

## ACT 118

H.B. NO. 28

A Bill for an Act Relating to Dead Human Bodies.

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

SECTION 1. Section 327-38, Hawaii Revised Statutes, is amended to read as follows:

**“§327-38 Prohibitions; penalty.** (a) No person shall give, offer, or promise any money or other things of value to any other person in consideration of receiving a dead human body.

(b) No person shall provide a dead human body to any other person in consideration of any money or other things of value, or any offer or promise of money or other things of value.

(c) No person shall display a dead human body for commercial purposes; provided that this subsection shall not apply to a display of a dead human body that:

- (1) Has been dead for more than eighty years;
- (2) Consists solely of human teeth or hair;
- (3) Is part of the ordinary display or viewing of the deceased at a funeral establishment or part of a similar funeral or memorial service;
- (4) Is an object of religious veneration;
- (5) Is an object of research or educational display in the possession of any federal, state, or county agency, any public or private institution of higher learning accredited under federal or state law, or any private entity in receipt of a federal, state, or county grant for health-related research; or
- (6) Is in the possession of a museum facility.

~~[(b)]~~ (d) No university, hospital, or institution shall use a body received under this part for any purpose except medical education and research.

~~[(e)]~~ (e) Any person who violates this section shall be fined not more than ~~[\$1,000]~~ \$5,000 or imprisoned not more than one year, or both.

(f) As used in this section:

“Dead human body” means:

- (1) An individual who has sustained either irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of the entire brain, including the brain stem; provided that the determination of death be made in accordance with accepted medical standards; and
- (2) Includes plastinated human bodies or remains, including tissue, organs, and other body parts, that are preserved from decay by replacing the water and fats in the human remains with a polymer.

“Museum facility” means a public or private nonprofit institution that:

- (1) Is accredited by the American Association of Museums or is part of an accredited college or university;
- (2) Is organized on a permanent basis for essentially educational or aesthetic purposes; and
- (3) Owns or uses tangible objects, cares for those objects, and exhibits them to the general public on a regular basis.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

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SECTION 3. Statutory material to be repealed is bracketed and stricken.  
New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.  
(Approved June 12, 2009.)