

# HOUSE BILL REPORT

## HB 2328

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*As Reported By House Committee on:  
Financial Institutions & Insurance*

**Title:** An act relating to the right of a person to control the disposition of the person's remains.

**Brief Description:** Allowing a person to dictate the disposition of his or her remains.

**Sponsor(s):** Representatives Winsley and Silver.

**Brief History:**

Reported by House Committee on:  
Financial Institutions & Insurance, January 31, 1992,  
DPS.

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**HOUSE COMMITTEE ON  
FINANCIAL INSTITUTIONS & INSURANCE**

**Majority Report:** *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 10 members: Representatives Zellinsky, Vice Chair; Broback, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Anderson; Dorn; Inslee; R. Johnson; Paris; Schmidt; and Winsley.

**Staff:** John Conniff (786-7119).

**Background:** In the absence of contrary direction by the decedent prior to death, the control over and liability for the costs of the decedent's interment rests, in descending order, with the surviving spouse, surviving children, and surviving parents. When these persons do not survive the decedent, or are difficult to find, effectuation of the decedent's wishes can be difficult. For example, if the decedent had expressed the desire to be cremated, authorization for cremation may be difficult to obtain and a crematory might face liability without a specific authorization recognized by statute.

**Summary of Substitute Bill:** Any valid written document expressing the decedent's wishes signed by the decedent in the presence of a witness is sufficient legal authorization for the procedures to be accomplished. A crematory is not criminally or civilly liable for a cremation based upon such authorization.

**Substitute Bill Compared to Original Bill:** Restatement of the decedent's right to dictate the disposition of his or her remains is replaced with provisions for the representative of the decedent's estate to authorize cremation.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Obtaining authorization for cremation can be difficult when the decedent's surviving relatives live in another state or are very old. Current law does not recognize authorization given by the personal representative of the decedent's estate. Such authorization will ease problems in obtaining approval for cremations.

**Testimony Against:** None.

**Witnesses:** (Pro) B. Dave Daly, Washington State Funeral Directors Association; and James Noel, Washington Internment Association.