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SENATE BILL 5370

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State of Washington

61st Legislature

2009 Regular Session

By Senators Franklin, Becker, Fairley, Keiser, Marr, and Murray; by request of Department of Health

Read first time 01/21/09. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to allowing electronic approval of vital records;  
2 and amending RCW 70.58.005, 70.58.170, 70.58.180, 70.58.230, 70.58.240,  
3 70.58.250, and 70.58.260.

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

5 **Sec. 1.** RCW 70.58.005 and 2005 c 365 s 151 are each amended to  
6 read as follows:

7 The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9 (1) "Business days" means Monday through Friday except official  
10 state holidays.

11 (2) "Department" means the department of health.

12 (3) "Electronic approval" or "electronically approve" means  
13 approving the content of an electronically filed vital record through  
14 the processes provided by the department. Electronic approval  
15 processes shall be consistent with policies, standards, and procedures  
16 developed by the information services board under RCW 43.105.041.

17 (4) "Embalmer" means a person licensed as required in chapter 18.39  
18 RCW and defined in RCW 18.39.010.

1       (~~(4)~~) (5) "Funeral director" means a person licensed as required  
2 in chapter 18.39 RCW and defined in RCW 18.39.010.

3       (~~(5)~~) (6) "Vital records" means records of birth, death, fetal  
4 death, marriage, dissolution, annulment, and legal separation, as  
5 maintained under the supervision of the state registrar of vital  
6 statistics.

7       **Sec. 2.** RCW 70.58.170 and 2005 c 365 s 154 are each amended to  
8 read as follows:

9       The funeral director or person having the right to control the  
10 disposition of the human remains under RCW 68.50.160 shall file the  
11 certificate of death or fetal death. In preparing such certificate,  
12 the funeral director or person having the right to control the  
13 disposition of the human remains under RCW 68.50.160 shall obtain and  
14 enter on the certificate such personal data as the certificate requires  
15 from the person or persons best qualified to supply them. He or she  
16 shall present the certificate of death to the physician, physician's  
17 assistant, or advanced registered nurse practitioner last in attendance  
18 upon the deceased, or, if the deceased died without medical attendance,  
19 to the health officer, medical examiner, coroner, or prosecuting  
20 attorney having jurisdiction, who shall (~~thereupon~~) certify the cause  
21 of death according to his or her best knowledge and belief and shall  
22 sign or electronically approve the certificate of death or fetal death  
23 within two business days after being presented with the certificate  
24 unless good cause for not signing or electronically approving the  
25 certificate within the two business days can be established. He or she  
26 shall present the certificate of fetal death to the physician,  
27 physician's assistant, advanced registered nurse practitioner, midwife,  
28 or other person in attendance at the fetal death, who shall certify the  
29 fetal death and such medical data pertaining thereto as he or she can  
30 furnish.

31       **Sec. 3.** RCW 70.58.180 and 2005 c 365 s 155 are each amended to  
32 read as follows:

33       If the death occurred without medical attendance, the funeral  
34 director or person having the right to control the disposition of the  
35 human remains under RCW 68.50.160 shall notify the coroner, medical  
36 examiner, or prosecuting attorney if there is no coroner or medical

1 examiner in the county. If the circumstances suggest that the death or  
2 fetal death was caused by unlawful or unnatural causes or if there is  
3 no local health officer with jurisdiction, the coroner(~~(, or if none)~~)  
4 or medical examiner, or the prosecuting attorney shall complete and  
5 sign or electronically approve the certification, noting upon the  
6 certificate that no physician, physician's assistant, or advanced  
7 registered nurse practitioner was in attendance at the time of death.  
8 In case of any death without medical attendance in which there is no  
9 suspicion of death from unlawful or unnatural causes, the local health  
10 officer or his or her deputy, the coroner or medical examiner, and if  
11 none, the prosecuting attorney, shall complete and sign or  
12 electronically approve the certification, noting upon the certificate  
13 that no physician, physician's assistant, or advanced registered nurse  
14 practitioner was in attendance at the time of death, and noting the  
15 cause of death without the holding of an inquest or performing of an  
16 autopsy or post mortem, but from statements of relatives, persons in  
17 attendance during the last sickness, persons present at the time of  
18 death or other persons having adequate knowledge of the facts.

19 The cause of death, the manner and mode in which death occurred, as  
20 noted by the coroner or medical examiner, or if none, the prosecuting  
21 attorney or the health officer and incorporated in the death  
22 certificate filed with the (~~bureau of vital statistics of the board of~~  
23 ~~health~~) department shall be the legally accepted manner and mode by  
24 which the deceased came to his or her death and shall be the legally  
25 accepted cause of death.

26 **Sec. 4.** RCW 70.58.230 and 2005 c 365 s 157 are each amended to  
27 read as follows:

28 It shall be unlawful for any person to inter, deposit in a vault,  
29 grave, or tomb, cremate, or otherwise dispose of, or disinter or remove  
30 from one registration district to another, or hold for more than three  
31 business days after death, the human remains of any person whose death  
32 occurred in this state or any human remains which shall be found in  
33 this state, without obtaining, from the local registrar of the district  
34 in which the death occurred or in which the human remains were found,  
35 a permit for the burial, disinterment, or removal of the human remains.  
36 However, a licensed funeral director or embalmer of this state or a  
37 funeral establishment licensed in another state contiguous to

1 Washington, with a current certificate of removal registration issued  
2 by the director of the department of licensing, may remove human  
3 remains from the district where the death occurred to another  
4 registration district or Oregon or Idaho without having obtained a  
5 permit but in such cases the funeral director or embalmer shall at the  
6 time of removing human remains file with or mail to the local registrar  
7 of the district where the death occurred a notice of removal upon a  
8 blank to be furnished by the state registrar. The notice of removal  
9 shall be signed or electronically approved by the funeral director or  
10 embalmer and shall contain the name and address of the local registrar  
11 with whom the certificate of death will be filed and the burial-transit  
12 permit secured. Every local registrar, accepting a death certificate  
13 and issuing a burial-transit permit for a death that occurred outside  
14 his or her district, shall be entitled to a fee of one dollar to be  
15 paid by the funeral director or embalmer at the time the death  
16 certificate is accepted and the permit is secured. It shall be  
17 unlawful for any person to bring into or transport within the state or  
18 inter, deposit in a vault, grave, or tomb, or cremate or otherwise  
19 dispose of human remains of any person whose death occurred outside  
20 this state unless the human remains are accompanied by a removal or  
21 transit permit issued in accordance with the law and health regulations  
22 in force where the death occurred, or unless a special permit for  
23 bringing the human remains into this state shall be obtained from the  
24 state registrar.

25 **Sec. 5.** RCW 70.58.240 and 2005 c 365 s 158 are each amended to  
26 read as follows:

27 Each funeral director or person having the right to control the  
28 disposition of the human remains under RCW 68.50.160 shall obtain a  
29 certificate of death, sign or electronically approve and file the  
30 certificate with the local registrar, and secure a burial-transit  
31 permit, prior to any permanent disposition of the human remains. He or  
32 she shall obtain the personal and statistical particulars required,  
33 from the person best qualified to supply them. He or she shall present  
34 the certificate to the attending physician or in case the death  
35 occurred without any medical attendance, to the proper official for  
36 certification for the medical certificate of the cause of death and  
37 other particulars necessary to complete the record. He or she shall

1 supply the information required relative to the date and place of  
2 disposition and he or she shall sign or electronically approve and  
3 present the completed certificate to the local registrar, for the  
4 issuance of a burial-transit permit. He or she shall deliver the  
5 burial permit to the sexton, or person in charge of the place of  
6 burial, before interring the human remains; or shall attach the transit  
7 permit to the box containing the corpse, when shipped by any  
8 transportation company, and the permit shall accompany the corpse to  
9 its destination.

10 **Sec. 6.** RCW 70.58.250 and 1961 ex.s. c 5 s 18 are each amended to  
11 read as follows:

12 The burial-transit permit shall contain a statement by the local  
13 registrar and over his or her signature or electronic approval, that a  
14 satisfactory certificate of death having been filed with him or her, as  
15 required by law, permission is granted to inter, remove, or otherwise  
16 dispose of the body; stating the name of the deceased and other  
17 necessary details upon the form prescribed by the state registrar.

18 **Sec. 7.** RCW 70.58.260 and 2005 c 365 s 159 are each amended to  
19 read as follows:

20 It shall be unlawful for any person in charge of any premises in  
21 which bodies of deceased persons are interred, cremated, or otherwise  
22 permanently disposed of, to permit the interment, cremation, or other  
23 disposition of any body upon such premises unless it is accompanied by  
24 a burial, removal, or transit permit as provided in this chapter. It  
25 shall be the duty of the person in charge of any such premises to, in  
26 case of the interment, cremation, or other disposition of human remains  
27 therein, endorse upon the permit the date and character of such  
28 disposition, over his or her signature or electronic approval, to  
29 return all permits so endorsed to the local registrar of the district  
30 in which the death occurred within ten days from the date of such  
31 disposition, and to keep a record of all human remains disposed of on  
32 the premises under his or her charge, stating, in each case, the name  
33 of the deceased person, if known, the place of death, the date of  
34 burial or other disposition, and the name and address of the  
35 undertaker, which record shall at all times be open to public  
36 inspection, and it shall be the duty of every undertaker, or person

1 acting as such, when burying human remains in a cemetery or burial  
2 grounds having no person in charge, to sign or electronically approve  
3 the burial, removal, or transit permit, giving the date of burial,  
4 write across the face of the permit the words "no person in charge",  
5 and file the burial, removal, or transit permit within ten days with  
6 the registrar of the district in which the death occurred.

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