

ACT 101

H.B. NO. 2513

A Bill for an Act Relating to Unclaimed Corpses.

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

SECTION 1. Pursuant to section 27-1, Hawaii Revised Statutes, the burial or disposal of unclaimed corpses is identified as a state function. The department of human services, as provided by section 346-15, Hawaii Revised Statutes, has authority to pay for burial services, including cremation.

The purpose of this Act is to:

- (1) Require the cremation of unclaimed corpses;
- (2) Place the responsibility for authorizing cremation of unclaimed corpses upon the department of human services; and
- (3) Provide immunity from liability arising from such cremations for the department and any person or public or private agency acting upon authorization by the department.

SECTION 2. Section 346-15, Hawaii Revised Statutes, is amended to read as follows:

“§346-15 Burial of deceased public assistance recipients or unclaimed corpses. (a) The department of human services may bear the cost of the burial of deceased public assistance recipients or unclaimed corpses. Burial services include the customary mortuary, crematory, cemetery, and other services essential in providing a dignified burial.

(b) The department may pay for mortuary and crematory services[,] to be furnished by any licensed provider of mortuary and crematory services. Mortuary and crematory payments shall be made to the extent of cost, or in the sum of \$400, whichever is less.

(c) The department may pay for cemetery services, to be furnished by any licensed provider of cemetery services. Cemetery payments shall be made to the extent of cost, or in the sum of \$400, whichever is less.

(d) In cases where the decedent is survived by relatives, the relatives shall be permitted to make their own arrangements for the burial or cremation of their deceased relative.

(e) The person making an application for funeral payments under the department’s funeral payment program, on behalf of a deceased medical or financial assistance recipient or for an unclaimed corpse, shall have sixty days from the date

of death of the deceased to submit the application for funeral payments to the department.

(f) All unclaimed corpses shall be cremated. The department of human services shall authorize the cremation of unclaimed corpses.

(g) A person or public or private agency, including the department of human services, shall not be liable for any damage or subject to criminal prosecution for any act done pursuant to and in compliance with this section.

(h) For the purposes of this section, "unclaimed corpse" means the remains of any deceased person for whom no one has assumed responsibility for disposition of the body within five working days, excluding weekends, from the date of death and about whom the department and the respective county medical examiner or coroner have no actual knowledge of a legally responsible party.

[(f)] (i) The department shall adopt rules pursuant to chapter 91 for purposes of administering and implementing this section."

SECTION 3. Section 327-31, Hawaii Revised Statutes, is amended to read as follows:

"§327-31 Medical, etc., use of unclaimed bodies authorized. A university, hospital, or institution within the State authorized to teach and conduct research in medicine, anatomy, or surgery or having a medical preparatory or medical graduate course of instruction may receive from the department of health the unclaimed body of any person required to be buried or cremated at public expense and to use any such body for medical education and research purposes."

SECTION 4. Section 841-10, Hawaii Revised Statutes, is amended to read as follows:

"§841-10 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 it¹ necessary, on view of the body, that any inquest should be taken, the coroner or deputy coroner shall cause the body to be decently buried[.] or cremated. A burial-transit permit authorizing a burial or cremation shall be secured from the local agent of the department of health by the person in charge of such burial[.] or cremation."

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2000.

(Approved May 21, 2000.)

Note

1. Prior to amendment "is" appeared here.