

SENATE BILL REPORT

SB 5063

As of January 22, 2009

Title: An act relating to the burial of pet remains.

Brief Description: Concerning the burial of pet remains.

Sponsors: Senator Jacobsen.

Brief History:

Committee Activity: Government Operations & Elections: 1/19/09.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Edward Redmond (786-7471)

Background: The cemetery laws in Washington State were enacted in 1943, and the Cemetery Board was created in 1953. The Department of Licensing (DOL) serves as the administrative support for funeral directors, embalmers, and cemetery boards. Currently, there are 152 private cemeteries and 83 crematories that are licensed and regulated by DOL.

Washington State defines a cemetery as a place used or intended to be used for the placement of "human" remains. This impedes a pet owner from being buried in the same cemetery as that person's pet's remains because "animal remains" are not included in the current definition of cemetery.

Summary of Bill: Pet remains may be buried in the same cemetery as the pet owner's remains. The pet owner must submit written authorization to a cemetery authority, which expresses that person's intention to be buried with his or her pet remains. The cemetery authority must either allow for pet and human remains to be buried in an already established and operating area of the cemetery or designate a section of the cemetery for burial of pet and human remains.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Proposed First Substitute): The mandatory language in Section 1, stating that "a cemetery authority 'must' allow for the burial of pet remains" has been amended to "a cemetery authority 'may' allow for the burial of pet remains." This change gives cemetery authorities the discretion to permit pet owner and pet burials at a cemetery rather than making it a requirement for such burials to occur.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Section 2, which states that “any provisions applicable to human remains within this title [Title 68] and chapter 18.39 RCW are applicable to pet remains” has been removed due to raised concerns that coroners, embalmers, and funeral directors, would be required to perform the same type of postmortem services for deceased pets that they currently provide for humans.

Finally, section 3, which defines pet remains as “the body of a deceased cat or dog in any stage of decomposition” has been amended to “pet remains means the body of a deceased cat or dog in cremated disposition.”

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: There are a growing number of people wishing to be buried with their pets. Current cemetery laws are intrusive. Animals have been buried with people for ages; the pharaohs were buried with their cats and dogs. The military uses dogs for all kinds of duties including security and bomb detection. The handlers of these military dogs grow very fond of them.

CON: Cemeterians have promised the internment of human remains as written in current law. It would be problematic to reverse this due to the thousands of people that have already been buried in the cemeteries. Cemeteries serve people from different cultures and religious backgrounds and some may find it offensive to be buried next to an animal. In Islamic faith, for example, it is considered an ultimate insult to bury a dog or a cat in or around human burial grounds. The main problem of the bill is the use of the word "must," which mandates a cemetery authority to permit individuals to be buried with their pet's remains. If cemeteries are forced to open sections for pet and human burials, the financial impact (especially to smaller cemeteries) will be substantial.

Persons Testifying: PRO: Senator Jacobsen, prime sponsor.

CON: Gregory Simard, Washington Cemetery and Funeral Association; Russell Weeks, Washington State Funeral Director's Association; Paul Elvig, International Cemetery, Cremation and Funeral Association.