

HOUSE BILL REPORT

SB 5629

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to control of the disposition of remains.

Brief Description: Concerning control of the disposition of remains.

Sponsors: Senators Lovick, Dhingra, Hasegawa, Keiser, Pedersen and Wilson, C..

Brief History:

Committee Activity:

Civil Rights & Judiciary: 2/18/22, 2/23/22 [DP].

Brief Summary of Bill

- Requires the relinquishment of the right of control for the disposition of human remains if any person has certain convictions or had certain orders issued against the person that are related to the decedent.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 17 members: Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno, Davis, Entenman, Goodman, Kirby, Klippert, Orwall, Peterson, Thai, Valdez, Walen and Ybarra.

Staff: Matt Sterling (786-7289).

Background:

A person has the right to control the disposition of their own remains. This can be accomplished by making a prearrangement with a licensed funeral establishment or cemetery authority or by executing a written document signed by the decedent in the

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presence of a witness that expresses the decedent's wishes regarding the place or method of disposition of their remains.

If the decedent has not made a prearrangement or given directions for the disposition of their remains, then the right to control for the disposition of the remains vests in an individual in the following priority:

- the designated agent of the decedent indicated in a written document signed and dated by the decedent in the presence of a witness;
- the surviving spouse or state-registered domestic partner;
- the majority of the surviving adult children;
- the surviving parents;
- the majority of the surviving siblings; or
- a court-appointed guardian for the person at the time of the person's death.

If any person to whom the right of control has vested 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 to the next person in the order of priority listed.

The responsibility 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 order of priority listed and on the decedent's estate. If a funeral establishment or cemetery authority is unable to locate the next of kin or the legal representative of the decedent's estate after a good-faith effort, the most responsible person available may authorize the disposition of the decedent's remains.

Summary of Bill:

If any person to whom the right of control for the disposition of human remains has vested has had a vulnerable adult protection order issued against the person related to abuse, exploitation, or neglect of the decedent, or if such person has been convicted of a misdemeanor or other criminal conviction related to the abuse, exploitation, or neglect of the deceased vulnerable adult, the right of control is relinquished and passed on to the next person in the order of priority established by law.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Someone who has neglected a person in life should not have the right to control the arrangements for the funeral and burial of that person. No family should discover that an abuser has power and control over a deceased family member. People who have had protective orders against family members should not have legal authority to decide how someone's remains will be handled.

(Opposed) None.

Persons Testifying: Senator John Lovick, prime sponsor; and Joelle Brouner.

Persons Signed In To Testify But Not Testifying: None.