



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony COMMENTING on HCR 149

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

REPRESENTATIVE DELLA AU BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: April 8, 2015

Room Number: 329

Time: 10:00 am

1 **Fiscal Implications:** This resolution has minor fiscal implications.

2 **Department Testimony:** The department supports the intent of this resolution, but does have
3 some reservations. The department would request that a basic definition of traditional Hawaiian
4 burials practices be included. The departments' initial opposition was due to the lack of
5 information regarding what is meant by "Traditional Hawaiian Burials." The department does
6 not have any objections, nor is it a violation of HAR 11-22, Mortuaries, Cemeteries, Embalmers,
7 Undertakers, and Mortuary Authorities, to bury a body that has not been embalmed. Embalming
8 of a human body is not required by the department for burial. There is no public health concern
9 with burying a body that has not been embalmed, as long as it is interred at a depth sufficient to
10 prevent a public nuisance or public health hazard and to make it impossible for animals or
11 surface drainage to uncover the body. The department has in the past sought to repeal HAR 11-
12 22, as this Chapter regulates an industry that has very minimal public health significance.

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

15 The DCCA regulates and approves of the creation of cemeteries and the continued
16 operation of the cemetery through the creation and approval of cemetery authorities. HIOSH
17 handles any exposure that embalmers may have to chemicals used in the embalming process.
18 The Medical Examiner (ME) determines whether or not the cause of death was due to a
19 communicable disease, and if so, the body may must be cremated or buried in a hermetically
20 sealed vessel contained within an outer box.

21 Thank you for the opportunity to testify.



HCR149

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

House Committee on Health

April 8, 2015

10:00 a.m.

Room 329

The Office of Hawaiian Affairs (OHA) Beneficiary Advocacy and Empowerment Committee will recommend to the Board of Trustees a position of **SUPPORT** for HCR149, which requests the Department of Health to expressly accommodate traditional Native Hawaiian methods of preparing and burying human remains in its administrative rules and policies, thereby supporting the perpetuation of Native Hawaiian traditional and customary practices.

Currently, Hawai'i Administrative Rules Chapter §11-22 regulates the embalming, transportation, and burial of human remains, and includes requirements relating to the encasement and interment of the deceased. However, these regulations do not specifically address or expressly accommodate the partial cremation and burial of human remains, as is consistent with Native Hawaiian traditional practices. This resolution requests that the Department of Health accommodate such practices, so that Native Hawaiians may lawfully and confidently perpetuate our ancestors' sacred burial traditions, notwithstanding their differences from more commonly recognized Western religious rituals.

Therefore, OHA urges the Committee to **PASS** HCR149. Mahalo for the opportunity to testify on this important measure.



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

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

Before the House Committee on
Health

Wednesday, April 8, 2015
10:00 A.M.
State Capitol, Conference Room 329

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

April 7, 2015

TESTIMONY SUPPORTING H.C.R. 149

To: Rep. Della Au Belatti, Chair
Rep. Richard Creagan, Vice Chair
& Members, Committee on Health

From: Mahealani Cypher
Ko`olau Foundation

Aloha Chair Belatti, Vice Chair Creagan and Members of the Committee on Health.

The Ko`olau Foundation offers its strong support for passage of House Concurrent Resolution 149, which would call upon the State Health Department to update its administrative rules and policies to facilitate and encourage Hawaiian style burials.

When this resolution was heard by your Hawaiian Affairs Committee, the Department of Health offered testimony expressing their concern that they did not have adequate knowledge about Hawaiian burials to develop administrative rules.

We subsequently assured the DOH representative that we would assist by bringing together people with expertise in such matters to kokua with development of administrative policies and rules. We are also recommending that DOH call upon the State Burial Councils and Aha Moku Advisory Committee for guidance.

To clarify, this resolution is focused on new burials, and does not pertain to iwi kupuna, which are already codified in state law.

We urge your committee to approve this resolution which will make the option of Hawaiian style burials available to Native Hawaiians and others more expeditiously.

Mahalo for this opportunity to offer our mana`o.



KO`OLAUPOKO HAWAIIAN CIVIC CLUB

April 7, 2015

TO: Rep. Della Au Belatti, Chair
Rep. Richard P. Creagan, Vice Chair
Members, Health Committee

FROM: Alice P. Hewett
President

SUBJECT: H.C.R.149 – Requesting the Department of Health to Revise Its
Administrative Rules and Policies to Facilitate and Encourage
Traditional Hawaiian Burials

Aloha Chair Belatti, Vice Chair Creagan and Members of this Committee:

On behalf of the Ko`olaupoko Hawaiian Civic Club, I wish to offer our strong support for H.C.R. 149, which asks the Department of Health to revise its administrative rules and policies to facilitate and encourage traditional Hawaiian burials.

As one of the largest of nearly 70 Hawaiian civic clubs throughout Hawai`i and across the continental U.S., our club membership is very mindful of the large population of “baby boomers” whose time will come, during the next 25 years, to prepare for funerals and burials.

This has become a costly situation for many grieving families who cannot afford modern funeral expenses.

The Health Department’s rules currently require certain procedures for burials that are not necessary for traditional Hawaiian burials – what we call “clean burials” – and which certainly increase the cost of burying our loved ones.

This resolution encourages the DOH to expedite its rule review to ensure that guidance is available for those who choose a Hawaiian style burial – i.e., reducing the remains to iwi – do not have to incur unnecessary cost.

Since the last hearing on this resolution, we met with officials of the Health Department and hope to assist them as they develop these admin rules, should this resolution be adopted.

We urge your committee to approve passage of H.C.R. 149 with one small amendment: on page 2, line 9, replace the word “review” with the word “develop” – terminology which we think improves this resolution.

Mahalo for considering our testimony.

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. One of the largest of the Hawaiian Civic Clubs, its membership is open to people of Hawaiian ancestry and those who are “Hawaiian at heart”.

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