

FINAL BILL REPORT

SHB 1195

Synopsis as Enacted

C 297 L 93

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

By House Committee on Judiciary (originally sponsored by Representatives Anderson, Sommers, Jacobsen, G. Cole, Johanson, J. Kohl and Leonard).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: In the absence of directions by the decedent, the right to control the disposition of remains vests in the following people in the order named: the surviving spouse of the decedent; the surviving children of the decedent; or the surviving parents of the decedent. There is no indication of what constitutes valid "directions" by the decedent. Liability for the reasonable costs of the preparation, care, and disposition of remains devolves jointly and severally upon all kin of the same degree of kindred in the named order, and upon the estate of the decedent.

Summary: The right of a person to control the disposition of his or her remains without the consent of another person is explicitly provided. The decedent's wishes concerning the place or method of disposition of his or her remains are accomplished through a written authorization, signed by the decedent in the presence of a witness.

Prearrangements that are prepaid or that are filed with a licensed funeral establishment or cemetery authority are not subject to cancellation or substantial revision by survivors. A funeral establishment or cemetery authority is not liable for acting upon such prearrangements in the absence of actual knowledge of contrary legal authorization by the decedent.

The siblings of the decedent and a person acting as a representative of the decedent are added to the list of persons upon whom the right to control disposition of remains vests in the absence of directions by the decedent. The list is further modified to specify that the right to control disposition of remains will vest in only those children of the decedent who are adults.

The right to control the disposition of the remains as well as the duty, and liability for the reasonable cost, of disposition, passes to specified kin or to an authorized representative of the decedent, in any of the following circumstances:

- (1) The decedent has not made a prearrangement;
- (2) The costs of executing the decedent's wishes exceed a reasonable amount; or
- (3) The decedent has not given directions for the disposition of his or her remains.

Votes on Final Passage:

House	97	0	
Senate	43	2	(Senate amended)
House	95	0	(House concurred)

Effective: July 25, 1993