SENATE BILL 5001

State of Washington    66th Legislature    2019 Regular Session

By Senators Pedersen, King, Rivers, Keiser, Palumbo, Saldaña, Lillas, Carlyle, Conway, Kuderer, and Van De Wege

Prefiled 12/03/18. Read first time 01/14/19. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to human remains; amending RCW 68.04.020, 68.04.080, 68.04.120, 68.04.170, 68.04.260, 68.04.270, 68.05.175, 68.05.195, 68.05.205, 68.05.245, 68.24.010, 68.24.150, 68.50.108, 68.50.110, 68.50.130, 68.50.140, 68.50.160, 68.50.170, 68.50.185, 68.50.240, 68.50.270, 68.64.120, 70.15.010, 70.58.230, 70.58.260, 70.95K.010, 70.95M.090, 73.08.070, 73.08.080, 18.39.170, 18.39.217, and 18.39.410; reenacting and amending RCW 18.39.010; adding new sections to chapter 68.04 RCW; repealing RCW 68.05.390; and prescribing penalties.

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

3 NEW SECTION. Sec. 1. A new section is added to chapter 68.04 RCW to read as follows:

4 The definitions in this chapter apply throughout this title unless the context clearly requires otherwise.

5 Sec. 2. RCW 68.04.020 and 2005 c 365 s 27 are each amended to read as follows:

6 "Human remains" or "remains" means the body of a deceased person, includes the body in any stage of decomposition, and includes ((cremated)) postreduction human remains.
NEW SECTION. Sec. 3. A new section is added to chapter 68.04 RCW to read as follows:

"Alkaline hydrolysis" or "hydrolysis" means the reduction of human remains to bone fragments and essential elements in a licensed hydrolysis facility using heat, pressure, water, and chemical agents.

NEW SECTION. Sec. 4. A new section is added to chapter 68.04 RCW to read as follows:

"Hydrolysis facility" means a structure, room, or other space in a building or structure containing one or more hydrolysis vessels, to be used for alkaline hydrolysis.

Sec. 5. RCW 68.04.080 and 2005 c 365 s 31 are each amended to read as follows:

"Columbarium" means a structure, room, or other space in a building or structure containing niches for permanent placement of (cremated) postreduction human remains in a place used, or intended to be used, and dedicated, for cemetery purposes.

Sec. 6. RCW 68.04.120 and 2005 c 365 s 34 are each amended to read as follows:

"Inurnment" means placing (cremated) treated human remains in a cemetery.

Sec. 7. RCW 68.04.170 and 2005 c 365 s 38 are each amended to read as follows:

"Niche" means a space in a columbarium for placement of (cremated) postreduction human remains.

Sec. 8. RCW 68.04.260 and 2005 c 365 s 43 are each amended to read as follows:

"Scattering garden" means a designated area in a cemetery for the scattering of (cremated) postreduction human remains.

Sec. 9. RCW 68.04.270 and 2005 c 365 s 44 are each amended to read as follows:

"Scattering" means the removal of (cremated) postreduction human remains from their container for the purpose of scattering the (cremated human) remains in any lawful manner.
NEW SECTION. Sec. 10. A new section is added to chapter 68.04 RCW to read as follows:

"Recomposition" means the contained, accelerated conversion of human remains to soil.

NEW SECTION. Sec. 11. A new section is added to chapter 68.04 RCW to read as follows:

"Recomposition facility" means a structure, room, or other space in a building or real property where recomposition occurs.

NEW SECTION. Sec. 12. A new section is added to chapter 68.04 RCW to read as follows:

"Reduce," "reduction," or "reducing" means cremate or conduct the process of alkaline hydrolysis or recomposition.

NEW SECTION. Sec. 13. A new section is added to chapter 68.04 RCW to read as follows:

"Reduction facility" means a crematory, an alkaline hydrolysis facility, or a recomposition facility.

NEW SECTION. Sec. 14. A new section is added to chapter 68.04 RCW to read as follows:

"Postreduction human remains" means human remains after reduction.

Sec. 15. RCW 68.05.175 and 2009 c 102 s 11 are each amended to read as follows:

A (permit) license or endorsement issued (by the board or) under chapter 18.39 RCW is required in order to operate a (crematory or conduct a cremation) reduction facility or to reduce human remains.

Sec. 16. RCW 68.05.195 and 2005 c 365 s 58 are each amended to read as follows:

Any person other than persons defined in RCW 68.50.160 who buries or scatters (cremated) postreduction human remains by land, air, or sea or performs any other disposition of (cremated) postreduction human remains outside of a cemetery (shall) must have a permit issued in accordance with RCW 68.05.100 and (shall be) are subject to that section.
Sec. 17. RCW 68.05.205 and 2009 c 102 s 12 are each amended to read as follows:

The director with the consent of the board ((shall)) must set all fees for chapters 18.39, 68.05, 68.20, 68.24, 68.28, 68.32, 68.36, 68.40, 68.44, and 68.46 RCW in accordance with RCW 43.24.086, including fees for licenses, certificates, regulatory charges, permits, or endorsements, and the department ((shall)) must collect the fees.

Sec. 18. RCW 68.05.245 and 2005 c 365 s 64 are each amended to read as follows:

(1) All ((crematory permits)) licenses or endorsements issued under this chapter ((shall)) or chapter 18.39 RCW must be issued for the year and ((shall)) expire at midnight, the thirty-first day of January of each year, or at whatever time during any year that ownership or control of any cemetery authority which operates such ((crematory)) facility is transferred or sold.

(2) The director ((shall)) must set and the department ((shall)) must collect in advance the fees required for licensing.

NEW SECTION. Sec. 19. RCW 68.05.390 (Permit or endorsement required for cremation—Penalty) and 1987 c 331 s 32 are each repealed.

Sec. 20. RCW 68.24.010 and 2005 c 365 s 73 are each amended to read as follows:

Cemetery authorities may take by purchase, donation, or devise, property consisting of lands, mausoleums, ((crematories)) reduction facilities, and columbariums, or other property within which the placement of human remains may be authorized by law.

Sec. 21. RCW 68.24.150 and 2005 c 365 s 81 are each amended to read as follows:

Every person who pays, causes to be paid, or offers to pay to any other person, firm, or corporation, directly or indirectly, except as provided in RCW 68.24.140, any commission, bonus, or rebate, or other thing of value in consideration of recommending or causing the disposition of human remains in any ((crematory)) reduction facility or cemetery, is guilty of a misdemeanor. Each violation ((shall)) constitutes a separate offense.
Sec. 22. RCW 68.50.108 and 1953 c 188 s 8 are each amended to read as follows:

No ((dead body)) one may embalm or reduce human remains upon which the coroner, or prosecuting attorney, if there ((be no)) is not a coroner in the county, may perform an autopsy or postmortem, ((shall be embalmed or cremated)) without the consent of the coroner having jurisdiction((...and)). Failure to obtain such consent ((shall be)) is a misdemeanor((... PROVIDED, That)). However, such autopsy or postmortem must be performed within five days, unless the coroner ((shall)) obtains an order from the superior court extending such time.

Sec. 23. RCW 68.50.110 and 2005 c 365 s 138 are each amended to read as follows:

Except in cases of dissection provided for in RCW 68.50.100, and where human remains ((shall)) are rightfully ((be)) carried through or removed from the state for the purpose of burial elsewhere, human remains lying within this state, and the remains of any dissected body, after dissection, ((shall)) must be decently buried((...)) or ((cremated)) reduced within a reasonable time after death.

Sec. 24. RCW 68.50.130 and 2005 c 365 s 139 are each amended to read as follows:

Every person who performs a disposition of any human remains, except as otherwise provided by law, in any place, except in a cemetery or a building dedicated exclusively for religious purposes, is guilty of a misdemeanor. Disposition of ((cremated)) postreduction human remains may also occur on private property, with the consent of the property owner; and on public or government lands or waters with the approval of the government agency that has either jurisdiction or control, or both, of the lands or waters.

Sec. 25. RCW 68.50.140 and 2005 c 365 s 140 are each amended to read as follows:

(1) Every person who ((shall)) removes human remains, or any part thereof, from a grave, vault, or other place where the same has been buried or deposited awaiting burial or ((cremation)) reduction, without authority of law, with intent to sell the same, or for the purpose of securing a reward for its return, or for dissection, or from malice or wantonness, is guilty of a class C felony.
(2) Every person who (shall) purchases or receives, except for burial or (cremation) reduction, human remains or any part thereof, knowing that the same has been removed contrary to the foregoing provisions, is guilty of a class C felony.

(3) Every person who (shall) opens a grave or other place of interment, temporary or otherwise, or a building where human remains are placed, with intent to sell or remove the casket, urn, or of any part thereof, or anything attached thereto, or any vestment, or other article interred, or intended to be interred with the human remains, is guilty of a class C felony.

(4) Every person who removes, disinters, or mutilates human remains from a place of interment, without authority of law, is guilty of a class C felony.

Sec. 26. RCW 68.50.160 and 2012 c 5 s 1 are each amended to read as follows:

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

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

(3) If the decedent has not made a prearrangement as set forth in subsection (2) of this section or the costs of executing the decedent's wishes regarding the disposition of the decedent's remains exceeds a reasonable amount or directions have not been given by the decedent, the right to control the disposition of the remains of a deceased person vests in, and the duty of disposition and the liability for the reasonable cost of preparation, care, and disposition of such remains devolves upon the following in the order named:
(a) The person designated by the decedent as authorized to direct disposition as listed on the decedent's United States department of defense record of emergency data, DD form 93, or its successor form, if the decedent died while serving in military service as described in 10 U.S.C. Sec. 1481(a) (1)-(8) in any branch of the United States armed forces, United States reserve forces, or national guard;

(b) The designated agent of the decedent as directed through 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;

(c) The surviving spouse or state registered domestic partner;

(d) The majority of the surviving adult children of the decedent;

(e) The surviving parents of the decedent;

(f) The majority of the surviving siblings of the decedent;

(g) A court-appointed guardian for the person at the time of the person's death.

(4) If any person to whom the right of control has vested pursuant to subsection (3) of this section has been arrested or charged with first or second degree murder or first degree manslaughter in connection with the decedent's death, the right of control is relinquished and passed on in accordance with subsection (3) of this section.

(5) If a cemetery authority as defined in RCW 68.04.190 or a funeral establishment licensed under chapter 18.39 RCW has made a good faith effort to locate the person cited in subsection (3)(a) through (g) of this section or the legal representative of the decedent's estate, the cemetery authority or funeral establishment (shall have) has the right to rely on an authority to bury or (cremate) reduce the human remains, executed by the most responsible party available, and the cemetery authority or funeral establishment may not be held criminally or civilly liable for burying or (cremating) reducing the human remains. In the event any government agency or charitable organization provides the funds for the disposition of any human remains, the cemetery authority, reduction facility, or funeral establishment may not be held criminally or civilly liable for (cremating) reducing the human remains.

(6) The liability for the reasonable cost of preparation, care, and disposition devolves jointly and severally upon all kin of the
Sec. 27. RCW 68.50.170 and 2005 c 365 s 142 are each amended to read as follows:

Any person signing any authorization for the interment or reduction of any human remains warrants the truthfulness of any fact set forth in the authorization, the identity of the person whose human remains are sought to be interred or reduced, and his or her authority to order interments or reduction. That person is personally liable for all damage occasioned by or resulting from breach of such warranty.

Sec. 28. RCW 68.50.185 and 2005 c 365 s 143 are each amended to read as follows:

(1) A person authorized to dispose of human remains may not reduce or cause to be reduced more than one human remains at a time unless written permission, after full and adequate disclosure regarding the manner of reduction, has been received from the person or persons under RCW 68.50.160 having the authority to order reduction. This restriction does not apply when equipment, techniques, or devices are employed that keep human remains separate and distinct before, during, and after the reduction process.

(2) Violation of this section is a gross misdemeanor.

Sec. 29. RCW 68.50.240 and 2005 c 365 s 147 are each amended to read as follows:

The person in charge of any premises on which interments or reductions are made must keep a record of all human remains interred or reduced on the premises under his or her charge, in each case stating the name of each deceased person, date of interment or reduction, and name and address of the funeral establishment.

Sec. 30. RCW 68.50.270 and 2005 c 365 s 148 are each amended to read as follows:

The person or persons determined under RCW 68.50.160 as having authority to order reduction is entitled to
possession of the (cremated) postreduction human remains without further intervention by the state or its political subdivisions.

Sec. 31. RCW 68.64.120 and 2008 c 139 s 13 are each amended to read as follows:

(1) When a hospital refers an individual at or near death to a procurement organization, the organization shall make a reasonable search of the records of the department of licensing and any donor registry that it knows exists for the geographical area in which the individual resides to ascertain whether the individual has made an anatomical gift.

(2) A procurement organization must be allowed reasonable access to information in the records of the department of licensing to ascertain whether an individual at or near death is a donor.

(3) When a hospital refers an individual at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research, or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the individual expressed a contrary intent.

(4) Unless prohibited by law other than this chapter, at any time after a donor's death, the person to which a part passes under RCW 68.64.100 may conduct any reasonable examination necessary to ensure the medical suitability of the body or part for its intended purpose.

(5) Unless prohibited by law other than this chapter, an examination under subsection (3) or (4) of this section may include an examination of all medical records of the donor or prospective donor.

(6) Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

(7) Upon referral by a hospital under subsection (1) of this section, a procurement organization shall make a reasonable search for any person listed in RCW 68.64.080 having priority to make an
anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended, or revoked, it shall promptly advise the other person of all relevant information.

(8) Subject to RCW 68.64.100(9), 68.64.190, and 68.64.901, the rights of the person to which a part passes under RCW 68.64.100 are superior to the rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and this chapter, a person that accepts an anatomical gift of an entire body may allow embalming, burial, or reduction, and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under RCW 68.64.100, upon the death of the donor and before embalming, burial, or reduction must cause the part to be removed without unnecessary mutilation.

(9) Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a part from the decedent.

(10) A physician or technician may remove a donated part from the body of a donor that the physician or technician is qualified to remove.

Sec. 32. RCW 70.15.010 and 2018 c 184 s 2 are each amended to read as follows:

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

(1) "Department" means the department of health.

(2) "Disaster relief organization" means an entity that provides emergency or disaster relief services that include health or veterinary services provided by volunteer health practitioners and that:

(a) Is designated or recognized as a provider of those services pursuant to a disaster response and recovery plan adopted by an agency of the federal government or the department; or

(b) Regularly plans and conducts its activities in coordination with an agency of the federal government or the department.

(3) "Emergency" means an event or condition that is an emergency, disaster, or public health emergency under chapter 38.52 RCW.
(4) "Emergency declaration" means a proclamation of a state of emergency issued by the governor under RCW 43.06.010.

(5) "Emergency management assistance compact" means the interstate compact approved by congress by P.L. 104-321, 110 Stat. 3877, RCW 38.10.010.

(6) "Entity" means a person other than an individual.

(7) "Health facility" means an entity licensed under the laws of this or another state to provide health or veterinary services.

(8) "Health practitioner" means an individual licensed under the laws of this or another state to provide health or veterinary services.

(9) "Health services" means the provision of treatment, care, advice or guidance, or other services, or supplies, related to the health or death of individuals or human populations, to the extent necessary to respond to an emergency, including:

(a) The following, concerning the physical or mental condition or functional status of an individual or affecting the structure or function of the body:

(i) Preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care; and

(ii) Counseling, assessment, procedures, or other services;

(b) Sale or dispensing of a drug, a device, equipment, or another item to an individual in accordance with a prescription; and

(c) Funeral, (cremation) reduction as defined in section 12 of this act, cemetery, or other mortuary services.

(10) "Host entity" means an entity operating in this state which uses volunteer health practitioners to respond to an emergency.

(11) "License" means authorization by a state to engage in health or veterinary services that are unlawful without the authorization. The term includes authorization under the laws of this state to an individual to provide health or veterinary services based upon a national certification issued by a public or private entity.

(12) "Person" means an individual, corporation, business trust, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(13) "Scope of practice" means the extent of the authorization to provide health or veterinary services granted to a health practitioner by a license issued to the practitioner in the state in

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which the principal part of the practitioner's services are rendered, including any conditions imposed by the licensing authority.

(14) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(15) "Veterinary services" means the provision of treatment, care, advice or guidance, or other services, or supplies, related to the health or death of an animal or to animal populations, to the extent necessary to respond to an emergency, including:

(a) Diagnosis, treatment, or prevention of an animal disease, injury, or other physical or mental condition by the prescription, administration, or dispensing of vaccine, medicine, surgery, or therapy;

(b) Use of a procedure for reproductive management; and

(c) Monitoring and treatment of animal populations for diseases that have spread or demonstrate the potential to spread to humans.

(16) "Volunteer health practitioner" means a health practitioner who provides health or veterinary services, whether or not the practitioner receives compensation for those services. The term does not include a practitioner who receives compensation pursuant to a preexisting employment relationship with a host entity or affiliate which requires the practitioner to provide health services in this state, unless the practitioner is not a resident of this state and is employed by a disaster relief organization providing services in this state while an emergency relief organization is in effect.

Sec. 33. RCW 70.58.230 and 2009 c 231 s 4 are each amended to read as follows:

It ((shall be)) is unlawful for any person to inter, deposit in a vault, grave, or tomb, ((cremate)) reduce as defined in section 12 of this act, or otherwise dispose of, or disinter or remove from one registration district to another, or hold for more than three business days after death, the human remains of any person whose death occurred in this state or any human remains which shall be found in this state, without obtaining, from the local registrar of the district in which the death occurred or in which the human remains were found, a permit for the burial, disinterment, or removal of the human remains. However, a licensed funeral director or embalmer of this state or a funeral establishment licensed in another
state contiguous to Washington, with a current certificate of removal registration issued by the director of the department of licensing, may remove human remains from the district where the death occurred to another registration district or Oregon or Idaho without having obtained a permit but in such cases the funeral director or embalmer (shall) must at the time of removing human remains file with or mail to the local registrar of the district where the death occurred a notice of removal upon a blank to be furnished by the state registrar. The notice of removal (shall) must be signed or electronically approved by the funeral director or embalmer and (shall) must contain the name and address of the local registrar with whom the certificate of death will be filed and the burial-transit permit secured. Every local registrar, accepting a death certificate and issuing a burial-transit permit for a death that occurred outside his or her district, (shall be) is entitled to a fee of one dollar to be paid by the funeral director or embalmer at the time the death certificate is accepted and the permit is secured. It (shall be) is unlawful for any person to bring into or transport within the state or inter, deposit in a vault, grave, or tomb, or cremate or otherwise dispose of human remains of any person whose death occurred outside this state unless the human remains are accompanied by a removal or transit permit issued in accordance with the law and health regulations in force where the death occurred, or unless a special permit for bringing the human remains into this state (shall be) is obtained from the state registrar.

Sec. 34. RCW 70.58.260 and 2009 c 231 s 7 are each amended to read as follows:

It (shall be) is unlawful for any person in charge of any premises in which bodies of deceased persons are interred, cremated, or otherwise permanently disposed of, to permit the interment, (cremation) reduction as defined in section 12 of this act, or other disposition of any body upon such premises unless it is accompanied by a removal or transit permit issued in accordance with this chapter. It (shall be) is the duty of the person in charge of any such premises to, in case of the interment, (cremation) reduction as defined in section 12 of this act, or other disposition of human remains therein, endorse upon the permit the date and character of such disposition, over his or her signature or electronic approval, to return all permits so endorsed to the local
registrar of the district in which the death occurred within ten days from the date of such disposition, and to keep a record of all human remains disposed of on the premises under his or her charge, stating, in each case, the name of the deceased person, if known, the place of death, the date of burial or other disposition, and the name and address of the undertaker, which record (shall) must at all times be open to public inspection, and it (shall be) is the duty of every undertaker, or person acting as such, when burying human remains in a cemetery or burial grounds having no person in charge, to sign or electronically approve the burial, removal, or transit permit, giving the date of burial, write across the face of the permit the words "no person in charge", and file the burial, removal, or transit permit within ten days with the registrar of the district in which the death occurred.

Sec. 35. RCW 70.95K.010 and 1994 c 165 s 2 are each amended to read as follows:

(Unless the context clearly requires otherwise) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Biomedical waste" means, and is limited to, the following types of waste:
   (a) "Animal waste" is waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, human pathogenic microorganisms infectious to humans.
   (b) "Biosafety level 4 disease waste" is waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level 4 by the centers for disease control, national institute of health, biosafety in microbiological and biomedical laboratories, current edition.
   (c) "Cultures and stocks" are wastes infectious to humans and includes specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes but is not limited to culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.
(d) "Human blood and blood products" is discarded waste human blood and blood components, and materials containing free-flowing blood and blood products.

(e) "Pathological waste" is waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. "Pathological waste" does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or ((cremation)) reduction as defined in section 12 of this act.

(f) "Sharps waste" is all hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package.

(2) "Local government" means city, town, or county.

(3) "Local health department" means the city, county, city-county, or district public health department.

(4) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, or local government.

(5) "Treatment" means incineration, sterilization, or other method, technique, or process that changes the character or composition of a biomedical waste so as to minimize the risk of transmitting an infectious disease.

(6) "Residential sharps waste" has the same meaning as "sharps waste" in subsection (1) of this section except that the sharps waste is generated and prepared for disposal at a residence, apartment, dwelling, or other noncommercial habitat.

(7) "Sharps waste container" means a leak-proof, rigid, puncture-resistant red container that is taped closed or tightly lidded to prevent the loss of the residential sharps waste.

(8) "Mail programs" means those programs that provide sharps users with a multiple barrier protection kit for the placement of a sharps container and subsequent mailing of the wastes to an approved disposal facility.

(9) "Pharmacy return programs" means those programs where sharps containers are returned by the user to designated return sites located at a pharmacy to be transported by a biomedical or solid waste collection company approved by the utilities and transportation commission.
(10) "Drop-off programs" means those program sites designated by the solid waste planning jurisdiction where sharps users may dispose of their sharps containers.

(11) "Source separation" has the same meaning as in RCW 70.95.030.

(12) "Unprotected sharps" means residential sharps waste that are not disposed of in a sharps waste container.

Sec. 36. RCW 70.95M.090 and 2003 c 260 s 10 are each amended to read as follows:

Nothing in this chapter applies to ((crematories as that term is defined in RCW 68.04.070)) reduction facilities as defined in section 13 of this act.

Sec. 37. RCW 73.08.070 and 2005 c 250 s 5 are each amended to read as follows:

(1) The legislative authority for each county must designate a proper authority to be responsible, at the expense of the county, for the ((burial or cremation)) lawful disposition of the remains of any deceased indigent veteran or deceased family member of an indigent veteran who died without leaving means sufficient to defray funeral expenses. The costs of such a ((burial or cremation)) disposition may not exceed the limit established by the county legislative authority nor be less than three hundred dollars.

(2) If the deceased has relatives or friends who desire to conduct the ((burial or cremation)) disposition of such deceased person's remains, then a sum not to exceed the limit established by the county legislative authority nor less than three hundred dollars ((shall)) must be paid to the relatives or friends by the county auditor, or by the chief financial officer in a county operating under a charter. Payment ((shall)) must be made to the relatives or friends upon presenting to the auditor or chief financial officer due proof of the death, ((burial or cremation)), disposition of the remains, and expenses incurred.

(3) Expenses incurred for the ((burial or cremation)) disposition of the remains of a deceased indigent veteran or the deceased family member of an indigent veteran as provided by this section ((shall)) must be paid from the veterans' assistance fund authorized by RCW 73.08.080.

(4) Remains has the same meaning as provided in RCW 68.04.020.
Sec. 38. RCW 73.08.080 and 2013 c 123 s 2 are each amended to read as follows:

(1) The legislative authority in each county must levy, in addition to the taxes now levied by law, a tax in a sum equal to the amount ((which)) that would be raised by not less than one and one-eighth cents per thousand dollars of assessed value, and not greater than twenty-seven cents per thousand dollars of assessed value against the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating a veterans' assistance fund. Expenditures from the veterans' assistance fund, and interest earned on balances from the fund, may be used only for:

(a) The veterans' assistance programs authorized by RCW 73.08.010;

(b) The ((burial or cremation)) lawful disposition of the remains as defined in RCW 68.04.020 of a deceased indigent veteran or deceased family member of an indigent veteran as authorized by RCW 73.08.070; and

(c) The direct and indirect costs incurred in the administration of the fund as authorized by subsection (2) of this section.

(2) If the funds on deposit in the veterans' assistance fund, less outstanding warrants, on the first Tuesday in September exceed the lesser of the expected yield of one and one-eighth cents per thousand dollars of assessed value against the taxable property of the county or the expected yield of a levy determined as set forth in subsection (5) of this section, the county legislative authority may levy a lesser amount than would otherwise be required under subsection (1) or (5) of this section.

(3) The direct and indirect costs incurred in the administration of the veterans' assistance fund must be computed by the county auditor, or the chief financial officer in a county operating under a charter, not less than annually. Following the computation of these direct and indirect costs, an amount equal to these costs may then be transferred from the veterans' assistance fund to the county current expense fund.

(4) The amount of a levy allocated to the purposes specified in this section may be reduced in the same proportion as the regular property tax levy of the county is reduced by chapter 84.55 RCW.

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(5)(a) The amount of a levy allocated to the purposes specified in this section may be modified from the amount required by subsection (1) of this section as follows:

(i) If the certified levy is reduced from the preceding year's certified levy, the amount of the levy allocated to the purposes specified in this section may be reduced by no more than the same percentage as the certified levy is reduced from the preceding year's certified levy;

(ii) If the certified levy is increased from the preceding year's certified levy, the amount of the levy allocated to the purposes specified in this section may not be less than the base allocation increased by the same percentage as the certified levy is increased from the preceding year's certified levy. However, the amount of the levy allocated to the purposes specified in this section does not have to be increased under this subsection (5)(a)(ii) for the portion of a certified levy increase resulting from a voter-approved increase under RCW 84.55.050 that is dedicated to a specific purpose; or

(iii) If the certified levy is unchanged from the preceding year's certified levy, the amount of the levy allocated to the purposes specified in this section must be equal to or greater than the base allocation.

(b) For purposes of this subsection, the following definitions apply:

(i) "Base allocation" means the most recent allocation that was not reduced under subsection (2) of this section.

(ii) "Certified levy" means the property tax levy for general county purposes certified to the county assessor as required by RCW 84.52.070, excluding any amounts certified under chapters 84.69 and 84.68 RCW.

(6) Subsections (2), (4), and (5) of this section do not preclude a county from increasing the levy amount in subsection (1) of this section to an amount that is greater than the change in the regular county levy.

Sec. 39. RCW 18.39.010 and 2009 c 102 s 1 are each reenacted and amended to read as follows:

The definitions in this section and in chapter 68.04 RCW apply throughout this chapter unless the context clearly requires otherwise.
(1) "Board" means the funeral and cemetery board created pursuant to RCW 18.39.173.

(2) "Director" means the director of licensing.

(3) "Embalmer" means a person engaged in the profession or business of disinfecting and preserving human remains for transportation or final disposition.

(4) "Funeral director" means a person engaged in the profession or business of providing for the care, shelter, transportation, and arrangements for the disposition of human remains that may include arranging and directing funeral, memorial, or other services.

(5) "Funeral establishment" means a place of business licensed in accordance with RCW 18.39.145, that provides for any aspect of the care, shelter, transportation, embalming, preparation, and arrangements for the disposition of human remains and includes all areas of such entity and all equipment, instruments, and supplies used in the care, shelter, transportation, preparation, and embalming of human remains.

(6) "Funeral merchandise or services" means those services normally performed and merchandise normally provided by funeral establishments, including the sale of burial supplies and equipment, but excluding the sale by a cemetery of lands or interests therein, services incidental thereto, markers, memorials, monuments, equipment, crypts, niches, or vaults.

(7) "Licensee" means any person or entity holding a license, registration, endorsement, or permit under this chapter issued by the director.

(8) "Prearrangement funeral service contract" means any contract under which, for a specified consideration, a funeral establishment promises, upon the death of the person named or implied in the contract, to furnish funeral merchandise or services.

(9) "Public depositary" means a public depositary defined by RCW 39.58.010 or a state or federally chartered credit union.

(10) "Two-year college course" means the completion of sixty semester hours or ninety quarter hours of college credit, including the satisfactory completion of certain college courses, as set forth in this chapter.

Words used in this chapter importing the singular may be applied to the plural of the person or thing, words importing the plural may be applied to the singular, and words importing the masculine gender may be applied to the female.
Sec. 40. RCW 18.39.170 and 2005 c 365 s 12 are each amended to read as follows:

(There shall be appointed by)) The director must appoint an agent whose title ((shall be)) is "inspector of funeral establishments, ((crematories,)) reduction facilities, funeral directors, and embalmers of the state of Washington." ((He)) A person ((shall be)) is not eligible for such appointment unless he or she has been a licensed funeral director and embalmer in the state of Washington, with a minimum experience of not less than five consecutive years.

(1) The inspector ((shall)) must:
(a) Serve at the pleasure of the director; and
(b) At all times be under the supervision of the director.

(2) The inspector is authorized to:
(a) Enter the office, premises, establishment, or place of business, where funeral directing, embalming, or ((cremation)) reduction is carried on for the purpose of inspecting the premises;
(b) Inspect the licenses and registrations of funeral directors, embalmers, funeral director interns, and embalmer interns;
(c) Serve and execute any papers or process issued by the director under authority of this chapter; and
(d) Perform any other duty or duties prescribed or ordered by the director.

Sec. 41. RCW 18.39.217 and 2009 c 102 s 4 are each amended to read as follows:

(1) A license or endorsement issued ((by the board or)) under this chapter or chapter 18.39 or 68.05 RCW is required in order to operate a ((crematory)) reduction facility or conduct a ((cremation)) reduction.

(2) Conducting a ((cremation)) reduction without a license or endorsement is a misdemeanor. Each such ((cremation)) action is a separate violation.

Sec. 42. RCW 18.39.410 and 2016 c 81 s 9 are each amended to read as follows:

In addition to the unprofessional conduct described in RCW 18.235.130, the board may take disciplinary action and may impose any of the sanctions specified in RCW 18.235.110 for the following conduct, acts, or conditions, except as provided in RCW 9.97.020:
(1) Solicitation of human remains by a licensee, registrant, endorsement, or permit holder, or agent, assistant, or employee of the licensee, registrant, endorsement, or permit holder whether the solicitation occurs after death or while death is impending. This chapter does not prohibit general advertising or the sale of prearrangement funeral service contracts;

(2) Solicitation may include employment of solicitors, payment of commission, bonus, rebate, or any form of gratuity or payment of a finders fee, referral fee, or other consideration given for the purpose of obtaining or providing the services for human remains or where death is impending;

(3) Acceptance by a licensee, registrant, endorsement, or permit holder or other employee of a funeral establishment of a commission, bonus, rebate, or gratuity in consideration of directing business to a cemetery, (crematory) reduction facility, mausoleum, columbarium, florist, or other person providing goods and services to the disposition of human remains;

(4) Using a casket or part of a casket that has previously been used as a receptacle for, or in connection with, the burial or other disposition of human remains without the written consent of the person lawfully entitled to control the disposition of remains of the deceased person in accordance with RCW 68.50.160. This subsection does not prohibit the use of rental caskets, such as caskets of which the outer shell portion is rented and the inner insert that contains the human remains is purchased and used for the disposition, that are disclosed as such in the statement of funeral goods and services;

(5) Violation of a state law, municipal law, or county ordinance or regulation affecting the handling, custody, care, transportation, or disposition of human remains, except as provided in RCW 9.97.020;

(6) Refusing to promptly surrender the custody of human remains upon the expressed order of the person lawfully entitled to its custody under RCW 68.50.160;

(7) Selling, or offering for sale, a share, certificate, or an interest in the business of a funeral establishment, or in a corporation, firm, or association owning or operating a funeral establishment that promises or purports to give to purchasers a right to the services of a licensee, registrant, endorsement, or permit holder at a charge or cost less than offered or given to the public;
(8) Violation of any state or federal statute or administrative ruling relating to funeral practice, except as provided in RCW 9.97.020;

(9) Knowingly concealing information concerning a violation of this title.