

ACT 43

H.B. NO. 2340

A Bill for an Act Relating to Dead Bodies.

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

SECTION 1. The purpose of this Act is to clarify prohibited actions related to anatomical gifts and disposition of bodies.

SECTION 2. Section 327-11, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) An anatomical gift of a body or body part may be made to the following persons:

- (1) A named hospital, accredited medical school, dental school, college, university, or ~~[organ]~~ procurement organization~~[-or other appropriate person]~~ for research or education;
- (2) A named individual designated by the person making the anatomical gift if the individual is the recipient of the body part; or, if the body part for any reason cannot be transplanted into the individual, the body part shall pass in accordance with subsection (f) in the absence of an express, contrary indication by the person making the anatomical gift; or
- (3) A named eye bank or tissue bank.”

SECTION 3. Section 327-36, Hawaii Revised Statutes, is amended to read as follows:

**“§327-36 Final disposition of ~~[bodies retained for medical education and research purposes:] anatomical gifts.~~** A ~~[university, hospital, or institution]~~ person or procurement organization that holds a dead human body as a result of an anatomical gift shall, when the body is deemed of no further value for ~~[medical purposes of transplantation, therapy, research, or education [and research purposes],~~ be responsible for the final disposition of that dead human body and all of its parts, except those parts used for transplantation. The person or procurement organization shall dispose of the remains by cremation, except as otherwise provided in section 327-14~~[-]~~ or as directed in a document of gift, subject to any required disposition permits.”

SECTION 4. Section 711-1108, Hawaii Revised Statutes, is amended to read as follows:

**“§711-1108 Abuse of a corpse.** (1) A person commits the offense of abuse of a corpse if, except as authorized by law, the person ~~[treats]:~~

- (a) ~~Treats~~ a human corpse in a way that the person knows would outrage ordinary family sensibilities~~[-]; or~~
- (b) ~~Accepts the donation of a dead human body or any of its parts.~~

(2) ~~An entity to whom body parts are entrusted commits the offense of abuse of a corpse if, except as authorized by law, the entity to whom body parts are entrusted disposes of a dead human body without a disposition permit. Disposal of a dead human body includes removal of body parts or organs; provided that it shall not be an offense for a procurement organization to remove body parts or organs for transplantation or therapy prior to obtaining a disposition permit.~~

~~[(2)] (3)~~ The preparation of a corpse for burial or cremation in a manner consistent with traditional Hawaiian cultural customs and practices shall not be a violation of this section.

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~~[(3)]~~ (4) The burial or cremation of a corpse prepared consistent with traditional Hawaiian cultural customs and practices shall not be a violation of this section.

~~[(4)]~~ (5) Abuse of a corpse is a misdemeanor.

(6) For the purposes of this section, “procurement organization” has the same meaning as defined in section 327-2.”

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

SECTION 6. This Act shall take effect on January 1, 2021.

(Approved September 15, 2020.)