
A BILL FOR AN ACT

RELATING TO DEAD BODIES.

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

1 SECTION 1. The purpose of this Act is to amend
2 chapter 327, Hawaii Revised Statutes, relating to the medical
3 and research use of bodies, and chapter 711, Hawaii Revised
4 Statutes, relating to offenses against the public order, to
5 clarify prohibited actions related to anatomical gifts.

6 SECTION 2. Section 327-11, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) An anatomical gift of a body or body part may be made
9 to the following persons:

10 (1) A named hospital, accredited medical school, dental
11 school, college, university, or ~~[organ]~~ procurement
12 organization~~[, or other appropriate person]~~ for
13 research or education;

14 (2) A named individual designated by the person making the
15 anatomical gift if the individual is the recipient of
16 the body part; or, if the body part for any reason
17 cannot be transplanted into the individual, the body
18 part shall pass in accordance with subsection (f) in

1 the absence of an express, contrary indication by the
2 person making the anatomical gift; or

3 (3) A named eye bank or tissue bank."

4 SECTION 3. Section 327-36, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§327-36 Final disposition of [~~bodies retained for medical~~**
7 **~~education and research purposes~~] anatomical gifts.** (a) A
8 [~~university, hospital, or institution~~] person or procurement
9 organization that holds a dead human body as a result of an
10 anatomical gift shall, when the body is deemed of no further
11 value for [~~medical~~] purposes of transplantation, therapy,
12 research, or education, [~~and research purposes,~~] be responsible
13 for the final disposition of that dead human body and all of its
14 parts, except those parts used for transplantation. The person
15 or procurement organization shall dispose of the remains by
16 cremation, except as otherwise provided in section 327-14[+] or
17 as directed in a document of gift, subject to any required
18 disposition permits."

19 SECTION 4. Section 711-1108, Hawaii Revised Statutes, is
20 amended to read as follows:

21 **"§711-1108 Abuse of a corpse.** (1) A person commits the
22 offense of abuse of a corpse if, except as authorized by law,
23 the person treats a human corpse in a way that the person knows
24 would outrage ordinary family sensibilities.

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1 (2) The preparation of a corpse for burial or cremation in
2 a manner consistent with traditional Hawaiian cultural customs
3 and practices shall not be a violation of this section.

4 (3) The burial or cremation of a corpse prepared
5 consistent with traditional Hawaiian cultural customs and
6 practices shall not be a violation of this section.


7 (4) A person commits the offense of abuse of a corpse if,
8 except as authorized by law, the person accepts the donation of
9 a dead human body or any of its parts.

10 (5) A person commits the offense of abuse of a corpse if,
11 except as authorized by law, the person disposes of a dead human
12 body without a disposition permit. Disposal of a dead human
13 body includes removal of body parts or organs, but it shall not
14 be an offense for a procurement organization to remove body
15 parts or organs for transplantation or therapy prior to
16 obtaining a disposition permit.

17 [~~4~~] (6) Abuse of a corpse is a misdemeanor."

18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 6. This Act shall take effect upon its approval.

21 INTRODUCED BY: 

22 BY REQUEST

JAN 21 2020

Report Title:

Dead Bodies

Description:

Amends chapter 327, Hawaii Revised Statutes, relating to the medical and research use of bodies, and chapter 711, Hawaii Revised Statutes, relating to offenses against the public order, to clarify prohibited actions related to anatomical gifts.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: HEALTH

TITLE: A BILL FOR AN ACT RELATING TO DEAD BODIES.

PURPOSE: To clarify prohibited actions related to anatomical gifts.

MEANS: Amend sections 327-11(a) and 327-36, and section 711-1108, HRS.

JUSTIFICATION: Sometimes anatomical gifts of whole bodies or body parts are made by people about to die or by families of recently deceased individuals. These body donations are made for many reasons, but oftentimes it is because the donor believes that the body can be used for transplantation or to help medical science through research and education. The Department of Health is concerned that without stronger laws, donated bodies may be given to persons who have no means to handle the body properly and ultimately dispose of the body, and who may not take the steps to complete a death certificate and get a disposition permit. Body parts may be separated from bodies and not disposed of in accordance with the donor's understanding or wishes. The proposed amendments are designed to prevent anatomical gifts from being given to anyone other than a named hospital, accredited medical school, dental school, college, university, or procurement organization.

Impact on the public: This will protect vulnerable donors and their loved ones from making anatomical gifts to anyone other than established recipients who are capable of handling bodies with care and respect for valuable medical or research purposes.

Impact on the department and other agencies:
It will prevent situations of body donations to those persons who may not take the necessary steps to create a death certificate and obtain a disposition permit for the body. The Department will benefit from having deaths reported as the law requires.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HTH-760.

OTHER AFFECTED
AGENCIES: County medical examiners and coroners.

EFFECTIVE DATE: Upon approval.