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SENATE BILL 5387

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State of Washington

65th Legislature

2017 Regular Session

By Senators Pedersen, Angel, Rolfes, and Fain

Read first time 01/23/17. Referred to Committee on Commerce, Labor & Sports.

1 AN ACT Relating to cremation by biochemical hydrolysis; amending  
2 RCW 68.04.020, 68.04.080, 68.04.120, 68.04.170, 68.04.260, 68.04.270,  
3 68.05.175, 68.05.195, 68.05.245, 68.05.390, 68.24.010, 68.24.150,  
4 68.50.108, 68.50.110, 68.50.130, 68.50.140, 68.50.160, 68.50.185,  
5 68.50.240, 68.50.270, 68.64.120, 70.95K.010, 70.95M.090, 73.08.070,  
6 18.39.170, 18.39.217, and 18.39.410; and adding new sections to  
7 chapter 68.04 RCW.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 **Sec. 1.** RCW 68.04.020 and 2005 c 365 s 27 are each amended to  
10 read as follows:

11 "Human remains" or "remains" means the body of a deceased person,  
12 includes the body in any stage of decomposition, and includes  
13 cremated or hydrolyzed human remains.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 68.04  
15 RCW to read as follows:

16 "Alkaline hydrolysis" or "hydrolysis" means the reduction of  
17 human remains to bone fragments and essential elements in a licensed  
18 hydrolysis facility using heat, pressure, water, and alkaline  
19 substances.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 68.04  
2    RCW to read as follows:  
3        "Hydrolyzed human remains" means the end products of alkaline  
4    hydrolysis.

5        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 68.04  
6    RCW to read as follows:  
7        "Hydrolysis facility" means a building or area of a building that  
8    houses one or more hydrolysis vessels, to be used for alkaline  
9    hydrolysis.

10       **Sec. 5.**    RCW 68.04.080 and 2005 c 365 s 31 are each amended to  
11    read as follows:  
12       "Columbarium" means a structure, room, or other space in a  
13    building or structure containing niches for permanent placement of  
14    cremated or hydrolyzed human remains in a place used, or intended to  
15    be used, and dedicated, for cemetery purposes.

16       **Sec. 6.**    RCW 68.04.120 and 2005 c 365 s 34 are each amended to  
17    read as follows:  
18       "Inurnment" means placing cremated or hydrolyzed human remains in  
19    a cemetery.

20       **Sec. 7.**    RCW 68.04.170 and 2005 c 365 s 38 are each amended to  
21    read as follows:  
22       "Niche" means a space in a columbarium for placement of cremated  
23    or hydrolyzed human remains.

24       **Sec. 8.**    RCW 68.04.260 and 2005 c 365 s 43 are each amended to  
25    read as follows:  
26       "Scattering garden" means a designated area in a cemetery for the  
27    scattering of cremated or hydrolyzed human remains.

28       **Sec. 9.**    RCW 68.04.270 and 2005 c 365 s 44 are each amended to  
29    read as follows:  
30       "Scattering" means the removal of cremated or hydrolyzed human  
31    remains from their container for the purpose of scattering the  
32    ((cremated)) human remains in any lawful manner.

1       **Sec. 10.** RCW 68.05.175 and 2009 c 102 s 11 are each amended to  
2 read as follows:

3       A permit or endorsement issued by the board or under chapter  
4 18.39 RCW is required in order to operate a crematory or hydrolysis  
5 facility, or conduct a cremation or alkaline hydrolysis.

6       **Sec. 11.** RCW 68.05.195 and 2005 c 365 s 58 are each amended to  
7 read as follows:

8       Any person other than persons defined in RCW 68.50.160 who buries  
9 or scatters cremated or hydrolyzed remains by land, air, or sea or  
10 performs any other disposition of cremated or hydrolyzed human  
11 remains outside of a cemetery shall have a permit issued in  
12 accordance with RCW 68.05.100 and shall be subject to that section.

13       **Sec. 12.** RCW 68.05.245 and 2005 c 365 s 64 are each amended to  
14 read as follows:

15       (1) All crematory and hydrolysis facility permits or endorsements  
16 issued under this chapter shall be issued for the year and shall  
17 expire at midnight, the thirty-first day of January of each year, or  
18 at whatever time during any year that ownership or control of any  
19 cemetery authority which operates such ((~~crematory~~)) facility is  
20 transferred or sold.

21       (2) The director shall set and the department shall collect in  
22 advance the fees required for licensing.

23       **Sec. 13.** RCW 68.05.390 and 1987 c 331 s 32 are each amended to  
24 read as follows:

25       Conducting a cremation or alkaline hydrolysis without a permit or  
26 endorsement is a misdemeanor. Each such ((~~cremation is a~~)) violation  
27 constitutes a separate offense.

28       **Sec. 14.** RCW 68.24.010 and 2005 c 365 s 73 are each amended to  
29 read as follows:

30       Cemetery authorities may take by purchase, donation, or devise,  
31 property consisting of lands, mausoleums, crematories, hydrolysis  
32 facilities, and columbariums, or other property within which the  
33 placement of human remains may be authorized by law.

34       **Sec. 15.** RCW 68.24.150 and 2005 c 365 s 81 are each amended to  
35 read as follows:

1 Every person who pays, causes to be paid, or offers to pay to any  
2 other person, firm, or corporation, directly or indirectly, except as  
3 provided in RCW 68.24.140, any commission, bonus, or rebate, or other  
4 thing of value in consideration of recommending or causing the  
5 disposition of human remains in any crematory, hydrolysis facility,  
6 or cemetery, is guilty of a misdemeanor. Each violation (~~shall~~)  
7 constitutes a separate offense.

8 **Sec. 16.** RCW 68.50.108 and 1953 c 188 s 8 are each amended to  
9 read as follows:

10 No dead body upon which the coroner, or prosecuting attorney, if  
11 there be no coroner in the county, may perform an autopsy or  
12 postmortem, shall be embalmed, hydrolyzed, or cremated without the  
13 consent of the coroner having jurisdiction, and failure to obtain  
14 such consent (~~shall be~~) is a misdemeanor(~~(:—PROVIDED, That))~~.  
15 However, such autopsy or postmortem must be performed within five  
16 days, unless the coroner (~~shall~~) obtains an order from the superior  
17 court extending such time.

18 **Sec. 17.** RCW 68.50.110 and 2005 c 365 s 138 are each amended to  
19 read as follows:

20 Except in cases of dissection provided for in RCW 68.50.100, and  
21 where human remains shall rightfully be carried through or removed  
22 from the state for the purpose of burial elsewhere, human remains  
23 lying within this state, and the remains of any dissected body, after  
24 dissection, shall be decently buried, hydrolyzed, or cremated within  
25 a reasonable time after death.

26 **Sec. 18.** RCW 68.50.130 and 2005 c 365 s 139 are each amended to  
27 read as follows:

28 Every person who performs a disposition of any human remains,  
29 except as otherwise provided by law, in any place, except in a  
30 cemetery or a building dedicated exclusively for religious purposes,  
31 is guilty of a misdemeanor. Disposition of cremated or hydrolyzed  
32 human remains may also occur on private property, with the consent of  
33 the property owner; and on public or government lands or waters with  
34 the approval of the government agency that has either jurisdiction or  
35 control, or both, of the lands or waters.

1       **Sec. 19.** RCW 68.50.140 and 2005 c 365 s 140 are each amended to  
2 read as follows:

3       (1) Every person who (~~shall~~) removes human remains, or any part  
4 thereof, from a grave, vault, or other place where the same has been  
5 buried or deposited awaiting burial, alkaline hydrolysis, or  
6 cremation, without authority of law, with intent to sell the same, or  
7 for the purpose of securing a reward for its return, or for  
8 dissection, or from malice or wantonness, is guilty of a class C  
9 felony.

10       (2) Every person who (~~shall~~) purchases or receives, except for  
11 burial, alkaline hydrolysis, or cremation, human remains or any part  
12 thereof, knowing that the same has been removed contrary to the  
13 foregoing provisions, is guilty of a class C felony.

14       (3) Every person who (~~shall~~) opens a grave or other place of  
15 interment, temporary or otherwise, or a building where human remains  
16 are placed, with intent to sell or remove the casket, urn, or of any  
17 part thereof, or anything attached thereto, or any vestment, or other  
18 article interred, or intended to be interred with the human remains,  
19 is guilty of a class C felony.

20       (4) Every person who removes, disinters, or mutilates human  
21 remains from a place of interment, without authority of law, is  
22 guilty of a class C felony.

23       **Sec. 20.** RCW 68.50.160 and 2012 c 5 s 1 are each amended to read  
24 as follows:

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

31       (2) Prearrangements that are prepaid, or filed with a licensed  
32 funeral establishment or cemetery authority, under RCW 18.39.280  
33 through 18.39.345 and chapter 68.46 RCW are not subject to  
34 cancellation or substantial revision by survivors. Absent actual  
35 knowledge of contrary legal authorization under this section, a  
36 licensed funeral establishment or cemetery authority shall not be  
37 held criminally nor civilly liable for acting upon such  
38 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  
3 decedent's wishes regarding the disposition of the decedent's remains  
4 exceeds a reasonable amount or directions have not been given by the  
5 decedent, the right to control the disposition of the remains of a  
6 deceased person vests in, and the duty of disposition and the  
7 liability for the reasonable cost of preparation, care, and  
8 disposition of such remains devolves upon the following in the order  
9 named:

10 (a) The person designated by the decedent as authorized to direct  
11 disposition as listed on the decedent's United States department of  
12 defense record of emergency data, DD form 93, or its successor form,  
13 if the decedent died while serving in military service as described  
14 in 10 U.S.C. Sec. 1481(a) (1)-(8) in any branch of the United States  
15 armed forces, United States reserve forces, or national guard;

16 (b) The designated agent of the decedent as directed through a  
17 written document signed and dated by the decedent in the presence of  
18 a witness. The direction of the designated agent is sufficient to  
19 direct the type, place, and method of disposition;

20 (c) The surviving spouse or state registered domestic partner;

21 (d) The majority of the surviving adult children of the decedent;

22 (e) The surviving parents of the decedent;

23 (f) The majority of the surviving siblings of the decedent;

24 (g) A court-appointed guardian for the person at the time of the  
25 person's death.

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

32 (5) If a cemetery authority as defined in RCW 68.04.190 or a  
33 funeral establishment licensed under chapter 18.39 RCW has made a  
34 good faith effort to locate the person cited in subsection (3)(a)  
35 through (g) of this section or the legal representative of the  
36 decedent's estate, the cemetery authority or funeral establishment  
37 (~~shall have~~) has the right to rely on an authority to bury,  
38 hydrolyze, or cremate the human remains, executed by the most  
39 responsible party available, and the cemetery authority or funeral  
40 establishment may not be held criminally or civilly liable for

1 burying, hydrolyzing, or cremating the human remains. In the event  
2 any government agency or charitable organization provides the funds  
3 for the disposition of any human remains, the cemetery authority,  
4 hydrolysis facility, or funeral establishment may not be held  
5 criminally or civilly liable for cremating or hydrolyzing the human  
6 remains.

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

11 **Sec. 21.** RCW 68.50.185 and 2005 c 365 s 143 are each amended to  
12 read as follows:

13 (1) A person authorized to dispose of human remains shall not  
14 cremate or hydrolyze or cause to be cremated or hydrolyzed, more than  
15 one human remains at a time unless written permission, after full and  
16 adequate disclosure regarding the manner of ~~((cremation))~~  
17 disposition, has been received from the person or persons under RCW  
18 68.50.160 having the authority to order cremation or hydrolysis. This  
19 restriction ~~((shall))~~ does not apply when equipment, techniques, or  
20 devices are employed that keep human remains separate and distinct  
21 before, during, and after the ~~((cremation))~~ disposition process.

22 (2) Violation of this section is a gross misdemeanor.

23 **Sec. 22.** RCW 68.50.240 and 2005 c 365 s 147 are each amended to  
24 read as follows:

25 The person in charge of any premises on which interments,  
26 alkaline hydrolyses, or cremations are made shall keep a record of  
27 all human remains interred, hydrolyzed, or cremated on the premises  
28 under his or her charge, in each case stating the name of each  
29 deceased person, date of ~~((cremation or interment))~~ disposition, and  
30 name and address of the funeral establishment.

31 **Sec. 23.** RCW 68.50.270 and 2005 c 365 s 148 are each amended to  
32 read as follows:

33 The person or persons determined under RCW 68.50.160 as having  
34 authority to order cremation ~~((shall be))~~ or alkaline hydrolysis is  
35 entitled to possession of the cremated or hydrolyzed human remains  
36 without further intervention by the state or its political  
37 subdivisions.

1       **Sec. 24.** RCW 68.64.120 and 2008 c 139 s 13 are each amended to  
2 read as follows:

3       (1) When a hospital refers an individual at or near death to a  
4 procurement organization, the organization shall make a reasonable  
5 search of the records of the department of licensing and any donor  
6 registry that it knows exists for the geographical area in which the  
7 individual resides to ascertain whether the individual has made an  
8 anatomical gift.

9       (2) A procurement organization must be allowed reasonable access  
10 to information in the records of the department of licensing to  
11 ascertain whether an individual at or near death is a donor.

12       (3) When a hospital refers an individual at or near death to a  
13 procurement organization, the organization may conduct any reasonable  
14 examination necessary to ensure the medical suitability of a part  
15 that is or could be the subject of an anatomical gift for  
16 transplantation, therapy, research, or education from a donor or a  
17 prospective donor. During the examination period, measures necessary  
18 to ensure the medical suitability of the part may not be withdrawn  
19 unless the hospital or procurement organization knows that the  
20 individual expressed a contrary intent.

21       (4) Unless prohibited by law other than this chapter, at any time  
22 after a donor's death, the person to which a part passes under RCW  
23 68.64.100 may conduct any reasonable examination necessary to ensure  
24 the medical suitability of the body or part for its intended purpose.

25       (5) Unless prohibited by law other than this chapter, an  
26 examination under subsection (3) or (4) of this section may include  
27 an examination of all medical records of the donor or prospective  
28 donor.

29       (6) Upon the death of a minor who was a donor or had signed a  
30 refusal, unless a procurement organization knows the minor is  
31 emancipated, the procurement organization shall conduct a reasonable  
32 search for the parents of the minor and provide the parents with an  
33 opportunity to revoke or amend the anatomical gift or revoke the  
34 refusal.

35       (7) Upon referral by a hospital under subsection (1) of this  
36 section, a procurement organization shall make a reasonable search  
37 for any person listed in RCW 68.64.080 having priority to make an  
38 anatomical gift on behalf of a prospective donor. If a procurement  
39 organization receives information that an anatomical gift to any

1 other person was made, amended, or revoked, it shall promptly advise  
2 the other person of all relevant information.

3 (8) Subject to RCW 68.64.100(9), 68.64.190, and 68.64.901, the  
4 rights of the person to which a part passes under RCW 68.64.100 are  
5 superior to the rights of all others with respect to the part. The  
6 person may accept or reject an anatomical gift in whole or in part.  
7 Subject to the terms of the document of gift and this chapter, a  
8 person that accepts an anatomical gift of an entire body may allow  
9 embalming, burial, alkaline hydrolysis, or cremation, and use of  
10 remains in a funeral service. If the gift is of a part, the person to  
11 which the part passes under RCW 68.64.100, upon the death of the  
12 donor and before embalming, burial, alkaline hydrolysis, or  
13 cremation, shall cause the part to be removed without unnecessary  
14 mutilation.

15 (9) Neither the physician who attends the decedent at death nor  
16 the physician who determines the time of the decedent's death may  
17 participate in the procedures for removing or transplanting a part  
18 from the decedent.

19 (10) A physician or technician may remove a donated part from the  
20 body of a donor that the physician or technician is qualified to  
21 remove.

22 **Sec. 25.** RCW 70.95K.010 and 1994 c 165 s 2 are each amended to  
23 read as follows:

24 (~~Unless the context clearly requires otherwise,~~)The  
25 definitions in this section apply throughout this chapter unless the  
26 context clearly requires otherwise.

27 (1) "Biomedical waste" means, and is limited to, the following  
28 types of waste:

29 (a) "Animal waste" is waste animal carcasses, body parts, and  
30 bedding of animals that are known to be infected with, or that have  
31 been inoculated with, human pathogenic microorganisms infectious to  
32 humans.

33 (b) "Biosafety level 4 disease waste" is waste contaminated with  
34 blood, excretions, exudates, or secretions from humans or animals who  
35 are isolated to protect others from highly communicable infectious  
36 diseases that are identified as pathogenic organisms assigned to  
37 biosafety level 4 by the centers for disease control, national  
38 institute of health, biosafety in microbiological and biomedical  
39 laboratories, current edition.

1 (c) "Cultures and stocks" are wastes infectious to humans and  
2 includes specimen cultures, cultures and stocks of etiologic agents,  
3 wastes from production of biologicals and serums, discarded live and  
4 attenuated vaccines, and laboratory waste that has come into contact  
5 with cultures and stocks of etiologic agents or blood specimens. Such  
6 waste includes but is not limited to culture dishes, blood specimen  
7 tubes, and devices used to transfer, inoculate, and mix cultures.

8 (d) "Human blood and blood products" is discarded waste human  
9 blood and blood components, and materials containing free-flowing  
10 blood and blood products.

11 (e) "Pathological waste" is waste human source biopsy materials,  
12 tissues, and anatomical parts that emanate from surgery, obstetrical  
13 procedures, and autopsy. "Pathological waste" does not include teeth,  
14 human corpses, remains, and anatomical parts that are intended for  
15 interment, alkaline hydrolysis, or cremation.

16 (f) "Sharps waste" is all hypodermic needles, syringes with  
17 needles attached, IV tubing with needles attached, scalpel blades,  
18 and lancets that have been removed from the original sterile package.

19 (2) "Local government" means city, town, or county.

20 (3) "Local health department" means the city, county, city-  
21 county, or district public health department.

22 (4) "Person" means an individual, firm, corporation, association,  
23 partnership, consortium, joint venture, commercial entity, state  
24 government agency, or local government.

25 (5) "Treatment" means incineration, sterilization, or other  
26 method, technique, or process that changes the character or  
27 composition of a biomedical waste so as to minimize the risk of  
28 transmitting an infectious disease.

29 (6) "Residential sharps waste" has the same meaning as "sharps  
30 waste" in subsection (1) of this section except that the sharps waste  
31 is generated and prepared for disposal at a residence, apartment,  
32 dwelling, or other noncommercial habitat.

33 (7) "Sharps waste container" means a leak-proof, rigid, puncture-  
34 resistant red container that is taped closed or tightly lidded to  
35 prevent the loss of the residential sharps waste.

36 (8) "Mail programs" means those programs that provide sharps  
37 users with a multiple barrier protection kit for the placement of a  
38 sharps container and subsequent mailing of the wastes to an approved  
39 disposal facility.

1 (9) "Pharmacy return programs" means those programs where sharps  
2 containers are returned by the user to designated return sites  
3 located at a pharmacy to be transported by a biomedical or solid  
4 waste collection company approved by the utilities and transportation  
5 commission.

6 (10) "Drop-off programs" means those program sites designated by  
7 the solid waste planning jurisdiction where sharps users may dispose  
8 of their sharps containers.

9 (11) "Source separation" has the same meaning as in RCW  
10 70.95.030.

11 (12) "Unprotected sharps" means residential sharps waste that are  
12 not disposed of in a sharps waste container.

13 **Sec. 26.** RCW 70.95M.090 and 2003 c 260 s 10 are each amended to  
14 read as follows:

15 Nothing in this chapter applies to crematories as (~~that term~~  
16 ~~is~~) defined in RCW 68.04.070 or hydrolysis facilities as defined in  
17 section 4 of this act.

18 **Sec. 27.** RCW 73.08.070 and 2005 c 250 s 5 are each amended to  
19 read as follows:

20 (1) The legislative authority for each county must designate a  
21 proper authority to be responsible, at the expense of the county, for  
22 the (~~burial or cremation~~) lawful disposition of the remains of any  
23 deceased indigent veteran or deceased family member of an indigent  
24 veteran who died without leaving means sufficient to defray funeral  
25 expenses. The costs of such a (~~burial or cremation~~) disposition may  
26 not exceed the limit established by the county legislative authority  
27 nor be less than three hundred dollars.

28 (2) If the deceased has relatives or friends who desire to  
29 conduct the (~~burial or cremation~~) disposition of such deceased  
30 (~~person~~) person's remains, then a sum not to exceed the limit  
31 established by the county legislative authority nor less than three  
32 hundred dollars shall be paid to the relatives or friends by the  
33 county auditor, or by the chief financial officer in a county  
34 operating under a charter. Payment shall be made to the relatives or  
35 friends upon presenting to the auditor or chief financial officer due  
36 proof of the death, (~~burial or cremation~~), disposition of the  
37 remains, and expenses incurred.

1 (3) Expenses incurred for the (~~burial or cremation~~) disposition  
2 of the remains of a deceased indigent veteran or the deceased family  
3 member of an indigent veteran as provided by this section shall be  
4 paid from the veterans' assistance fund authorized by RCW 73.08.080.

5 **Sec. 28.** RCW 18.39.170 and 2005 c 365 s 12 are each amended to  
6 read as follows:

7 There shall be appointed by the director an agent whose title  
8 shall be "inspector of funeral establishments, crematories,  
9 hydrolysis facilities, funeral directors, and embalmers of the state  
10 of Washington." (~~No~~) A person (~~shall be~~) is not eligible for such  
11 appointment unless he or she has been a licensed funeral director and  
12 embalmer in the state of Washington, with a minimum experience of not  
13 less than five consecutive years.

14 (1) The inspector shall:

15 (a) Serve at the pleasure of the director; and

16 (b) At all times be under the supervision of the director.

17 (2) The inspector is authorized to:

18 (a) Enter the office, premises, establishment, or place of  
19 business, where funeral directing, embalming, alkaline hydrolysis, or  
20 cremation is carried on for the purpose of inspecting the premises;

21 (b) Inspect the licenses and registrations of funeral directors,  
22 embalmers, funeral director interns, and embalmer interns;

23 (c) Serve and execute any papers or process issued by the  
24 director under authority of this chapter; and

25 (d) Perform any other duty or duties prescribed or ordered by the  
26 director.

27 **Sec. 29.** RCW 18.39.217 and 2009 c 102 s 4 are each amended to  
28 read as follows:

29 (1) A license or endorsement issued by the board or under chapter  
30 68.05 RCW is required in order to operate a crematory, hydrolysis  
31 facility, or conduct a cremation or alkaline hydrolysis.

32 (2) Conducting a cremation or alkaline hydrolysis without a  
33 license or endorsement is a misdemeanor. Each such cremation or  
34 hydrolysis is a separate violation.

35 **Sec. 30.** RCW 18.39.410 and 2016 c 81 s 9 are each amended to  
36 read as follows:

1 In addition to the unprofessional conduct described in RCW  
2 18.235.130, the board may take disciplinary action and may impose any  
3 of the sanctions specified in RCW 18.235.110 for the following  
4 conduct, acts, or conditions, except as provided in RCW 9.97.020:

5 (1) Solicitation of human remains by a licensee, registrant,  
6 endorsement, or permit holder, or agent, assistant, or employee of  
7 the licensee, registrant, endorsement, or permit holder whether the  
8 solicitation occurs after death or while death is impending. This  
9 chapter does not prohibit general advertising or the sale of  
10 prearrangement funeral service contracts;

11 (2) Solicitation may include employment of solicitors, payment of  
12 commission, bonus, rebate, or any form of gratuity or payment of a  
13 finders fee, referral fee, or other consideration given for the  
14 purpose of obtaining or providing the services for human remains or  
15 where death is impending;

16 (3) Acceptance by a licensee, registrant, endorsement, or permit  
17 holder or other employee of a funeral establishment of a commission,  
18 bonus, rebate, or gratuity in consideration of directing business to  
19 a cemetery, crematory, hydrolysis facility, mausoleum, columbarium,  
20 florist, or other person providing goods and services to the  
21 disposition of human remains;

22 (4) Using a casket or part of a casket that has previously been  
23 used as a receptacle for, or in connection with, the burial or other  
24 disposition of human remains without the written consent of the  
25 person lawfully entitled to control the disposition of remains of the  
26 deceased person in accordance with RCW 68.50.160. This subsection  
27 does not prohibit the use of rental caskets, such as caskets of which  
28 the outer shell portion is rented and the inner insert that contains  
29 the human remains is purchased and used for the disposition, that are  
30 disclosed as such in the statement of funeral goods and services;

31 (5) Violation of a state law, municipal law, or county ordinance  
32 or regulation affecting the handling, custody, care, transportation,  
33 or disposition of human remains, except as provided in RCW 9.97.020;

34 (6) Refusing to promptly surrender the custody of human remains  
35 upon the expressed order of the person lawfully entitled to its  
36 custody under RCW 68.50.160;

37 (7) Selling, or offering for sale, a share, certificate, or an  
38 interest in the business of a funeral establishment, or in a  
39 corporation, firm, or association owning or operating a funeral  
40 establishment that promises or purports to give to purchasers a right

1 to the services of a licensee, registrant, endorsement, or permit  
2 holder at a charge or cost less than offered or given to the public;

3 (8) Violation of any state or federal statute or administrative  
4 ruling relating to funeral practice, except as provided in RCW  
5 9.97.020;

6 (9) Knowingly concealing information concerning a violation of  
7 this title.

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