

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii
Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 1021, S.D. 2, H.D. 1, entitled:
"A BILL FOR AN ACT RELATING TO BURIALS,"

begs leave to report as follows:

The purpose of this measure is to:

(1) Include the use of traditional Native Hawaiian burial practices in the treatment and disposal of human remains, including the use of alkaline hydrolysis or water cremation and natural organic reduction; and

(2) Prohibit the sale, transfer, conveyance, or other disposal, or offer thereof, of any plot, crypt, or niche unless the property on which the plot, crypt, or niche is located allows the interment of up to ten sets of human remains that are cremated or prepared in a manner consistent with traditional Native Hawaiian burials.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Aloha Mortuary; Fisher & Associates Consulting, LLC; Willd Body Program, University of Hawaii; Ken Ordenstein Funerals; and eleven individuals. Your Committee received testimony in opposition to this measure from the Hawaii Funeral & Cemetery Association, Inc.; Hawaiian Memorial Life Plan, Ltd.; Mililani Group, Inc.; Nuuanu Memorial Park & Mortuary; Dodo Mortuary, Inc.; Leeward Funeral Home; and Hosoi Garden Mortuary, Inc. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs.

Your Committee finds that traditional Native Hawaiian burial practices play a critical role in Native Hawaiian culture and are a cost effective and environmentally friendly alternative to modern treatments of human remains.

Your Committee has amended this measure by:

(1) Deleting the definitions of "cremation equipment" and "traditional Hawaiian burial" and references to "water cremation," "cremains," and "ashes" since these definitions and references are unnecessary;

(2) Deleting language that would have prohibited the sale, transfer, conveyance, or other disposal, or offer thereof, of any plot, crypt, or niche unless the property on which the plot, crypt, or niche is located allows the interment of up to ten sets of human remains that are cremated or prepared in a manner consistent with traditional Hawaiian burials;

(3) Requiring the Department of Health to adopt rules to implement this measure; and

(4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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

Respectfully submitted on behalf of the members of the Committee on
Judiciary & Hawaiian Affairs,

MARK M. NAKASHIMA, Chair