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**SUBSTITUTE HOUSE BILL 1037**

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**State of Washington                      68th Legislature                      2023 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representative Walsh)

READ FIRST TIME 01/24/23.

1            AN ACT Relating to family burial grounds on privately owned  
2 property; amending RCW 68.05.400, 68.20.010, 68.20.140, and  
3 68.50.130; adding a new section to chapter 68.04 RCW; and adding a  
4 new chapter to Title 68 RCW.

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

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

8            "Family burial ground" means an area of privately owned land that  
9 is designated pursuant to chapter 68.--- RCW (the new chapter created  
10 in section 12 of this act) for the burial of human remains in the  
11 ground and in which burials may be, but are not required to be,  
12 restricted to a group of persons who are related to each other by  
13 birth, marriage, or adoption.

14            NEW SECTION.    **Sec. 2.**    (1) A natural person may designate an area  
15 of land owned by the person as a family burial ground.

16            (2) If a property is co-owned by two or more natural persons, a  
17 family burial ground may be established on the property only with the  
18 written consent of all co-owners of the property.

19            (3) A family burial ground may not be established on any property  
20 co-owned by a combination of natural persons and legal entities.

1 (4) A family burial ground may not be established within 150 feet  
2 of a designated critical area, as defined in RCW 36.70A.030.

3 (5) A family burial ground may not be established within 50 feet  
4 of an existing easement or public right-of-way.

5 (6) A family burial ground must be set back at least 25 feet from  
6 an existing parcel boundary.

7 (7) A family burial ground may not comprise greater than 10  
8 percent of the area of the parcel upon which it is established.

9 NEW SECTION. **Sec. 3.** The owner of the property on which a  
10 family burial ground is located may not offer plots in the family  
11 burial ground for sale or charge fees for any goods or services  
12 provided by the owner in connection with the burials in the family  
13 burial ground.

14 NEW SECTION. **Sec. 4.** The owner of the property on which a  
15 family burial ground is located shall record every burial within 30  
16 days after the burial with the county auditor of the county in which  
17 the land is situated. The owner shall record:

18 (1) The deceased person's name as it appears on the death  
19 certificate;

20 (2) The deceased person's date of birth as it appears on the  
21 death certificate;

22 (3) The deceased person's date of death as it appears on the  
23 death certificate;

24 (4) The name of the owner or owners and the legal description of  
25 the property, including the assessor parcel number, where the human  
26 remains are buried; and

27 (5) The latitude and longitude coordinates of the grave, such as  
28 those given by a global positioning system, that are verified by two  
29 witnesses or the county coroner, sheriff, or a designee of the county  
30 coroner or sheriff.

31 NEW SECTION. **Sec. 5.** Before the sale of the property on which a  
32 family burial ground is located, the owner of the property shall  
33 disclose to the prospective buyer the existence of the family burial  
34 ground.

35 NEW SECTION. **Sec. 6.** Cities and counties are authorized to  
36 enact ordinances regulating or prohibiting the establishment of

1 family burial grounds or the extension of existing family burial  
2 grounds and to give power to local planning commissions to pass upon  
3 and make recommendations to local legislative bodies concerning the  
4 establishment or extension of family burial grounds.

5 NEW SECTION. **Sec. 7.** Beginning on the effective date of this  
6 section, an area of privately owned land that has been established as  
7 a family burial ground or plot prior to the effective date of this  
8 section is deemed a family burial ground designated in compliance  
9 with this chapter, even if the previously established family burial  
10 ground or plot does not meet all the requirements under this chapter.  
11 Any new designation of a family burial ground on a property that  
12 already contains a family burial ground and any extension of an  
13 existing family burial ground shall comply with all the requirements  
14 of this chapter, regardless of when a family burial ground was  
15 established or designated.

16 **Sec. 8.** RCW 68.05.400 and 1979 c 21 s 13 are each amended to  
17 read as follows:

18 The provisions of this chapter do not apply to any of the  
19 following:

20 (1) Nonprofit cemeteries which are owned or operated by any  
21 recognized religious denomination which qualifies for an exemption  
22 from real estate taxation under RCW 84.36.020 on any of its churches  
23 or the ground upon which any of its churches are or will be built;  
24 (~~or~~)

25 (2) Any cemetery controlled and operated by a coroner, county,  
26 city, town, or cemetery district; or

27 (3) A family burial ground established pursuant to chapter 68.---  
28 RCW (the new chapter created in section 12 of this act).

29 **Sec. 9.** RCW 68.20.010 and 1943 c 247 s 42 are each amended to  
30 read as follows:

31 (~~It~~) Except as otherwise provided in chapter 68.--- RCW (the  
32 new chapter created in section 12 of this act), it is unlawful for  
33 any corporation, copartnership, firm, trust, association, or  
34 individual to engage in or transact any of the businesses of a  
35 cemetery within this state except by means of a corporation duly  
36 organized for that purpose.

1       **Sec. 10.** RCW 68.20.140 and 1987 c 331 s 33 are each amended to  
2 read as follows:

3       (1) This chapter does not apply to any cemetery controlled and  
4 operated by a coroner, county, city, town, or cemetery district.

5       (2) This chapter does not apply to any family burial ground  
6 established pursuant to chapter 68.--- RCW (the new chapter created  
7 in section 12 of this act).

8       **Sec. 11.** RCW 68.50.130 and 2019 c 432 s 21 are each amended to  
9 read as follows:

10       Every person who performs a disposition of any human remains,  
11 except as otherwise provided by law, in any place, except in a  
12 cemetery, a family burial ground, or a building dedicated exclusively  
13 for religious purposes, is guilty of a misdemeanor. Disposition of  
14 human remains following cremation, alkaline hydrolysis, or natural  
15 organic reduction may also occur on private property, with the  
16 consent of the property owner; and on public or government lands or  
17 waters with the approval of the government agency that has either  
18 jurisdiction or control, or both, of the lands or waters.

19       NEW SECTION.       **Sec. 12.** Sections 2 through 7 of this act  
20 constitute a new chapter in Title 68 RCW.

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