

# HOUSE BILL REPORT

## HB 1195

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As Reported By House Committee On:  
Judiciary

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

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

**Sponsors:** Representatives Anderson, Sommers, Jacobsen, G. Cole, Johanson, J. Kohl and Leonard.

**Brief History:**

Reported by House Committee on:  
Judiciary, February 16, 1993, DPS.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

**Staff:** Edie Adams (786-7349).

**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. Liabilities 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 above named order.

**Summary of Substitute Bill:** 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 disposition of his or her remains are accomplished through a written authorization, signed by the decedent in the presence of a witness. Prearrangements with a 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.

**Substitute Bill Compared to Original Bill:** The substitute adds a prohibition on cancellation or substantial changes to a prearrangement with a funeral establishment or cemetery authority and relieves the funeral establishment or cemetery authority from liability for relying on such a prearrangement unless they have actual knowledge of contrary legal authorization by the decedent. An authorized representative of the decedent is added to the list of persons on whom the right to control the disposition of remains vests in the absence of directions by the decedent.

**Fiscal Note:** Not requested.

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

**Testimony For:** A person should have the right to control the disposition of his or her own remains without the consent of another person. The decedent's wishes are not always carried out because of disputes between family and friends after death. Funeral establishments and cemetery authorities exposed to these competing interests are often subject to liability for their ultimate decision. A funeral establishment should be able to rely on the written authorization of the decedent without fear of liability because of competing interests of family or friends.

**Testimony Against:** None.

**Witnesses:** Representative Anderson, Prime Sponsor (pro); B. David Daly, Washington Funeral Directors Association (pro); James H. Noel, Washington Interment Association (pro); and J.K. Johnson (pro).