

**SHB 1691 - S AMD 369**

By Senators Harper, King, McAuliffe, Kline, Kastama, Holmquist Newbry

**ADOPTED 04/12/2011**

1 On page 2, after line 5, insert the following:

2 "Sec. 2. RCW 68.50.160 and 2010 c 274 s 602 are each amended to  
3 read as follows:

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

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

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

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

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

1        ~~((b))~~ (c) The majority of the surviving adult children of the  
2 decedent.

3        ~~((e))~~ (d) The surviving parents of the decedent.

4        ~~((d))~~ (e) The majority of the surviving siblings of the decedent.

5        ~~((e) A person acting as a representative of the decedent under the  
6 signed authorization of the decedent.))~~

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

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

15        (5) If a cemetery authority as defined in RCW 68.04.190 or a  
16 funeral establishment licensed under chapter 18.39 RCW has made a good  
17 faith effort to locate the person cited in subsection (3)(a) through  
18 ~~((e))~~ (f) of this section or the legal representative of the  
19 decedent's estate, the cemetery authority or funeral establishment  
20 shall have the right to rely on an authority to bury or cremate the  
21 human remains, executed by the most responsible party available, and  
22 the cemetery authority or funeral establishment may not be held  
23 criminally or civilly liable for burying or cremating the human  
24 remains. In the event any government agency or charitable organization  
25 provides the funds for the disposition of any human remains (~~and the  
26 government agency elects to provide funds for cremation only~~), the  
27 cemetery authority or funeral establishment may not be held criminally  
28 or civilly liable for cremating the human remains.

29        (6) The liability for the reasonable cost of preparation, care, and  
30 disposition devolves jointly and severally upon all kin of the decedent  
31 in the same degree of kindred, in the order listed in subsection (3) of  
32 this section, and upon the estate of the decedent."

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1        On page 1, line 1 of the title, after "68.50.070" insert "and  
2        68.50.160"

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