

SENATE BILL REPORT

SHB 1195

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, MARCH 23, 1993

Brief Description: Allowing a person to dictate the disposition of his or her remains.

SPONSORS: House Committee on Judiciary (originally sponsored by Representatives Anderson, Sommers, Jacobsen, G. Cole, Johanson, J. Kohl and Leonard)

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Staff: Tom Fender (786-7414)

Hearing Dates: March 23, 1993

BACKGROUND:

In the absence of directions by the decedent, the right to control the disposition of remains vests in the following people in the order named: the surviving spouse; the surviving children; or the surviving parents. There is no statutory indication of what constitutes valid "directions" by the decedent. Liabilities 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 above named order.

SUMMARY:

The right of a person to control the disposition of his or her remains is explicitly provided. These wishes are accomplished through a written authorization, signed by the decedent in the presence of a witness. Prearrangements with a funeral establishment or cemetery authority are not subject to cancellation or substantial revision by survivors and a funeral establishment or cemetery is not liable for acting upon such prearrangements in the absence of actual knowledge of contrary legal authorization by the decedent. The siblings of the decedent and a person acting as a representative of the decedent are added to the list of persons upon whom the right to control disposition of remains vests in the absence of directions by the decedent.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

This bill will protect the decisions made by the decedent and enable funeral directors to execute those plans.

TESTIMONY AGAINST: None

TESTIFIED: James H. Noel, Washington Interment Association; Washington Funeral Directors Association (pro); Jon Donnellan, Department of Licensing Funeral Unit (pro)