## CERTIFICATION OF ENROLLMENT

## SUBSTITUTE HOUSE BILL 1691

# 62nd Legislature 2011 Regular Session

Passed by the House April 15, 2011 Yeas 96 Nays 0  Speaker of the House of Representatives  Passed by the Senate April 12, 2011 Yeas 47 Nays 0	I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 1691 as passed by the House of Representatives and the Senate on the dates hereon set forth.		
			Chief Clerk
		President of the Senate	
		Approved	FILED
	Secretary of State State of Washington		
Governor of the State of Washington			

### \_\_\_\_\_

#### SUBSTITUTE HOUSE BILL 1691

#### AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

### State of Washington 62nd Legislature 2011 Regular Session

By House Business & Financial Services (originally sponsored by Representatives Kirby, Anderson, Springer, Eddy, Ryu, Morris, and Stanford)
READ FIRST TIME 02/10/11.

- 1 AN ACT Relating to embalmers; and amending RCW 68.50.070 and
- 2 68.50.160.
- 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 4 **Sec. 1.** RCW 68.50.070 and 1959 c 23 s 1 are each amended to read 5 as follows:
- (1) Any ((sheriff, coroner, keeper or superintendent of a county poorhouse, public hospital, county jail, or state institution shall))

  8 public agency required to provide for the disposition of human remains
- 9 <u>in any legal manner at public expense must</u> surrender the ((<del>dead bodies</del>
- of persons required to be buried at the public expense,)) human remains to:
- 12 (
- 12 <u>(a) Any physician or surgeon, to be ((by him))</u> used for the advancement of anatomical science, preference being given to medical
- 14 schools in this state, for their use in the instruction of medical
- 15 students; or
- 16 (b) An accredited educational institution offering funeral services
- and embalming programs for use in training embalming students under the
- 18 supervision of an embalmer licensed under chapter 18.39 RCW.

p. 1 SHB 1691.PL

- (2) If the deceased person ((during his last sickness)) requested to be buried, or if ((within thirty days after his death)) some person claiming to be a relative or a responsible officer of a ((church)) religious organization with which the deceased at the time of ((his)) death was affiliated requires the ((body)) remains to be buried, ((his body shall)) the remains must be buried, subject to the requirements of RCW 68.50.110 and 68.50.230.
- **Sec. 2.** RCW 68.50.160 and 2010 c 274 s 602 are each amended to 9 read as follows:
  - (1) A person has the right to control the disposition of his or her own remains without the predeath or postdeath consent of another person. A valid written document expressing the decedent's wishes regarding the place or method of disposition of his or her remains, signed by the decedent in the presence of a witness, is sufficient legal authorization for the procedures to be accomplished.
  - (2) Prearrangements that are prepaid, or filed with a licensed funeral establishment or cemetery authority, under RCW 18.39.280 through 18.39.345 and chapter 68.46 RCW are not subject to cancellation or substantial revision by survivors. Absent actual knowledge of contrary legal authorization under this section, a licensed funeral establishment or cemetery authority shall not be held criminally nor civilly liable for acting upon such prearrangements.
  - (3) If the decedent has not made a prearrangement as set forth in subsection (2) of this section or the costs of executing the decedent's wishes regarding the disposition of the decedent's remains exceeds a reasonable amount or directions have not been given by the decedent, the right to control the disposition of the remains of a deceased person vests in, and the duty of disposition and the liability for the reasonable cost of preparation, care, and disposition of such remains devolves upon the following in the order named:
  - (a) The designated agent of the decedent as directed through a written document signed and dated by the decedent in the presence of a witness. The direction of the designated agent is sufficient to direct the type, place, and method of disposition.
    - (b) The surviving spouse or state registered domestic partner.
- $((\frac{b}{b}))$  (c) The <u>majority of the</u> surviving adult children of the decedent.

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

- $((\frac{d}{d}))$  (e) The <u>majority of the</u> surviving siblings of the decedent.
  - (((e) A person acting as a representative of the decedent under the signed authorization of the decedent.))
  - (f) A court-appointed guardian for the person at the time of the person's death.
  - (4) If any person to whom the right of control has vested pursuant to subsection (3) of this section has been arrested or charged with first or second degree murder or first degree manslaughter in connection with the decedent's death, the right of control is relinquished and passed on in accordance with subsection (3) of this section.
  - (5) If a cemetery authority as defined in RCW 68.04.190 or a funeral establishment licensed under chapter 18.39 RCW has made a good faith effort to locate the person cited in subsection (3)(a) through  $((\langle e \rangle))$  (f) of this section or the legal representative of the decedent's estate, the cemetery authority or funeral establishment shall have the right to rely on an authority to bury or cremate the human remains, executed by the most responsible party available, and the cemetery authority or funeral establishment may not be held criminally or civilly liable for burying or cremating the human remains. In the event any government agency or charitable organization provides the funds for the disposition of any human remains ((and the government agency elects to provide funds for cremation only)), the cemetery authority or funeral establishment may not be held criminally or civilly liable for cremating the human remains.
  - (6) The liability for the reasonable cost of preparation, care, and disposition devolves jointly and severally upon all kin of the decedent in the same degree of kindred, in the order listed in subsection (3) of this section, and upon the estate of the decedent.

--- END ---

p. 3