

RE: S.B. No. 1021
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii
Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 1021, S.D. 1, entitled:
"A BILL FOR AN ACT RELATING TO BURIALS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit selling, transferring, conveying, or otherwise disposing of or offering for sale any plots, crypts, or niches having an authorized capacity limit of fewer than ten sets of cremated human remains or burials prepared consistent with traditional Hawaiian cultural customs and practices;
- (2) Include the use of alkaline hydrolysis, water cremation, and natural organic reduction as methods for the disposal of human remains; and
- (3) Amend the procedures for the resolution of disputes regarding the right of disposition, the right to rely and act upon written instructions in a funeral service agreement or similar document, and provisions for the disposition of a decedent's remains and recovery of reasonable expenses to include hydrolysis facilities and natural organic reduction facilities.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs and two individuals. Your Committee received testimony in opposition to this measure from Dodo Mortuary, Inc.; Hawaiian Memorial Life Plan; Mililani Group, Inc., dba Mililani Memorial Park & Mortuary; and Hawaii Funeral & Cemetery Association, Inc.

Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that traditional Hawaiian burial practices are deeply integral to Hawaiian culture and identity. Existing state law, Department of Health administrative rules, as well as cemetery and mortuary practices, have prevented families from carrying on these practices in culturally appropriate, family-style burials. This measure addresses these barriers to facilitate the restoration and revival of traditional Hawaiian burial practices and values by allowing for multiple family members to be interred in family burial plots, and enables the Department of Health to recognize and accommodate the use of other methods for the preparation of human remains for burial.

Your Committee has amended this measure by:

- (1) Clarifying that no plot, crypt, or niche shall be sold, transferred, conveyed, or otherwise disposed of, offered for sale, transfer, conveyance, or other disposition unless the property allows the interment of up to ten sets of human remains that are cremated or prepared consistent with traditional Hawaiian burial in a single plot, crypt, or niche; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1021, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1021, S.D. 2.

Respectfully submitted on behalf of the members of the Committee on
Commerce and Consumer Protection,

ROSALYN H. BAKER, Chair