



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony in OPPOSITION to HCR 149

**REQUESTING THE DEPARTMENT OF HEALTH TO REVISE ITS
ADMINISTRATIVE RULES AND POLICIES TO FACILITATE AND ENCOURAGE
TRADITIONAL HAWAIIAN BURIALS.**

REPRESENTATIVE KANIELA ING, CHAIR
HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS

Hearing Date: March 25, 2015

Room Number: 325

Time: 9:00 am

1 **Fiscal Implications:** This bill has fiscal implications.

2 **Department Testimony:** The department opposes this bill as there is no definition of traditional
3 Hawaiian burials to comment on. The department may also seek to repeal HAR Title 11,
4 Chapter 22, Mortuaries, Cemeteries, Embalmers, Undertakers, and Mortuary Authorities, as this
5 Chapter regulates an industry that has very minimal public health significance.

6 There no longer exists communicable diseases of public health importance that warrants
7 continued regulation of mortuaries, embalmers and cemeteries through HAR.

8 The DCCA regulates and approves of the creation of cemeteries and the continued
9 operation of the cemetery through the creation and approval of cemetery authorities. HIOSH
10 handles any exposure that embalmers may have to chemicals used in the embalming process.
11 The Medical Examiner (ME) determines whether or not the cause of death was due to a
12 communicable disease, and if so, the body may not be embalmed, and must be cremated.

13 Thank you for the opportunity to testify.



**Department of Land and Natural Resources
Aha Moku Advisory Committee
State of Hawaii
Post Office Box 621
Honolulu, Hawaii 96809**

LATE

Testimony of
Rocky Kaluhiwa
Po'o, Moku O Kakuhihewa (O'ahu)

Before the House Committee on
Ocean, Marine Resources and Hawaiian Affairs

Wednesday, March 25, 2015
9:00 A.M.
State Capitol, Conference Room 325

In **Support** of
House Concurrent Resolution 149
**REQUESTING THE DEPARTMENT OF HEALTH TO REVISE ITS ADMINISTRATIVE RULES
AND POLICIES TO FACILITATE AND ENCOURAGE TRADITIONAL HAWAIIAN BURIALS.**

HCR 149 requests the Department of Health (DOH) to revise its Administrative Rules and Policies to facilitate and encourage traditional Hawaiian Burials. **The Aha Moku Advisory Committee (AMAC) supports this measure.**

The Legislature's intent in Act 288, the Aha Moku Bill is to authorize the AMAC to include providing opportunities for those in the Hawaiian community to work together to exhibit traditional Hawaiian values and customs that could be applicable to modern governmental affairs. And although the Aha Moku is attached to the Department of Land and Natural Resources (DLNR) to advise the Board and work with the divisions to address natural and cultural resource issues, some of these issues transcend to other state agencies. This Concurrent Resolution is one of those issues that impact Native Hawaiians in every governmental arena.

Traditionally, the foundation of the Hawaiian culture is their belief in, and connection to the natural resources around them. One cannot separate a Hawaiian from the land and the ocean. Their customs and treatment of their beloved 'ohana who pass on emphasizes how strong their connection to the 'aina is. The traditional Hawaiian burial practices are sacred to the families who would, if permitted, inter their loved ones in their sacred burial practices. They would once again become part of the very resources they honor throughout their lifetimes.

The Aha Moku supports this concurrent resolution that calls for the Dept. of Health to review and implement administrative rules and policies applicable to the processing, burial, and transportation of a corpse that would encourage and promote the use of traditional Hawaiian burial practices.



Ko`olau Foundation

P. O. Box 4749
Kane`ohe, HI 96744

March 24, 2015

To: Rep. Kaniela Ing, Chair
Rep. Nicole E. Lowen, Vice Chair
Members
Committee on Ocean, Marine Resources & Hawaiian Affairs

From: Mahealani Cypher
Ko`olau Foundation

Re: H.C.R. 149, Requesting the Department of Health
To Revise Its Rules and Policies to Facilitate and
Encourage Traditional Hawaiian Burials

Aloha, Chair Ing, Vice Chair Lowen and Members of this Committee:

The Ko`olau Foundation remains steadfast in its strong support of reinstating Hawaiian burials through updating the state penal code, and asks your kokua by approving this resolution to ensure that this process moves forward.

Currently, the Department of Health enforces rules and regulations relating to the processing and burial of human remains. Some of these rules and regulations would make it difficult for Hawaiian-style burials, reducing a person to skeletal remains and burial in containers of natural materials.

We support this resolution because it calls upon the Health Department to revisit their rules and make changes that support what we consider to be “clean burials”, traditional Hawaiian practices that are healthier for our environment, reduce the size of burial plots, and reduce the cost of funerals.

We urge your committee to approve this resolution.

Mahalo for this opportunity to offer our mana`o.



KO`OLAUPOKO HAWAIIAN CIVIC CLUB

LATE

March 24, 2015

To: Rep. Kaniela Ing, Chair / & Members
Ocean, Marine Resources & Hawaiian Affairs Committee

From: Alice P. Hewett, President
Ko`olaupoko Hawaiian Civic Club

Subject: H.C.R. 149 – Health Department Regulations on Burials

Aloha Chair Ing, Vice Chair Lowen and Committee Members;

On behalf of the Ko`olaupoko Hawaiian Civic Club, we wish to offer our strong support for passage of this concurrent resolution which would call upon the State Department of Health to revise its rules to accommodate and encourage Hawaiian burials.

We have also supported legislation to update the state Penal Code, which would ensure that families would have the option of having their loved ones' remains processed in a Hawaiian way that is also much healthier for our environment.

We are concerned because the current regulations governing burials requires a concrete encasement and hermetically-sealed container for the remains. We do not consider these types of requirements necessary for Hawaiian-style burials, which we call "clean burials", because they are basically skeletal remains. Meeting the current requirements would keep the cost of funerals and burial materials expensive and a burden to bereaved families.

It is important that our traditional and customary practices be reinstated and once again become a method of taking care of our loved ones in a respectful way. In our view, this option would also be open to everyone, not just Hawaiians – and much better for our `aina.

Mahalo for allowing me to present our testimony in support of H.C.R. 149 – please pass this resolution.

The Ko`olaupoko Hawaiian Civic Club was established in 1937 and is a not-for-profit community organization dedicated to preserving and perpetuating the history, heritage and culture of Native Hawaiians. Its membership is open to people of Hawaiian ancestry and those who are "Hawaiian at heart".

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