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SENATE BILL 6394

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State of Washington

61st Legislature

2010 Regular Session

By Senator Jacobsen

Read first time 01/13/10. Referred to Committee on Judiciary.

1 AN ACT Relating to the right to control the disposition of human  
2 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 2007 c 156 s 24 are each amended to read  
5 as follows:

6 (1)(a) A person has the right to control the disposition of his or  
7 her own remains without the predeath or postdeath consent of another  
8 person. A valid written document expressing the decedent's wishes  
9 regarding the place or method of disposition of his or her remains,  
10 signed by the decedent in the presence of a witness, is sufficient  
11 legal authorization for the procedures to be accomplished.

12 (b) A person may appoint a representative to control the  
13 disposition of his or her remains. A valid written document appointing  
14 a representative, signed by the decedent in the presence of a witness,  
15 is sufficient legal authorization for a representative to control the  
16 disposition of the decedent's remains.

17 (2) Prearrangements that are prepaid, or filed with a licensed  
18 funeral establishment or cemetery authority, under RCW 18.39.280  
19 through 18.39.345 and chapter 68.46 RCW are not subject to cancellation

1 or substantial revision by survivors. Absent actual knowledge of  
2 contrary legal authorization under this section, a licensed funeral  
3 establishment or cemetery authority shall not be held criminally nor  
4 civilly liable for acting upon such prearrangements.

5 (3) If the decedent has not made a prearrangement as set forth in  
6 subsection (2) of this section or the costs of executing the decedent's  
7 wishes regarding the disposition of the decedent's remains exceeds a  
8 reasonable amount or directions have not been given by the decedent,  
9 the right to control the disposition of the remains of a deceased  
10 person vests in, and the duty of disposition and the liability for the  
11 reasonable cost of preparation, care, and disposition of such remains  
12 devolves upon the following in the order named:

13 (a) A person acting as a representative of the decedent under  
14 subsection (1) of this section.

15 (b) The surviving spouse or state registered domestic partner.

16 ~~((b))~~ (c) The majority of the surviving adult children of the  
17 decedent.

18 ~~((c))~~ (d) The surviving parents of the decedent.

19 ~~((d))~~ (e) The surviving siblings of the decedent.

20 ~~((e) A person acting as a representative of the decedent under the~~  
21 ~~signed authorization of the decedent.))~~

22 (f) The majority of the surviving adult grandchildren of the  
23 decedent.

24 (g) The majority of the surviving adult nieces and nephews of the  
25 decedent.

26 (h) The guardian of the decedent at the time of the decedent's  
27 death.

28 (4) If a cemetery authority as defined in RCW 68.04.190 or a  
29 funeral establishment licensed under chapter 18.39 RCW has made a good  
30 faith effort to locate the person or persons cited in subsection (3)(a)  
31 through ~~((e))~~ (h) of this section or the legal representative of the  
32 decedent's estate, the cemetery authority or funeral establishment  
33 shall have the right to rely on an authority to bury or cremate the  
34 human remains, executed by the most responsible party available, and  
35 the cemetery authority or funeral establishment may not be held  
36 criminally or civilly liable for burying or cremating the human  
37 remains. In the event any government agency provides the funds for the  
38 disposition of any human remains and the government agency elects to

1 provide funds for cremation only, the cemetery authority or funeral  
2 establishment may not be held criminally or civilly liable for  
3 cremating the human remains.

4 (5) The liability for the reasonable cost of preparation, care, and  
5 disposition devolves jointly and severally upon all kin of the decedent  
6 in the same degree of kindred, in the order listed in subsection (3) of  
7 this section, and upon the estate of the decedent.

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