Sec. 741-10 Decent burial. When any coroner or deputy coroner takes an inquest upon the dead body of a stranger or indigent person or, being called for that purpose, does not think it is necessary, on view of the body, that any inquest should be taken, he shall cause the body to be decently buried. A burial-transit permit authorizing a burial shall be secured from the local agent of the department of health by the person in charge of such burial."

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SECTION 4. Section 741-16, Hawaii Revised Statutes, is amended to read:

“Sec. 741-16 Disposal of decomposed remains. The coroner’s physician may order forthwith the cremation of the remains of any person appearing to have come to death under any of the circumstances set forth in section 741-3 if, in his opinion, the remains constitute an immediate menace to the public health. The cremation shall be supervised by the coroner and shall take place only after a reasonable amount of investigation has taken place in an effort to establish the identity of the remains and the cause of death. Such cremation shall take place after a burial-transit permit authorizing cremation has been secured from the local agent of the department of health.”

SECTION 5. Section 338-1, Hawaii Revised Statutes, is amended to read:

“Sec. 338-1 Definition of terms. As used in this part, unless the context otherwise indicates:

- (1) “Public health statistics” includes the registration, preparation, transcription, collection, compilation, and preservation of data pertaining to births, adoptions, legitimations, deaths, fetal deaths, morbidity, marital status, and data incidental thereto.
- (2) “Live birth” is the complete expulsion or extraction from its mother of a product of conception that did, after complete expulsion or extraction from the mother, breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or movement of voluntary muscle, whether or not the umbilical cord was cut or the placenta attached.
- (3) “Fetal death” is death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, that did not, after complete separation from the mother, breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or movement of voluntary muscle.
- (4) “Dead body” means lifeless human body, or such parts of the human body, or the bones thereof, from the state of which it reasonably may be concluded that death recently occurred.
- (5) “Person in charge of the disposition of the body” means any person who places, or causes to be placed, a stillborn child, or dead body, or ashes, after cremation, in a grave, vault, urn, or other receptacle, or otherwise disposes thereof.
- (6) “Physician” means a person legally authorized to practice medicine, osteopathy, or the science of naturopathy in the State.”

SECTION 6. Section 338-9, Hawaii Revised Statutes, is amended to read:

“Sec. 338-9 Filing and preparation of death and fetal death certificates.
(a) The person in charge of the disposition of the body shall file with the local agent of the department of health in the district in which the death or fetal

death occurred, or a dead body was found, a certificate of death or fetal death within three days after the occurrence.

(b) In preparing a certificate of death or fetal death the person in charge of the disposition of the body shall:

- (1) Obtain and enter on the certificate the personal data and other information pertaining to the deceased person required by the department from the person best qualified to supply them;
- (2) Present the certificate of death to the physician last in attendance upon the deceased, or to the coroner's physician who shall thereupon certify the cause of death to his best knowledge and belief; present the certificate of fetal death to the physician, midwife, or other person in attendance at the fetal death, who shall certify the fetal death and such medical data pertaining thereto as he can furnish;
- (3) Notify immediately the appropriate local agent, if the death occurred without medical attendance, or if the physician last in attendance fails to sign the death certificate. In such event the local agent shall inform the local health officer, and refer the case to him for immediate investigation and certification of the cause of death prior to issuing a permit for burial, or other disposition of the body. When the local health officer is not a physician or when there is no such officer, the local agent may complete the certificate on the basis of information received from relatives of the deceased or others having knowledge of the facts.

If the circumstances of the case suggest that the death or fetal death was caused by other than natural causes, the local agent shall refer the case to the coroner for investigation and certification.

(c) A death certificate may be filed by the next of kin and accepted by the local agent without meeting the requirements set forth above when there has been a judicial finding and declaration by a court of record that a person is dead; provided, that there shall be attached to the death certificate the judgment, decision, order or other document of a court of record adjudging the person to be dead."

SECTION 7. Section 338-10, Hawaii Revised Statutes, is amended to read:

"Sec. 338-10 Delayed determination of the cause of death. If the cause of death cannot be determined within three days, the certification of its cause may be filed after the prescribed period, but the attending physician or coroner's physician shall notify in writing the local agent of the department of health of the district in which the death occurred, of the reason for the delay, in order that a permit for the disposition of the body may be issued."

SECTION 8. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.*

*Edited accordingly.

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SECTION 9. This Act shall take effect upon its approval.

(Approved April 10, 1973.)