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**SUBSTITUTE HOUSE BILL 1195**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

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

Read first time 02/19/93.

1 AN ACT Relating to the right of a person to control the disposition  
2 of a person's remains; and amending RCW 68.50.160.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 68.50.160 and 1992 c 108 s 1 are each amended to read  
5 as follows:

6 (1) A person has the right to control the disposition of his or her  
7 own remains without the predeath or postdeath consent of another  
8 person. A valid written document expressing the decedent's wishes  
9 regarding the disposition of his or her remains, signed by the decedent  
10 in the presence of a witness, is sufficient legal authorization for the  
11 procedures to be accomplished. Prearrangements that are prepaid, or  
12 filed with a licensed funeral establishment or cemetery authority,  
13 under RCW 18.39.280 through 18.39.345 and chapter 68.46 RCW are not  
14 subject to cancellation or substantial revision by survivors. Absent  
15 actual knowledge of contrary legal authorization under this section, a  
16 licensed funeral establishment or cemetery authority shall not be held  
17 criminally nor civilly liable for acting upon such prearrangements. If  
18 directions have not been given by the decedent, the right to control  
19 the disposition of the remains of a deceased person(~~(, unless other~~

1 ~~directions have been given by the decedent,~~) vests in, and the duty of  
2 disposition and the liability for the reasonable cost of preparation,  
3 care, and disposition of such remains devolves upon the following in  
4 the order named:

5 ((+1)) (a) The surviving spouse.

6 ((+2)) (b) The surviving adult children of the decedent.

7 ((+3)) (c) The surviving parents of the decedent.

8 (d) The surviving siblings of the decedent.

9 (e) A person acting as a representative of the decedent under the  
10 signed authorization of the decedent.

11 (2) The liability for the reasonable cost of preparation, care, and  
12 disposition devolves jointly and severally upon all kin of the decedent  
13 ((hereinbefore mentioned)) in the same degree of kindred, in the order  
14 listed in subsection (1) of this section, and upon the estate of the  
15 decedent.

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