

HOUSE BILL REPORT

HB 1162

As Reported by House Committee On:
Consumer Protection & Business

Title: An act relating to human remains.

Brief Description: Concerning human remains.

Sponsors: Representatives Kirby, Vick, Reeves, Stanford, Blake, Walen, Fitzgibbon, Pollet, Macri and Kloba.

Brief History:

Committee Activity:

Consumer Protection & Business: 1/23/19, 2/5/19 [DPS].

Brief Summary of Substitute Bill

- Adds alkaline hydrolysis and natural organic reduction as approved means of final disposition of a deceased person's body.
- Updates various statutes to replace cremation with final disposition, to include alkaline hydrolysis and natural organic reduction in the regulation of handling, storing, and scattering human remains.
- Adds licensing regulations for alkaline hydrolysis and natural organic reduction facilities.

HOUSE COMMITTEE ON CONSUMER PROTECTION & BUSINESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Kirby, Chair; Reeves, Vice Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis, Ryu, Santos, Stanford and Walen.

Minority Report: Do not pass. Signed by 2 members: Representatives Volz and Ybarra.

Minority Report: Without recommendation. Signed by 1 member: Representative Dufault.

Staff: Robbi Kesler (786-7153).

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 Department of Licensing (Department) 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 disposed of. In instances where the deceased human body is cremated, there are regulations related to scattering the cremated human remains. Facilities, including crematories, that perform services related to the final disposition of human remains are licensed by the Department and may be inspected.

Summary of Substitute Bill:

"Alkaline hydrolysis" is defined as the reduction of human remains to bone fragments and essential elements using heat, pressure, water, and alkaline substances. Alkaline hydrolysis is included as an allowed final disposition of a deceased person's body.

"Recomposition" is defined as contained, accelerated conversion of human remains to soil.

"Reduction facility" means a crematory, an alkaline hydrolysis facility, or a recomposition facility. Reduction facilities must obtain a license or endorsement from the Department.

Various statutes governing the final disposition of human remains, handling and scattering of the cremated remains, and operation of a facility that offers these services are amended to "reduce/reduced/reduction" as more general terms which include cremation, alkaline hydrolysis, or recomposition. Generally, the amendments include reduction and the related terms in a similar manner to the laws related to cremation.

Substitute Bill Compared to Original Bill:

The substitute bill replaces "recomposition" with "natural organic reduction." The substitute bill adds an effective date of May 1, 2020.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect May 1, 2020.

Staff Summary of Public Testimony:

(In support) This is similar to a prior bill. Residents in this state utilize cremation of human remains at a very high rate. This bill would provide more options and presents the opportunity to provide innovative ways to reduce human remains. Residents of this state are

interested in more environmentally friendly death care options. Both alkaline hydrolysis and recomposition emit less carbon. Recomposition has been utilized on farms for quite some time and research shows this is a safe method for human disposition. Recomposition is a natural process of returning humans to the soil. Alkaline hydrolysis is available in Oregon and people are crossing state lines to utilize their service for their deceased loved ones. The proposed substitute is by the request of the Department in order to align the effective date with its computer system and funeral board rules. The term "natural organic reduction" works well. The new processes are respectful and provide opportunities for better environmental stewardship.

(Opposed) The dignity of each person and their human remains deserve respect and there is concern that these new processes do not provide the required level of respect a deceased body deserves. There is concern that these emerging technologies are not safe and there should be a pause before being authorized in this state.

(Other) There is some concern that the wording will have unintended consequences. Use of the term "post reduction human remains" makes a big difference and this bill needs clarification for consumers and providers in the state. Removing the term "cremated human remains" in statute will cause confusion. This bill will increase costs to the Department because staff will be required to add new regulations for these new facilities. Funeral homes are bound by federal consumer protection related to notifying customers of options, so there may be confusion about how adding new disposition methods will impact those laws.

Persons Testifying: (In support) Representative Kirby, prime sponsor; Katrina Spade and Vicki Christophersen, Recompose; Nora Menkin, People's Memorial Association; Joslin Roth, Resting Waters Aquamation; Char Barrett, A Sacred Moment Funeral Service; and Katrina Morgan.

(Opposed) Luke Esser, Washington State Catholic Conference.

(Other) Scott Sheehan, Washington Cemetery Cremation and Funeral Association.

Persons Signed In To Testify But Not Testifying: None.