

HOUSE BILL REPORT

HB 1974

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to the disposition of human remains.

Brief Description: Disposing of human remains.

Sponsors: Representatives Abbarno, Bronoske and Doglio.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/24/24, 1/31/24 [DPS].

Brief Summary of Substitute Bill

- Decreases from 90 days to 45 days the period after which a person or entity in lawful possession of human remains may dispose of the remains if no relative or interested person directs the disposition of the remains.
- Adds counties to the list of entities that may dispose of unclaimed human remains after 45 days and that are required to transfer unclaimed remains of a veteran to the Department of Veterans Affairs.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Taylor, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Abbarno, Cheney, Entenman, Goodman, Peterson, Thai and Walen.

Minority Report: Without recommendation. Signed by 1 member: Representative Graham, Assistant Ranking Minority Member.

Staff: Ben Ratcliff (786-7291) and Yelena Baker (786-7301)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

Generally, a person has the authority to direct the disposition of their own remains. If a person has not made arrangements or provided directions, or if the cost of executing the person's wishes exceeds a reasonable amount, then responsibility for arranging the disposition, and the liability for the costs of the disposition, falls to the person's family or guardian.

When a person dies indigent and their body is not claimed by relatives or a church organization, it is the responsibility of the board of county commissioners of the county in which they died to provide for the disposition of the person's remains.

Under current law, a person, firm, corporation, or association that is in lawful possession of human remains may dispose of those remains after 90 days if no relatives of or other persons interested in the decedent directs the disposition of the decedent's remains.

If the Department of Veterans Affairs (DVA) certifies that the deceased person was a veteran or a dependent of a veteran and is eligible for interment at a federal or state veterans' cemetery, the person or entity in possession of the veteran's or dependent's remains is required to transfer the custody and control of the remains to the DVA. The transfer of human remains to the DVA does not create a private right of action against, or liability on behalf of, the state, person, or entity transferring the remains.

Summary of Substitute Bill:

The time period after which a person or entity may dispose of unclaimed human remains is decreased from 90 days to 45 days.

Counties are added to the list of entities that may lawfully dispose of unclaimed human remains after 45 days. Counties are required to transfer remains to the DVA if the DVA certifies the remains as those of a veteran or dependent, and are exempt from a private right of action or liability concerning the transfer of human remains to the DVA.

Substitute Bill Compared to Original Bill:

The substitute bill decreases the period of time after which an entity may dispose of unclaimed human remains from 90 days to 45 days, rather than 30 days.

Appropriation: None.**Fiscal Note:** Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is a priority for the Washington State Association of Counties, particularly because it helps rural counties with limited resources. The current 90-day hold requirement for holding unclaimed human remains places a great strain on funeral homes and embalmers, particularly those with smaller facilities. Many funeral homes have fewer than five employees, and the limited manpower and storage space make storage of the bodies a tremendous difficulty. Because of improvements to technology and current operating systems, 30 days is sufficient to notify families and provide authorization for disposition. The 90-day requirement was established in 2005, and developments since then have made the process far more efficient. Passage of this bill would represent an improvement to public health and allow for respectful care of human remains in a more appropriate time period.

(Opposed) None.

Persons Testifying: Representative Peter Abbarno, prime sponsor; Robert Goff, Washington State Funeral Director Association; Travis Locke, Herring Funeral Home; and Michael Shaw, Washington Association of County Officials.

Persons Signed In To Testify But Not Testifying: None.