

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in OPPOSITION to HB214
RELATING TO DISINTERMENT OF HUMAN BODIES.

REP. JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: February 12, 2019

Room Number: 329

1 **Fiscal Implications:** N/A.

2 **Department Testimony:** The Department of Health respectfully opposes HB214 and request
3 that it is held. This bill would amend section 338-25.5 Hawaii Revised Statutes (HRS), to allow
4 some private cemeteries to disinter and rebury human remains without a permit from the
5 Department of Health and without any regulatory oversight. The proposed amendment does not
6 distinguish between prehistoric or historic burial sites, and any other places of burial, so long as
7 those places of burial, so long as those places of burial are located on cemetery property.

8 The Department of Health recently adopted chapter 11-118, Hawaii Administrative Rules
9 (HAR), "Disinterment Permits," to comprehensively regulate disinterment. These rules were
10 publically vetted and adopted pursuant to chapter 91, HRS, to administer the requirements of
11 section 338-25.5, HRS, to ensure that all places of burial are protected from unwarranted
12 intrusion. In accordance with the rules, a permit will be granted unless the application is
13 substantially incomplete, the applicant is not eligible to apply for a permit, the remains are not
14 under the jurisdiction of the Department of Health, disinterment would be against the interest of
15 the public health, or the requirements of the rules are not met. (Section 11-118-9, HAR). Those
16 cemeteries that would be affected by this bill already have a legal means of obtaining a
17 disinterment permit, and those means allow the State to monitor the appropriateness of disturbing
18 a burial that may have been intended by the decedent's family to be permanent.

1 The disinterment administrative rules are more comprehensive than the proposed bill and
2 provides for the accountability for movement of remains, and requires all survivors of equal or
3 higher priority to the applicant to consent in writing, whereas the proposed bill only requires the
4 majority of the next of kin. The proposed bill has many undefined terms **not defined** in chapter
5 338, such as “private cemeteries,” “good standing with the DCCA” and “cemetery authority.”

6 For the reasons stated above, we respectfully request that the bill be held.

7 **Offered Amendments:** N/A.

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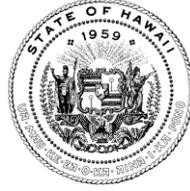
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DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

335 MERCHANT STREET, ROOM 310
P.O. BOX 541
HONOLULU, HAWAII 96809
Phone Number: 586-2850
Fax Number: 586-2856
cca.hawaii.gov

CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Health
Tuesday, February 12, 2019
9:00 a.m.
State Capitol, Conference Room 329**

**On the following measure:
H.B. 214, RELATING TO DISINTERMENT OF HUMAN BODIES**

Chair Mizuno and Members of the Committee:

My name is Candace Ito, and I am the Executive Officer of the Department of Commerce and Consumer Affairs' (Department) Cemetery and Funeral Trusts Program. The Department offers comments on this bill.

The purpose of this bill is to allow private cemeteries in good standing with the Department to disinter and reinter human bodies within the same cemetery without filing an application for a permit with the Department of Health.

The Department respectfully requests that the following language on page 1, line 14, "Private cemeteries in good standing with the department of commerce and consumer affairs . . ." be replaced with "Cemetery authorities with a current and active license with the department of commerce and consumer affairs . . ." for clarity and consistency with this measure and Hawaii Revised Statutes chapter 441.

Thank you for the opportunity to testify on this bill.



Hawaii Funeral & Cemetery Association

1330 Maunakea Street · Honolulu, Hawaii 96817

Date: February 7, 2019

Written Testimony in **SUPPORT** of
HB214 Relating to Disinterment of Human Bodies

TO: Representative John M. Mizuno, Chair, Committee on Health
Representative Bertrand Kobayashi, Vice Chair, Committee on Health
Members of the Committee

HEARING DATE: Tuesday, February 12th
TIME: 9:00am
Place: Conference Room 329

Chair Mizuno, Vice-Chair Kobayashi and Members of the Committee:

My name is Jay Morford, President of the Hawaii Funeral & Cemetery Association ("HFCA"). The HFCA represents mortuaries and private cemeteries in the State of Hawaii. The HFCA Board of Directors and its members support HB214. The HFCA feels that the newly enacted administrative rules established by the Department of Health ("DOH") have created undue burden on families and the cemetery and funeral industry. The rules require our industry to secure a disinterment permit for an existing burial when we are placing a loved in the same location; when we are not disinterring. It also requires a permit when we are fulfilling a request from a family when they want to relocate a loved one within a private cemetery.

The HFCA believe that it is important for Hawaii to have a disinterment law that clearly establishes the priorities of those persons who may direct a disinterment of a decedent and that permits funeral establishments, cemeteries, mortuaries and crematories to rely and proceed in good faith on those directions given to us by the authorized representatives of the family. HB214 streamlines the disinterment process between the family and a private institution without the permit process. The DOH currently relies on private cemeteries and mortuary establishments to secure proper next-of-kin authorizations and to ensure the disinterment is handled properly and safely. The DOH does not attend or oversee any of the disinterment process and relies solely on private companies to ensure everything is handled properly.

The HFCA feels that families should have the right to disinter and reinter in a private cemetery without going through the permit process. There is already an existing relationship established between the family and the cemetery and/or mortuary. The DOH does not have an active role and should not have oversight.

The HFCA does feel that a disinterment permit should be required if a person is disinterred and relocated to another cemetery, to allow the Department of Health to record the new burial location of the decedent.

California's Disinterment Law exemption that allows private cemeteries to proceed without permit.

7528.

This article does not apply to or prohibit the removal of any remains from one plot to another in the same cemetery or the removal of remains by a cemetery authority from a plot for which the purchase price is past due and unpaid, to some other suitable place; nor does it apply to the disinterment of remains upon order of court or coroner.

(Enacted by Stats. 1939/Ch. 60.)

Sincerely,

Jay Morford
President



Date: February 7, 2019

Written Testimony in **SUPPORT** of
HB214 Relating to Disinterment of Human Bodies

TO: Representative John M. Mizuno, Chair, Committee on Health
Representative Bertrand Kobayashi, Vice Chair, Committee on Health
Members of the Committee

HEARING DATE: Tuesday, February 12th
TIME: 9:00am
Place: Conference Room 329

Chair Mizuno, Vice-Chair Kobayashi and Members of the Committee:

I am writing in SUPPORT of HB214, relating to Disinterment of Human Bodies; this testimony is presented on behalf of MILILANI MEMORIAL PARK and MORTUARY.

Based on our operation, it is evident that having a disinterment law that clearly establishes the priorities of those persons who my direct a disinterment of a decedent and would enable funeral establishments, cemeteries, mortuaries and crematories to act based on those directions, serves the best interest of the families as well as the operators. HB214 streamlines the disinterment process between the family and a private institution without the permit process.

Sincerely,
Mililani Group, Inc., doing business as
Mililani Memorial Park and Mortuary


Eadean M. Buffington
Vice President

Waipi'o
Mililani Memorial Park Rd. at Ka Uka Blvd.
P.O. Box 457
Pearl City, Hawai'i 96782-0457
Tel. (808) 677-5631
Fax (808) 677-9267

Downtown
20 S. Kukui St.
Honolulu, Hawai'i 96813-2319
Tel. (808) 538-6207
Fax (808) 538-6299

mail@mmphi.com
www.mililanimemorial.com



HAWAIIAN MEMORIAL
LIFE PLAN

Date: February 8, 2019

Written Testimony in **SUPPORT** of
HB214 Relating to Disinterment of Human Bodies

TO: Representative John M. Mizuno, Chair, Committee on Health
Representative Bertrand Kobayashi, Vice Chair, Committee on Health
Members of the Committee

HEARING DATE: Tuesday, February 12th
TIME: 9:00am
Place: Conference Room 329

Chair Mizuno, Vice-Chair Kobayashi and Members of the Committee:

My name is Jay Morford, President of Hawaiian Memorial Life Plan, Ltd. ("HMLP"). HMLP operates 7 mortuaries and 3 cemeteries in the State of Hawaii.

My company is in support of HB214 and the position of the Hawaii Funeral & Cemetery Association. We strongly agree that HB214 streamlines the disinterment process between the family and a private institution without the permit process.

Families should have the right to disinter and reinter in a private cemetery without going through the permit process. There is already an existing relationship between the family and the cemetery and/or mortuary. When a person purchased a right to inter in a private cemetery they have contractual right to be buried in their space. It is unreasonable to require the children to secure a disinterment permit because they want to bury mom above dad in the same space. This is an unnecessary burden on the family and the DOH should not have an active role or oversight.

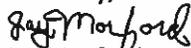
We do agree that a disinterment permit should be required if a person is disinterred and relocated to another cemetery, allowing the Department of Health to record the new burial location of the decedent.

California's Disinterment Law exemption that allows private cemeteries to proceed without permit.

7528.

This article does not apply to or prohibit the removal of any remains from one plot to another in the same cemetery or the removal of remains by a cemetery authority from a plot for which the purchase price is past due and unpaid, to some other suitable place; nor does it apply to the disinterment of remains upon order of court or coroner. (Enacted by Stats. 1939, Ch. 60.)

Sincerely,



Jay Morford
President

BALLARD FAMILY MOANALUA MORTUARY
1150 Kikowaena Street
Honolulu, Hawaii 96819
Phone (808) 833-8811
Fax (808) 833-1180

February 8, 2019

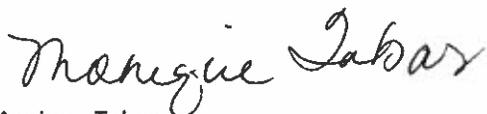
Written Testimony in SUPPORT of
HB214 Relating to Disinterment of Human Bodies

TO: Representative John M. Mizuno, Chair, Committee on Health
Representative Bertrand Kobayashi, Vice Chair, Committee on Health
Members of the committee

HEARING DATE: Tuesday, February 12,
TIME: 9:00am
PLACE: Conference Room 329

I support the amendment of HRS 338-25.5 "Relating to Disinterment of human Bodies". I agree that this amendment will be beneficial to our families and our operations.

Sincerely,


Monique Tabar
General/Area Manager-Ballard Family Mortuaries
Ballard Family Moanalua Mortuary
1150 Kikowaena Street
Honolulu, Hawaii 96819

VALLEY ISLE MEMORIAL PARK
Administrative Office
105 Waiale Road
Wailuku HI 96793
Phone (808) 244-4911
Fax (808) 242-9527

February 8, 2019

Written Testimony in **SUPPORT** of
HB214 Relating to Disinterment of Human Bodies

TO: Representative John M. Mizuno, Chair, Committee on Health
Representative Bertrand Kobayashi, Vice Chair, Committee on Health
Members of the Committee

HEARING DATE: Tuesday, February 12, 2019
TIME: 9:00 A.M.
PLACE: Conference Room 329

Chair Mizuno, Vice Chair Kobayashi and Members of the Committee:

I am in favor of the amendment of HRS 338-25.5 "Relating to Disinterment of Human Bodies". I agree that the amendment will benefit our families and be advantageous to our operations.

Thanking you in advance,



Pat Puana, Manager
Valley Isle Memorial Park
105 Waiale Road
Wailuku HI 96793

NORMAN'S MORTUARY
105 Waiale Road
Wailuku, HI 96793
Phone (808)244-4065
Fax (808) 244-3072

February 8, 2019

Written Testimony in SUPPORT of
HB214 Relating to Disinterment of Human Bodies

TO: Represnetative John M. Mizuno, Chair, Committee on Health
Representative Bertrand Kobayashi, Vice Chair, Committee on Health
Members of the Committee

HEARING DATE: Tuesday, February 12,
TIME: 9:00am
Place: Convergence Room 329

I support the amendment of HRS 338-25.5 "Relating to Disinterment of Human Bodies". I agree that this amendment will be beneficial to our families and our operations.

Sincerely,



Gwen Takakura
Location Manager
Norman's Mortuary
105 Waiale Road
Wailuku, HI 96793



February 8, 2018

Written Testimony in **SUPPORT of**
HB214 Relating to Disinterment of Human Bodies

To: Representative John M. Mizuno, Chair, Committee on Health
Representative Bertrand Kobayashi, Vice Chair, Committee on Health
Members of the Committee

HEARING DATE: Tuesday, February 12,
Time: 9:00 am
Place: Conference Room 329

I support the amendment of HB214 "Relating to Disinterment of Human Bodies".

I agree that this amendment will be beneficial to our families and our operations.

Sincerely

Lisa Louis

Lisa Louis
Manager
Borthwick/Kauai Mortuary



Dodo Mortuary, Inc.

199 Wainaku Street • Hilo, Hawaii 96720-2398 • Phone: (808) 935-5751 • Fax: (808) 935-1074

Date: February 8, 2019

Written Testimony in **SUPPORT** of
HB214 Relating to Disinterment of Human Bodies

TO: Representative John M. Mizuno, Chair, Committee on Health
Representative Bertrand Kobayashi, Vice Chair, Committee on Health
Members of the Committee

HEARING DATE: Tuesday, February 12th
TIME: 9:00am
Place: Conference Room 329

Chair Mizuno, Vice-Chair Kobayashi and Members of the Committee:

My name is Mitchell Dodo and I'm the Vice-President/Operations Manager of Dodo Mortuary, Inc. & Crematory on the island of Hawaii with offices in Hilo and Kealahou, Kona. Dodo Mortuary, Inc. & Crematory and its employees support HB214. Dodo Mortuary, Inc. & Crematory feels that the newly enacted administrative rules established by the Department of Health ("DOH") have created undue burden on families and the cemetery and funeral industry. The rules require our industry to secure a disinterment permit for an existing burial when we are placing a loved in the same location; when we are not disintering. It also requires a permit when we are fulfilling a request from a family when they want to relocate a loved one within a private cemetery.

Our company believes that it is important for Hawaii to have a disinterment law that clearly establishes the priorities of those persons who may direct a disinterment of a decedent and that permits funeral establishments, cemeteries, mortuaries and crematories to rely and proceed in good faith on those directions given to us by the authorized representatives of the family. HB214 streamlines the disinterment process between the family and a private institution without the permit process. The DOH currently relies on private cemeteries and mortuary establishments to secure proper next-of-kin authorizations and to ensure the disinterment is handled properly and safely. The DOH does not attend or oversee any of the disinterment process and relies solely on private companies to ensure everything is handled properly.

We feel that families should have the right to disinter and reinter in a private cemetery without going through the permit process. There is already an existing relationship established between the family and the cemetery and/or mortuary. The DOH does not have an active role and should not have oversight.

We do feel that a disinterment permit should be required if a person is disinterred and relocated to another cemetery so the Department of Health has a record of the new burial location of the decedent.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitchell M. Dodo".

Mitchell M. Dodo
Vice-President/Operations Manager

VALLEY ISLE MEMORIAL PARK
Administrative Office
105 Waiale Road
Wailuku HI 96793
Phone (808) 244-4911
Fax (808) 242-9527

February 8, 2019

Written Testimony in **SUPPORT** of
HB214 Relating to Disinterment of Human Bodies

TO: Representative John M. Mizuno, Chair, Committee on Health
Representative Bertrand Kobayashi, Vice Chair, Committee on Health
Members of the Committee

HEARING DATE: Tuesday, February 12, 2019

TIME: 9:00 A.M.

PLACE: Conference Room 329

Chair Mizuno, Vice Chair Kobayashi and Members of the Committee:

I am in favor of the amendment of HRS 338-25.5 "Relating to Disinterment of Human Bodies". I agree that the amendment will benefit our families and our operations.

Sincerely,



Roland Perreira, Superintendent
Valley Isle Memorial Park
105 Waiale Road
Wailuku HI 96793



Diamond Head Memorial Park
529 18th Avenue
Honolulu, HI 96816-4499
Phone (808) 734-1954

Date: February 8, 2019

To: Representative John M. Mizuno, Chair, Committee on Health
Representative Bertrand Kobayashi, Vice Chair, Committee on Health
Members of the Committee

Hearing Date: Tuesday, February 12th
Time: 9:00am
Place: Conference Room 329

Written Testimony in **SUPPORT** of HB214 Relating to Disinterment of Human Bodies

I represent Diamond Head Memorial Park for this written testimony in support of HB214.

Our company's goal is to provide services to our grieving families properly and timely so as to avoid additional stress and anxiety when they have lost a loved one. I believe HB214 will help to accomplish this by amending the currently required Disinterment Permit procedure.

Families of deceased relatives and/or deceased property owners should be allowed to place the remains of their loved ones in the sites they have the right to use. This should be done without hindrances or feelings of uncertainty in the event the sites hold previously buried remains.

Under the current law, authorization by the proper next of kin must be obtained to apply for a Disinterment Permit for all existing burials in a site that is used multiple times, even when the previously buried remains will not be relocated from that site. It has been common for property owners to share their burial sites for use by in-laws, extended 'ohana, hanai family members, companions and friends. Many burials took place decades ago. A hardship is created for the mourning family members who now must track down next of kin of these various pre-deceased people before a current burial service date can be confirmed, not to mention delays of scheduling funeral services, booking travel reservations, securing clergy appointments, etc.

I request that cemeteries in good standing not be obligated to require the families they serve to go through the Disinterment Permit process unless remains are intended to be removed from its Memorial Park. Thank you for your careful consideration.

Sincerely,

Amy Caminos
General Manager

LATE

BALLARD FAMILY MORTUARY
440 Ala Makani Street
Kahului, HI 96732
Phone (808)871-7911
Fax (808) 877-1497

February 10, 2019

Written Testimony in **SUPPORT** of
HB214 Relating to Disinterment of Human Bodies

TO: Representative John M. Mizuno, Chair, Committee on Health
Representative Bertrand Kobayashi, Vice Chair, Committee on Health
Members of the Committee

HEARING DATE: Tuesday, February 12,
TIME: 9:00am
Place: Conference Room 329

I support the amendment of HRS 338-25.5 "Relating to Disinterment of Human Bodies". I agree that this amendment will be beneficial to our families and our operations.

Sincerely,



Cheryl Ornellas
Location Manager
Ballard Family Mortuary
440 Ala Makani Street
Kahului, HI 96732