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# 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

**Report Title:**

Dead Bodies; Prohibitions; Penalty

**Description:**

Adds to the prohibition against buying dead human bodies, the selling and commercial display of dead human bodies. Defines the terms "dead human body" and "museum facility." Increases the fine for violations to up to \$5,000. (HB28 CD1)

HB28 CD1 HMS 2009-3966

