

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1691

Chapter 265, Laws of 2011

62nd Legislature
2011 Regular Session

EMBALMERS

EFFECTIVE DATE: 07/22/11

Passed by the House April 15, 2011
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 12, 2011
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved May 5, 2011, 10:12 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

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.

BARBARA BAKER

Chief Clerk

FILED

May 6, 2011

**Secretary of State
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:

6 (1) Any ((sheriff, coroner, keeper or superintendent of a county
7 poorhouse, public hospital, county jail, or state institution shall))
8 public agency required to provide for the disposition of human remains
9 in any legal manner at public expense must surrender the ((dead bodies
10 of persons required to be buried at the public expense,)) human remains
11 to:

12 (a) Any physician or surgeon, to be ((by him)) used for the
13 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
17 and embalming programs for use in training embalming students under the
18 supervision of an embalmer licensed under chapter 18.39 RCW.

1 ~~(2) If the deceased person ((during his last sickness)) requested~~
2 to be buried, or if ~~((within thirty days after his death))~~ some person
3 claiming to be a relative or a responsible officer of a ~~((church))~~
4 religious organization with which the deceased at the time of ~~((his))~~
5 death was affiliated requires the ~~((body))~~ remains to be buried, ~~((his~~
6 ~~body shall))~~ the remains must be buried, subject to the requirements of
7 RCW 68.50.110 and 68.50.230.

8 **Sec. 2.** RCW 68.50.160 and 2010 c 274 s 602 are each amended to
9 read as follows:

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

16 (2) Prearrangements that are prepaid, or filed with a licensed
17 funeral establishment or cemetery authority, under RCW 18.39.280
18 through 18.39.345 and chapter 68.46 RCW are not subject to cancellation
19 or substantial revision by survivors. Absent actual knowledge of
20 contrary legal authorization under this section, a licensed funeral
21 establishment or cemetery authority shall not be held criminally nor
22 civilly liable for acting upon such prearrangements.

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

31 (a) The designated agent of the decedent as directed through a
32 written document signed and dated by the decedent in the presence of a
33 witness. The direction of the designated agent is sufficient to direct
34 the type, place, and method of disposition.

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

36 ~~((b))~~ (c) The majority of the surviving adult children of the
37 decedent.

1 (~~(e)~~) (d) The surviving parents of the decedent.

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

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

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

7 (4) If any person to whom the right of control has vested pursuant
8 to subsection (3) of this section has been arrested or charged with
9 first or second degree murder or first degree manslaughter in
10 connection with the decedent's death, the right of control is
11 relinquished and passed on in accordance with subsection (3) of this
12 section.

13 (5) If a cemetery authority as defined in RCW 68.04.190 or a
14 funeral establishment licensed under chapter 18.39 RCW has made a good
15 faith effort to locate the person cited in subsection (3)(a) through
16 (~~(e)~~) (f) of this section or the legal representative of the
17 decedent's estate, the cemetery authority or funeral establishment
18 shall have the right to rely on an authority to bury or cremate the
19 human remains, executed by the most responsible party available, and
20 the cemetery authority or funeral establishment may not be held
21 criminally or civilly liable for burying or cremating the human
22 remains. In the event any government agency or charitable organization
23 provides the funds for the disposition of any human remains (~~and the~~
24 ~~government agency elects to provide funds for cremation only~~), the
25 cemetery authority or funeral establishment may not be held criminally
26 or civilly liable for cremating the human remains.

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

Passed by the House April 15, 2011.

Passed by the Senate April 12, 2011.

Approved by the Governor May 5, 2011.

Filed in Office of Secretary of State May 6, 2011.