

FINAL BILL REPORT

SHB 1691

C 265 L 11
Synopsis as Enacted

Brief Description: Concerning embalmers.

Sponsors: House Committee on Business & Financial Services (originally sponsored by Representatives Kirby, Anderson, Springer, Eddy, Ryu, Morris and Stanford).

House Committee on Business & Financial Services
Senate Committee on Government Operations, Tribal Relations & Elections

Background:

A person has the right to control the disposition of his or her own remains. This can be accomplished by executing a written document signed by the decedent in the presence of a witness that expresses the decedent's wishes regarding the place or method of disposition. In addition, a person may control the disposition of his or her remains by making a prearrangement with a licensed funeral establishment or cemetery authority.

Prearrangements that are prepaid or that are filed with a licensed funeral establishment or cemetery authority are not subject to cancellation or substantial revision by survivors.

If the decedent has not made a prearrangement or given directions for the disposition of his or her remains, then the right to control the disposition of the remains is given to the following people in the order named:

- the surviving spouse or state registered domestic partner;
- the surviving adult children;
- the surviving parents;
- the surviving siblings; and
- a person acting as a representative of the decedent under the signed authorization of the decedent.

The responsibility for the reasonable costs of the preparation, care, and disposition of remains devolves jointly and severally upon all kin of the same degree of kindred in the order listed, and on the decedent's estate. If a funeral establishment or cemetery authority is unable to locate the next of kin or the legal representative of the decedent's estate after a good faith effort then the most responsible person available may authorize the disposition of the decedent's remains, and the cemetery authority or funeral establishment may not be held

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criminally or civilly liable for burying or cremating the remains. If or when a government agency provides funds for the disposition of human remains and elects to provide funds for cremation only, the cemetery authority or funeral establishment may not be held civilly or criminally liable for cremating the remains.

Counties are responsible for providing for the disposition of the remains of any indigent person whose body is unclaimed by relatives or a church organization. Remains of persons that will be buried at the public expense are required to be surrendered to a physician or surgeon. These bodies must be used for the advancement of anatomical science. Preference is given to medical schools in this state for their use in the instruction of medical students.

Embalmers are regulated by the Department of Licensing. In order to be licensed, an applicant must complete the required education in mortuary science, complete an embalmer internship, and successfully pass an examination.

Summary:

The list of persons who have the right to control the disposition of remains if or when the decedent has not provided directions is revised as follows:

- The designated agent of the decedent is listed as the person with the first right to control the disposition. The designated agent must be indicated in a written document signed and dated by the decedent in the presence of a witness. The direction of the designated agent is sufficient to direct the type, place, and method of disposition.
- The categories for surviving adult children and surviving siblings are changed to give the right to the majority of the children or siblings, rather than all children or siblings.
- The decedent's court-appointed guardian is added as the last in the list of persons who have the right to control the disposition.

A cemetery authority or funeral establishment is not liable for cremating any human remains if or when the funds for the disposition of the human remains are provided by a charitable organization or government agency (regardless of whether funds are provided for cremation only).

A public agency required to provide for the disposition of human remains at public expense may surrender the remains to an accredited educational institution offering funeral services and embalming programs. The bodies must be used in training embalming students under the supervision of a licensed embalmer.

Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 22, 2011