

# FINAL BILL REPORT

## SSB 5752

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Synopsis as Enacted

**Brief Description:** Concerning funeral services.

**Sponsors:** Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Prentice, Honeyford and Kohl-Welles).

**Senate Committee on Labor, Commerce, Research & Development**  
**House Committee on Commerce & Labor**

**Background:** Funeral and cemetery laws have not been thoroughly revised for many decades. For example, the licensing of funeral directors and embalmers was enacted in 1937, funeral establishments in 1977, and crematories in 1985. The cemetery law was enacted in 1943, the Cemetery Board was created in 1953, and crematories licensed in 1985.

Although the profession has changed dramatically, from terminology to cemetery practices, the statutes have not been updated accordingly.

Both the funeral and cemetery prearrangement trust fund laws require the firms to hold investment instruments in a public depository.

Applications to take the examination to become a licensed funeral director or embalmer must be filed with the Director of the Department of Licensing (DOL) at least forty-five days before the exam.

The right to control the disposition of human remains refers to a situation where the decedent has not made prearrangements regarding the disposition of his or her remains and who has the authority to control the disposition. Right to control statutes can be found under both the funeral and cemetery statutes.

The disposition of human remains in any place, other than a cemetery, is guilty of a misdemeanor.

Certificates of removal registration permit Washington funeral directors or embalmers to remove human remains from the district where the death occurred to another registration district.

**Summary:** Technical, clarifying, and substantive changes are made to the funeral, cemetery, and vital records statutes. Outdated acts are repealed.

RCW 18.39, Funeral Statutes. An academic internship is created. An academic intern is an enrolled student in an accredited college funeral service education program who is serving his or her three-month internship at a Washington State funeral establishment, as is required for graduation.

Funeral directing or embalming apprenticeships are terminated.

A Certificate of Removal Registration is created and permits funeral establishments licensed in Oregon or Idaho to remove human remains from Washington prior to submitting a completed certificate of death and permits Washington firms to remove remains from Oregon.

Applications to take the examination to become a licensed funeral director or embalmer must be filed with the Director of the DOL at least fifteen days before the exam.

The Board of Funeral Directors and Embalmers (Board) may recognize funeral director or embalmer licenses issued by other states which have substantially equivalent licensure requirements.

Title 68, Cemetery Laws. A definition for "scattering garden" is created and means a designated area in a cemetery for the scattering of cremated human remains.

The cemetery board consists of five members, and no longer are two of the members required to have legal or accounting experience.

The requirement that firms hold investments in a public depository is removed.

The ownership or right to unoccupied cemetery space is considered abandoned if it is neglected and in a state of disrepair for a period of five years. After this five-year period of alleged abandonment, the cemetery management may reclaim the unoccupied space after proper notice over a three-year period by filing a petition for an order of abandonment with the superior court. Notice cannot be placed on the unoccupied space until twenty years have elapsed since the last interment in that lot.

The right to control the disposition of human remains is consolidated under the cemetery laws.

A cemetery account is created in the custody of the State Treasurer. All monies received under this chapter must be deposited into the account. Only the cemetery board may authorize expenditures, and an appropriation is not required for expenditures.

RCW 70.58, Vital Records. Certificates of removal registration permits funeral establishments licensed in Oregon or Idaho, with a current certificate of removal registration issued by the director of the DOL, to remove human remains from the district where the death occurred to Oregon or Idaho.

**Votes on Final Passage:**

Senate	47	0	
House	94	0	(House amended)
Senate	41	0	(Senate concurred)

**Effective:** July 24, 2005