



GOV. MSG. NO. 735

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 12, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 12, 2009, the following bill was signed into law:

HB28 HD1 SD2 CD1

A BILL FOR AN ACT
RELATING TO DEAD HUMAN BODIES.
ACT 118 (09)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO DEAD HUMAN BODIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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

3 "**§327-38 Prohibitions; penalty.** (a) No person shall
4 give, offer, or promise any money or other things of value to
5 any other person in consideration of receiving a dead human
6 body.

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

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

13 (1) Has been dead for more than eighty years;

14 (2) Consists solely of human teeth or hair;

15 (3) Is part of the ordinary display or viewing of the
16 deceased at a funeral establishment or part of a
17 similar funeral or memorial service;

18 (4) Is an object of religious veneration;



1 (5) Is an object of research or educational display in the
2 possession of any federal, state, or county agency,
3 any public or private institution of higher learning
4 accredited under federal or state law, or any private
5 entity in receipt of a federal, state, or county grant
6 for health-related research; or

7 (6) Is in the possession of a museum facility.

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

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

14 (f) As used in this section:

15 "Dead human body" means:

16 (1) An individual who has sustained either irreversible
17 cessation of circulatory and respiratory functions or
18 irreversible cessation of all functions of the entire
19 brain, including the brain stem; provided that the
20 determination of death be made in accordance with
21 accepted medical standards; and



1 (2) Includes plastinated human bodies or remains,
2 including tissue, organs, and other body parts, that
3 are preserved from decay by replacing the water and
4 fats in the human remains with a polymer.

5 "Museum facility" means a public or private nonprofit
6 institution that:

7 (1) Is accredited by the American Association of Museums
8 or is part of an accredited college or university;

9 (2) Is organized on a permanent basis for essentially
10 educational or aesthetic purposes; and

11 (3) Owns or uses tangible objects, cares for those
12 objects, and exhibits them to the general public on a
13 regular basis."

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

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

19 SECTION 4. This Act shall take effect upon its approval.



H.B. NO.

28
H.D. 1
S.D. 2
C.D. 1

APPROVED this 12 day of JUN , 2009



GOVERNOR OF THE STATE OF HAWAII