
HOUSE BILL 1564

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Kenney, Cody, Kagi, and Moscoso

Read first time 01/25/11. 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 2010 c 274 s 602 are each amended to
5 read 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 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 (2) Prearrangements that are prepaid, or filed with a licensed
13 funeral establishment or cemetery authority, under RCW 18.39.280
14 through 18.39.345 and chapter 68.46 RCW are not subject to cancellation
15 or substantial revision by survivors. Absent actual knowledge of
16 contrary legal authorization under this section, a licensed funeral
17 establishment or cemetery authority shall not be held criminally nor
18 civilly liable for acting upon such prearrangements.

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

9 (a) The designated agent of the decedent as directed through a
10 valid written document signed by the decedent in the presence of a
11 witness. The direction of the designated agent is sufficient to direct
12 the type, place, and method of disposition.

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

14 ~~((b))~~ (c) The majority of the surviving adult children of the
15 decedent.

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

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

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

20 (f) A court-appointed guardian for the person at the time of the
21 person's death.

22 (4) If any person to whom the right of control has vested pursuant
23 to subsection (3) of this section has been arrested or charged with
24 first or second degree murder or first degree manslaughter in
25 connection with the decedent's death, the right of control is
26 relinquished and passed on in accordance with subsection (3) of this
27 section.

28 (5) 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 cited in subsection (3)(a) through
31 ~~((e))~~ (f) 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 or charitable organization
38 provides the funds for the disposition of any human remains ~~((and the~~

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

4 (6) 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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