
HOUSE BILL 1162

State of Washington**66th Legislature****2019 Regular Session**

By Representatives Kirby, Vick, Reeves, Stanford, Blake, Walen, Fitzgibbon, Pollet, Macri, and Kloba

Read first time 01/16/19. Referred to Committee on Consumer Protection & Business.

1 AN ACT Relating to human remains; amending RCW 68.04.020,
2 68.04.080, 68.04.120, 68.04.170, 68.04.260, 68.04.270, 68.05.175,
3 68.05.195, 68.05.205, 68.05.245, 68.24.010, 68.24.150, 68.50.108,
4 68.50.110, 68.50.130, 68.50.140, 68.50.160, 68.50.170, 68.50.185,
5 68.50.240, 68.50.270, 68.64.120, 70.15.010, 70.58.230, 70.58.260,
6 70.95K.010, 70.95M.090, 73.08.070, 73.08.080, 18.39.170, 18.39.217,
7 and 18.39.410; reenacting and amending RCW 18.39.010; adding new
8 sections to chapter 68.04 RCW; repealing RCW 68.05.390; and
9 prescribing penalties.

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

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

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

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

17 "Human remains" or "remains" means the body of a deceased person,
18 includes the body in any stage of decomposition, and includes
19 ((cremated)) postreduction human remains.

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

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

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

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

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

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

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

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

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

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

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

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

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

31 "Scattering" means the removal of ((cremated)) postreduction
32 human remains from their container for the purpose of scattering the
33 ((cremated human)) remains in any lawful manner.

1 **NEW SECTION.** **Sec. 10.** A new section is added to chapter 68.04
2 RCW to read as follows:

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

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

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

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

11 "Reduce," "reduction," or "reducing" means cremate or conduct the
12 process of alkaline hydrolysis or recombination.

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

15 "Reduction facility" means a crematory, an alkaline hydrolysis
16 facility, or a recombination facility.

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

19 "Postreduction human remains" means human remains after
20 reduction.

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

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

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

29 Any person other than persons defined in RCW 68.50.160 who buries
30 or scatters ((cremated)) postreduction human remains by land, air, or
31 sea or performs any other disposition of ((cremated)) postreduction
32 human remains outside of a cemetery ((shall)) must have a permit
33 issued in accordance with RCW 68.05.100 and ((shall be)) are subject
34 to that section.

1 **Sec. 17.** RCW 68.05.205 and 2009 c 102 s 12 are each amended to
2 read as follows:

3 The director with the consent of the board ((shall)) must set all
4 fees for chapters 18.39, 68.05, 68.20, 68.24, 68.28, 68.32, 68.36,
5 68.40, 68.44, and 68.46 RCW in accordance with RCW 43.24.086,
6 including fees for licenses, certificates, regulatory charges,
7 permits, or endorsements, and the department ((shall)) must collect
8 the fees.

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

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

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

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

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

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

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

30 Every person who pays, causes to be paid, or offers to pay to any
31 other person, firm, or corporation, directly or indirectly, except as
32 provided in RCW 68.24.140, any commission, bonus, or rebate, or other
33 thing of value in consideration of recommending or causing the
34 disposition of human remains in any ((crematory)) reduction facility
35 or cemetery, is guilty of a misdemeanor. Each violation ((shall))
36 constitutes a separate offense.

1 **Sec. 22.** RCW 68.50.108 and 1953 c 188 s 8 are each amended to
2 read as follows:

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

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

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

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

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

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

32 (1) Every person who ((shall)) removes human remains, or any part
33 thereof, from a grave, vault, or other place where the same has been
34 buried or deposited awaiting burial or ((cremation)) reduction,
35 without authority of law, with intent to sell the same, or for the
36 purpose of securing a reward for its return, or for dissection, or
37 from malice or wantonness, is guilty of a class C felony.

1 (2) Every person who ((shall)) purchasesor receives, except for
2 burial or ((cremation)) reduction, human remains or any part thereof,
3 knowing that the same has been removed contrary to the foregoing
4 provisions, is guilty of a class C felony.

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

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

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

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

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

30 (3) If the decedent has not made a prearrangement as set forth in
31 subsection (2) of this section or the costs of executing the
32 decedent's wishes regarding the disposition of the decedent's remains
33 exceeds a reasonable amount or directions have not been given by the
34 decedent, the right to control the disposition of the remains of a
35 deceased person vests in, and the duty of disposition and the
36 liability for the reasonable cost of preparation, care, and
37 disposition of such remains devolves upon the following in the order
38 named:

1 (a) The person designated by the decedent as authorized to direct
2 disposition as listed on the decedent's United States department of
3 defense record of emergency data, DD form 93, or its successor form,
4 if the decedent died while serving in military service as described
5 in 10 U.S.C. Sec. 1481(a) (1)-(8) in any branch of the United States
6 armed forces, United States reserve forces, or national guard;

7 (b) The designated agent of the decedent as directed through a
8 written document signed and dated by the decedent in the presence of
9 a witness. The direction of the designated agent is sufficient to
10 direct the type, place, and method of disposition;

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

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

13 (e) The surviving parents of the decedent;

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

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

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

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

38 (6) The liability for the reasonable cost of preparation, care,
39 and disposition devolves jointly and severally upon all kin of the

1 decedent in the same degree of kindred, in the order listed in
2 subsection (3) of this section, and upon the estate of the decedent.

3 **Sec. 27.** RCW 68.50.170 and 2005 c 365 s 142 are each amended to
4 read as follows:

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

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

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

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

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

26 The person in charge of any premises on which interments or
27 ((cremations)) reductions are made ((shall)) must keep a record of
28 all human remains interred or ((cremated)) reduced on the premises
29 under his or her charge, in each case stating the name of each
30 deceased person, date of ((cremation or)) interment or reduction, and
31 name and address of the funeral establishment.

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

34 The person or persons determined under RCW 68.50.160 as having
35 authority to order ((cremation shall be)) reduction is entitled to

1 possession of the ((cremated)) postreduction human remains without
2 further intervention by the state or its political subdivisions.

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

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

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

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

23 (4) Unless prohibited by law other than this chapter, at any time
24 after a donor's death, the person to which a part passes under RCW
25 68.64.100 may conduct any reasonable examination necessary to ensure
26 the medical suitability of the body or part for its intended purpose.

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

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

37 (7) Upon referral by a hospital under subsection (1) of this
38 section, a procurement organization shall make a reasonable search
39 for any person listed in RCW 68.64.080 having priority to make an

1 anatomical gift on behalf of a prospective donor. If a procurement
2 organization receives information that an anatomical gift to any
3 other person was made, amended, or revoked, it shall promptly advise
4 the other person of all relevant information.

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

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

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

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

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

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

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

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

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

37 (3) "Emergency" means an event or condition that is an emergency,
38 disaster, or public health emergency under chapter 38.52 RCW.

1 (4) "Emergency declaration" means a proclamation of a state of
2 emergency issued by the governor under RCW 43.06.010.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 It (~~((shall be))~~) is unlawful for any person to inter, deposit in a
30 vault, grave, or tomb, (~~((cremate))~~) reduce as defined in section 12 of
31 this act, or otherwise dispose of, or disinter or remove from one
32 registration district to another, or hold for more than three
33 business days after death, the human remains of any person whose
34 death occurred in this state or any human remains which shall be
35 found in this state, without obtaining, from the local registrar of
36 the district in which the death occurred or in which the human
37 remains were found, a permit for the burial, disinterment, or removal
38 of the human remains. However, a licensed funeral director or
39 embalmer of this state or a funeral establishment licensed in another

1 state contiguous to Washington, with a current certificate of removal
2 registration issued by the director of the department of licensing,
3 may remove human remains from the district where the death occurred
4 to another registration district or Oregon or Idaho without having
5 obtained a permit but in such cases the funeral director or embalmer
6 ((shall)) must at the time of removing human remains file with or
7 mail to the local registrar of the district where the death occurred
8 a notice of removal upon a blank to be furnished by the state
9 registrar. The notice of removal ((shall)) must be signed or
10 electronically approved by the funeral director or embalmer and
11 ((shall)) must contain the name and address of the local registrar
12 with whom the certificate of death will be filed and the burial-
13 transit permit secured. Every local registrar, accepting a death
14 certificate and issuing a burial-transit permit for a death that
15 occurred outside his or her district, ((shall be)) is entitled to a
16 fee of one dollar to be paid by the funeral director or embalmer at
17 the time the death certificate is accepted and the permit is secured.
18 It ((shall be)) is unlawful for any person to bring into or transport
19 within the state or inter, deposit in a vault, grave, or tomb, or
20 cremate or otherwise dispose of human remains of any person whose
21 death occurred outside this state unless the human remains are
22 accompanied by a removal or transit permit issued in accordance with
23 the law and health regulations in force where the death occurred, or
24 unless a special permit for bringing the human remains into this
25 state ((shall be)) is obtained from the state registrar.

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

28 It ((shall be)) is unlawful for any person in charge of any
29 premises in which bodies of deceased persons are interred, cremated,
30 or otherwise permanently disposed of, to permit the interment,
31 ((cremation)) reduction as defined in section 12 of this act, or
32 other disposition of any body upon such premises unless it is
33 accompanied by a burial, removal, or transit permit as provided in
34 this chapter. It ((shall be)) is the duty of the person in charge of
35 any such premises to, in case of the interment, ((cremation))
36 reduction as defined in section 12 of this act, or other disposition
37 of human remains therein, endorse upon the permit the date and
38 character of such disposition, over his or her signature or
39 electronic approval, to return all permits so endorsed to the local

1 registrar of the district in which the death occurred within ten days
2 from the date of such disposition, and to keep a record of all human
3 remains disposed of on the premises under his or her charge, stating,
4 in each case, the name of the deceased person, if known, the place of
5 death, the date of burial or other disposition, and the name and
6 address of the undertaker, which record ((shall)) must at all times
7 be open to public inspection, and it ((shall be)) is the duty of
8 every undertaker, or person acting as such, when burying human
9 remains in a cemetery or burial grounds having no person in charge,
10 to sign or electronically approve the burial, removal, or transit
11 permit, giving the date of burial, write across the face of the
12 permit the words "no person in charge", and file the burial, removal,
13 or transit permit within ten days with the registrar of the district
14 in which the death occurred.

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

17 ~~((Unless the context clearly requires otherwise,))~~ The
18 definitions in this section apply throughout this chapter unless the
19 context clearly requires otherwise.

20 (1) "Biomedical waste" means, and is limited to, the following
21 types of waste:

22 (a) "Animal waste" is waste animal carcasses, body parts, and
23 bedding of animals that are known to be infected with, or that have
24 been inoculated with, human pathogenic microorganisms infectious to
25 humans.

26 (b) "Biosafety level 4 disease waste" is waste contaminated with
27 blood, excretions, exudates, or secretions from humans or animals who
28 are isolated to protect others from highly communicable infectious
29 diseases that are identified as pathogenic organisms assigned to
30 biosafety level 4 by the centers for disease control, national
31 institute of health, biosafety in microbiological and biomedical
32 laboratories, current edition.

33 (c) "Cultures and stocks" are wastes infectious to humans and
34 includes specimen cultures, cultures and stocks of etiologic agents,
35 wastes from production of biologicals and serums, discarded live and
36 attenuated vaccines, and laboratory waste that has come into contact
37 with cultures and stocks of etiologic agents or blood specimens. Such
38 waste includes but is not limited to culture dishes, blood specimen
39 tubes, and devices used to transfer, inoculate, and mix cultures.

1 (d) "Human blood and blood products" is discarded waste human
2 blood and blood components, and materials containing free-flowing
3 blood and blood products.

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

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

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

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

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

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

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

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

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

34 (9) "Pharmacy return programs" means those programs where sharps
35 containers are returned by the user to designated return sites
36 located at a pharmacy to be transported by a biomedical or solid
37 waste collection company approved by the utilities and transportation
38 commission.

1 (10) "Drop-off programs" means those program sites designated by
2 the solid waste planning jurisdiction where sharps users may dispose
3 of their sharps containers.

4 (11) "Source separation" has the same meaning as in RCW
5 70.95.030.

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

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

10 Nothing in this chapter applies to ((crematories as that term is
11 defined in RCW 68.04.070)) reduction facilities as defined in section
12 13 of this act.

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

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

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

33 (3) Expenses incurred for the ((burial or cremation)) disposition
34 of the remains of a deceased indigent veteran or the deceased family
35 member of an indigent veteran as provided by this section ((shall))
36 must be paid from the veterans' assistance fund authorized by RCW
37 73.08.080.

38 (4) Remains has the same meaning as provided in RCW 68.04.020.

1 **Sec. 38.** RCW 73.08.080 and 2013 c 123 s 2 are each amended to
2 read as follows:

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

13 (a) The veterans' assistance programs authorized by RCW
14 73.08.010;

15 (b) The ((burial or cremation)) lawful disposition of the remains
16 as defined in RCW 68.04.020 of a deceased indigent veteran or
17 deceased family member of an indigent veteran as authorized by RCW
18 73.08.070; and

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

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

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

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

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

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

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

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

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

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

26 (ii) "Certified levy" means the property tax levy for general
27 county purposes certified to the county assessor as required by RCW
28 84.52.070, excluding any amounts certified under chapters 84.69 and
29 84.68 RCW.

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

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

36 The definitions in this section and in chapter 68.04 RCW apply
37 throughout this chapter unless the context clearly requires
38 otherwise.

1 (1) "Board" means the funeral and cemetery board created pursuant
2 to RCW 18.39.173.

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

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

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

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

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

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

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

31 (9) "Public depositary" means a public depositary defined by RCW
32 39.58.010 or a state or federally chartered credit union.

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

37 Words used in this chapter importing the singular may be applied
38 to the plural of the person or thing, words importing the plural may
39 be applied to the singular, and words importing the masculine gender
40 may be applied to the female.

1 **Sec. 40.** RCW 18.39.170 and 2005 c 365 s 12 are each amended to
2 read as follows:

3 ~~((There shall be appointed by))~~ The director must appoint an
4 agent whose title ~~((shall be))~~ is "inspector of funeral
5 establishments, ~~((crematories,))~~ reduction facilities, funeral
6 directors, and embalmers of the state of Washington." ~~((No))~~ A person
7 ~~((shall be))~~ is not eligible for such appointment unless he or she
8 has been a licensed funeral director and embalmer in the state of
9 Washington, with a minimum experience of not less than five
10 consecutive years.

11 (1) The inspector ~~((shall))~~ must:

- 12 (a) Serve at the pleasure of the director; and
13 (b) At all times be under the supervision of the director.

14 (2) The inspector is authorized to:

15 (a) Enter the office, premises, establishment, or place of
16 business, where funeral directing, embalming, or ~~((cremation))~~
17 reduction is carried on for the purpose of inspecting the premises;

18 (b) Inspect the licenses and registrations of funeral directors,
19 embalmers, funeral director interns, and embalmer interns;

20 (c) Serve and execute any papers or process issued by the
21 director under authority of this chapter; and

22 (d) Perform any other duty or duties prescribed or ordered by the
23 director.

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

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

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

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

35 In addition to the unprofessional conduct described in RCW
36 18.235.130, the board may take disciplinary action and may impose any
37 of the sanctions specified in RCW 18.235.110 for the following
38 conduct, acts, or conditions, except as provided in RCW 9.97.020:

1 (1) Solicitation of human remains by a licensee, registrant,
2 endorsement, or permit holder, or agent, assistant, or employee of
3 the licensee, registrant, endorsement, or permit holder whether the
4 solicitation occurs after death or while death is impending. This
5 chapter does not prohibit general advertising or the sale of
6 prearrangement funeral service contracts;

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

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

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

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

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

33 (7) Selling, or offering for sale, a share, certificate, or an
34 interest in the business of a funeral establishment, or in a
35 corporation, firm, or association owning or operating a funeral
36 establishment that promises or purports to give to purchasers a right
37 to the services of a licensee, registrant, endorsement, or permit
38 holder at a charge or cost less than offered or given to the public;

1 (8) Violation of any state or federal statute or administrative
2 ruling relating to funeral practice, except as provided in RCW
3 9.97.020;

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

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