

# SENATE BILL REPORT

## ESSB 5001

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As Amended by House, April 9, 2019

**Title:** An act relating to human remains.

**Brief Description:** Concerning human remains.

**Sponsors:** Senate Committee on Labor & Commerce (originally sponsored by Senators Pedersen, King, Rivers, Keiser, Palumbo, Saldaña, Liias, Carlyle, Conway, Kuderer and Van De Wege).

**Brief History:**

**Committee Activity:** Labor & Commerce: 1/15/19, 1/17/19 [DPS].

**Floor Activity:**

Passed Senate: 2/06/19, 36-11.

Passed House: 4/09/19, 80-16.

**Brief Summary of Engrossed First Substitute Bill**

- Adds alkaline hydrolysis and natural organic reduction as allowable reduction methods for handling deceased persons' bodies for their disposition.
- Provides licensing and inspection regulations for reduction facilities.
- Updates statutes governing the disposition of human remains and facilities offering these services to include alkaline hydrolysis and natural organic reduction.

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### SENATE COMMITTEE ON LABOR & COMMERCE

**Majority Report:** That Substitute Senate Bill No. 5001 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun, Saldaña, Walsh and Wellman.

**Staff:** Susan Jones (786-7404)

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

**Background:** The Funeral and Cemetery Board (Board) enforces and administers the laws generally related to cemeteries, morgues, and human remains. The director of the Department of Licensing (DOL), in consultation with the Board, administers the laws. Facilities, including crematories, that perform services related to the final disposition of human remains are licensed, by a permit or endorsement, by DOL and may be inspected.

Cremation is the reduction of human remains to bone fragments in a crematory by means of incineration. Conducting a cremation without a permit or endorsement is a misdemeanor.

DOL regulates certain professions and businesses, including funeral directors, embalmers, funeral establishments, cemeteries, and crematories. There are laws related to how human remains may be handled, stored, and for their disposition. In instances where the deceased human remains are cremated, there are regulations related to their scattering.

**Summary of Engrossed First Substitute Bill:** Alkaline hydrolysis and natural organic reduction are added as allowable reduction methods for handling deceased persons' bodies for their disposition. Alkaline hydrolysis is the reduction of human remains to bone fragments and essential elements in a licensed hydrolysis facility using heat, pressure, water, and base chemical agents. Natural organic reduction is the contained, accelerated conversion of human remains to soil.

Alkaline hydrolysis and natural organic reduction facilities must be licensed and may be inspected by DOL.

Various statutes governing the final disposition of human remains, handling and scattering of the remains, and the operation of facilities that offer these services are amended to include alkaline hydrolysis and natural organic reduction. Generally, the amendments include alkaline hydrolysis, natural organic reduction, reduction, postreduction and related terms in a similar manner to cremation terms. Technical changes are made.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill takes effect on May 1, 2020.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: Everyone faces the decision of how to dispose of human remains. For a world that has been remade by technology, making many things better, cheaper and environmentally friendly, it is pretty astonishing that in 2019 we are left with two legal ways to dispose of human remains; both of which that have been around for thousands of years. This bill will allow two additional ways that are both cheaper, accessible to more people, and more environmentally friendly. Alkaline hydrolysis produces virtually the same result as cremation but using dramatically less energy.

Recomposition, which will be the first law of its kind in the U.S. and possibly the world, has an output of about a cubic yard of soil, indistinguishable from other soil. There was a recomposition pilot program conducted at WSU, which met all safety thresholds outlined by the Department of Ecology. The process for recomposition is similar to those used for animals. The body is covered in straw and wood chips and over a couple of weeks is broken down into soil. This process is safe and effective for human disposition. It is natural, gentle, and sustainable, reducing carbon emissions. It uses one-eighth of the energy of cremation.

In collaborating with funeral directors around the state, it is clear that Washington residents want more end of life choices. One quarter of families are asking for more green options. This is also good for small businesses that wish to provide these options. This is exciting and there is no reason these options should not be available. DOL has asked for a delayed effective date so that they can build this into their new computer system, reducing the fiscal impact.

CON: It is difficult to accept new changes. There were classes all last year to understand alkaline hydrolysis for the funeral industry. There are concerns about where the compost material may be scattered. The laws on scattering cremated remains are vague. As long as it is private property or you have a permit, you can scatter where you choose. There should be laws on scattering.

Signing in as "other" may be more appropriate for the cremation and funeral association because we need to work collaboratively on terms and language. Changing terminology may require the industry to change their forms. The Federal Trade Commission (FTC) also oversees the funeral industry. We need to see how the FTC will see these changes. Also, DOL will need training and time to determine how inspections will change. The concept is not the issue, rather how the bill will be implemented.

**Persons Testifying:** PRO: Senator Jamie Pedersen, Prime Sponsor; Hanna Floss; Vicki Christophersen, Recompose; Katrina Spade, Recompose; Char Barrett, A Sacred Moment Funeral Services; John Waltner, citizen; Nora Menkin, Peoples Memorial Association The Co-Op Funeral Home; Brian Flowers, Moles Farewell Tributes; Joslin Roth, Resting Waters Aquamation; Katrina Morgan, citizen.

CON: Scott Sheehan, Washington Cemetery Cremation and Funeral Association; Lisa Devereau, Washington State Funeral Directors Association.

**Persons Signed In To Testify But Not Testifying:** No one.

#### **EFFECT OF HOUSE AMENDMENT(S):**

- Removes the definitions of reduce, reduction, reducing, and reduction facility and replaces the terms in the bill with specific types of methods or facilities or the term "final disposition."
- Removes the definition of "postreduction human remains" and replaces the term in the bill with "human remains."