
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 clarify
2 prohibited actions related to anatomical gifts and disposition
3 of bodies.

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

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

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

12 (2) A named individual designated by the person making the
13 anatomical gift if the individual is the recipient of
14 the body part; or, if the body part for any reason
15 cannot be transplanted into the individual, the body
16 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
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:



1 "**§711-1108 Abuse of a corpse.** (1) A person commits the
2 offense of abuse of a corpse if, except as authorized by law,
3 the person [~~treats~~]:

4 (a) Treats a human corpse in a way that the person knows
5 would outrage ordinary family sensibilities[-]; or

6 (b) Accepts the donation of a dead human body or any of
7 its parts.

8 (2) An entity to whom body parts are entrusted commits the
9 offense of abuse of a corpse if, except as authorized by law,
10 the entity to whom body parts are entrusted disposes of a dead
11 human body without a disposition permit. Disposal of a dead
12 human body includes removal of body parts or organs; provided
13 that it shall not be an offense for a procurement organization
14 to remove body parts or organs for transplantation or therapy
15 prior to obtaining a disposition permit.

16 [~~2~~] (3) The preparation of a corpse for burial or
17 cremation in a manner consistent with traditional Hawaiian
18 cultural customs and practices shall not be a violation of this
19 section.



1 ~~[(3)]~~ (4) The burial or cremation of a corpse prepared
2 consistent with traditional Hawaiian cultural customs and
3 practices shall not be a violation of this section.

4 ~~[(4)]~~ (5) Abuse of a corpse is a misdemeanor.

5 (6) For the purposes of this section, "procurement
6 organization" has the same meaning as defined in section 327-2."

7 SECTION 5. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect on January 1, 2021.



H.B. NO. 2340
H.D. 2
S.D. 1

Report Title:

Dead Bodies; Anatomical Gifts; Disposition of Bodies; Abuse of a Corpse

Description:

Clarifies prohibited actions related to anatomical gifts and disposition of bodies. Effective 1/1/2021. (SD1)

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