

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1691

62nd Legislature
2011 Regular Session

Passed by the House April 15, 2011
Yeas 96 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 12, 2011
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1691** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1691

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By House Business & Financial Services (originally sponsored by Representatives Kirby, Anderson, Springer, Eddy, Ryu, Morris, and Stanford)

READ FIRST TIME 02/10/11.

1 AN ACT Relating to embalmers; and amending RCW 68.50.070 and
2 68.50.160.

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

4 **Sec. 1.** RCW 68.50.070 and 1959 c 23 s 1 are each amended to read
5 as follows:

6 (1) Any ((sheriff, coroner, keeper or superintendent of a county
7 poorhouse, public hospital, county jail, or state institution shall))
8 public agency required to provide for the disposition of human remains
9 in any legal manner at public expense must surrender the ((dead bodies
10 of persons required to be buried at the public expense,)) human remains
11 to:

12 (a) Any physician or surgeon, to be ((by him)) used for the
13 advancement of anatomical science, preference being given to medical
14 schools in this state, for their use in the instruction of medical
15 students; or

16 (b) An accredited educational institution offering funeral services
17 and embalming programs for use in training embalming students under the
18 supervision of an embalmer licensed under chapter 18.39 RCW.

1 ~~(2) If the deceased person ((during his last sickness)) requested~~
2 to be buried, or if ~~((within thirty days after his death))~~ some person
3 claiming to be a relative or a responsible officer of a ~~((church))~~
4 religious organization with which the deceased at the time of ~~((his))~~
5 death was affiliated requires the ~~((body))~~ remains to be buried, ~~((his~~
6 ~~body shall))~~ the remains must be buried, subject to the requirements of
7 RCW 68.50.110 and 68.50.230.

8 **Sec. 2.** RCW 68.50.160 and 2010 c 274 s 602 are each amended to
9 read as follows:

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

16 (2) Prearrangements that are prepaid, or filed with a licensed
17 funeral establishment or cemetery authority, under RCW 18.39.280
18 through 18.39.345 and chapter 68.46 RCW are not subject to cancellation
19 or substantial revision by survivors. Absent actual knowledge of
20 contrary legal authorization under this section, a licensed funeral
21 establishment or cemetery authority shall not be held criminally nor
22 civilly liable for acting upon such prearrangements.

23 (3) If the decedent has not made a prearrangement as set forth in
24 subsection (2) of this section or the costs of executing the decedent's
25 wishes regarding the disposition of the decedent's remains exceeds a
26 reasonable amount or directions have not been given by the decedent,
27 the right to control the disposition of the remains of a deceased
28 person vests in, and the duty of disposition and the liability for the
29 reasonable cost of preparation, care, and disposition of such remains
30 devolves upon the following in the order named:

31 (a) The designated agent of the decedent as directed through a
32 written document signed and dated by the decedent in the presence of a
33 witness. The direction of the designated agent is sufficient to direct
34 the type, place, and method of disposition.

35 (b) The surviving spouse or state registered domestic partner.

36 ~~((+b))~~ (c) The majority of the surviving adult children of the
37 decedent.

