

SENATE BILL REPORT

ESSB 5759

AS PASSED SENATE, JANUARY 24, 1992

Brief Description: Revising provisions regulating funeral directors, embalmers, and crematories.

SPONSORS: Senate Committee on Commerce & Labor (originally sponsored by Senator Rasmussen).

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 5759 be substituted therefor, and the substitute bill do pass.

Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McCaslin, McDonald, McMullen, Moore, Murray, and Skratek.

Staff: Traci Anderson (786-7452)

Hearing Dates: March 4, 1991; March 5, 1991

BACKGROUND:

Prior to 1989, all health care professionals were licensed by the Department of Licensing. Fees collected for the activities related to the licensing and registration of these professionals were deposited into the health professions account. Funeral directors and embalmers were classified as health care professionals during this time. When the Department of Health was established, the responsibility for licensing health care professionals was transferred to this agency. The licensing of funeral directors and embalmers remained the responsibility of the Department of Licensing. Fees collected for the licensing and registration of funeral directors and embalmers continue to be deposited in the health professions account. The Department of Licensing does receive credit when such fees are deposited into the account.

Under certain circumstances, the state of Washington provides funds for the disposition of human remains. In such cases, the state may elect to have the remains cremated. Crematories owned by cemetery authorities that perform these cremations are currently protected from being held criminally or civilly liable for performing such cremations. Crematories owned by funeral homes are not provided with the same legal protection under existing statutes.

Unless directions have been left by the decedent, the right to control the disposition of the decedent's remains rests with the surviving spouse, children, or parents of the decedent. In the event that a decedent did not leave directions and that there are no known next of kin, a crematory that performs the cremation based on the permission of a friend or other

representative of the decedent may be held liable for cremating the remains.

SUMMARY:

The funeral directors and embalmers account is created in the custody of the State Treasurer. All fees received by the Department of Licensing for activities related to the licensing and registration of funeral directors and embalmers, and all fines and civil penalties paid by such professionals are deposited into this account. All expenses related to the licensing and registration of these professionals are paid from this account.

In the event of a state-funded and state-ordered cremation, all crematories are protected from being held criminally or civilly liable for performing such cremations.

In the event that directions are not left by the decedent concerning the disposition of remains and that there are no known next of kin, a crematory may cremate the decedent's remains after receiving permission from a representative of the decedent or the decedent's estate. In such cases, a crematory cannot be held criminally or civilly liable for cremating the remains.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The bill will provide needed protection for funeral directors and crematories. It will also allow for the timely cremation of a decedent's remains.

TESTIMONY AGAINST: None

TESTIFIED: Senator Rasmussen, prime sponsor; John Donnellen, Dept. of Licensing; Larry Nelson, Funeral Board