
SENATE BILL 5629

State of Washington

67th Legislature

2022 Regular Session

By Senators Lovick, Dhingra, Hasegawa, Keiser, Pedersen, and C. Wilson

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1 AN ACT Relating to control of the disposition of remains; and
2 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 2019 c 432 s 23 are each amended to
5 read as follows:

6 (1) 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 (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
15 cancellation or substantial revision by survivors. Absent actual
16 knowledge of contrary legal authorization under this section, a
17 licensed funeral establishment or cemetery authority may not be held
18 criminally nor civilly liable for acting upon such prearrangements.

19 (3) If the decedent has not made a prearrangement as set forth in
20 subsection (2) of this section or the costs of executing the
21 decedent's wishes regarding the disposition of the decedent's remains

1 exceeds a reasonable amount or directions have not been given by the
2 decedent, the right to control the disposition of the remains of a
3 deceased person vests in, and the duty of disposition and the
4 liability for the reasonable cost of preparation, care, and
5 disposition of such remains devolves upon the following in the order
6 named:

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

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

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

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

19 (e) The surviving parents of the decedent;

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

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

23 (4) If any person to whom the right of control has vested
24 pursuant to subsection (3) of this section has been arrested or
25 charged with first or second degree murder or first degree
26 manslaughter in connection with the decedent's death, has had a
27 vulnerable adult protection order issued against the person related
28 to abuse, exploitation, or neglect of the decedent, or has been
29 convicted of a misdemeanor or other criminal conviction related to
30 the abuse, exploitation, or neglect of the deceased vulnerable adult,
31 the right of control is relinquished and passed on in accordance with
32 subsection (3) of this section.

33 (5) If a cemetery authority as defined in RCW 68.04.190 or a
34 funeral establishment licensed under chapter 18.39 RCW has made a
35 good faith effort to locate the person cited in subsection (3)(a)
36 through (g) of this section or the legal representative of the
37 decedent's estate, the cemetery authority or funeral establishment
38 has the right to rely on an authority to bury or make final
39 disposition of the human remains, executed by the most responsible
40 party available, and the cemetery authority or funeral establishment

1 may not be held criminally or civilly liable for burying or
2 performing final disposition of the human remains. In the event any
3 government agency or charitable organization provides the funds for
4 the disposition of any human remains, the cemetery authority,
5 alkaline hydrolysis, natural organic reduction facility, or funeral
6 establishment may not be held criminally or civilly liable for making
7 final disposition of the human remains.

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

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