

**SENATE BILL REPORT**

**SB 5026**

**AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS,  
JANUARY 26, 1993**

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

**SPONSORS:** Senator A. Rasmussen

**SENATE COMMITTEE ON GOVERNMENT OPERATIONS**

**Majority Report:** That Substitute Senate Bill No. 5026 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, von Reichbauer, and Winsley.

**Staff:** Barbara Howard (786-7410)

**Hearing Dates:** January 19, 1993; January 26, 1993

**BACKGROUND:**

When the Department of Health was created in 1989, the regulation of health care professionals was transferred to it from the Department of Licensing (DOL). Since most of the professional boards are supported from license fees, a separate health professionals account was created in the general fund.

The registration and regulation of cemetery authorities, funeral directors, and embalmers remained in the Department of Licensing, but their funding support was incorporated into the new health professionals account. The Funeral Directors and Embalmers Board has requested that their portion of the account be returned to DOL.

Authorization for cremation of a deceased person's remains must be given by specifically named relatives (surviving spouse, children or parents). Funeral directors have expressed concern about potential liability because there is no express provision to authorize cremation if a person dies without such identifiable relatives.

**SUMMARY:**

The fees collected for registering funeral directors and embalmers are transferred from the health professionals account to a newly created funeral directors and embalmers account. All fees for examination, registration, and audits of funeral directors and embalmers -- as well as proceeds from fines and civil penalties assessed against such individuals -- are credited to the account.

An obsolete reference to a fee for regulating cremation is deleted. The minimum fee of \$3 for each interment, entombment and inurnment is eliminated, and the director of the Department of Licensing (DOL), with the consent of the Cemetery Board, is allowed to set fees necessary for licenses, regulatory charges, and permits.

In a situation where there are no immediate relatives with the right to dispose of the remains of a deceased person, a licensed crematory has the right to rely on authority granted by a representative of the decedent or the decedent's estate, and the crematory is not criminally or civilly liable for cremating the remains.

**EFFECT OF PROPOSED SUBSTITUTE:**

Any funds remaining in the health professions account attributable to funeral directors and embalmers must be transferred to the new funeral directors and embalmers account.

A funeral establishment or cemetery authority may proceed with cremation if it has made a good faith effort to locate the decedent's immediate relatives or the legal representative of the decedent's estate, or if the cremation is authorized by the most responsible party available.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested January 13, 1993

**TESTIMONY FOR:**

Creation of the new account is necessary to reestablish the funding mechanism for the regulation of these professionals. There have been instances when cremation was delayed unnecessarily because the current statutory authority is so narrow. Failure to provide for the transfer of funds to the funeral directors and embalmers account was an inadvertent omission. Clarification of who may give the authorization is needed only to prevent an undue burden on the establishment when there are no relatives. Responsibility for who should bear the costs of the cremation is covered in another statute.

**TESTIMONY AGAINST:** None

**TESTIFIED:** (PRO) Jon Donellen, Program Manager, Funeral Directors and Embalmers Board; B. David Daly, Washington Funeral Directors Association; James Noel, Washington Interment Association (WIA); Paul Elvig, WIA