

HOUSE BILL REPORT

SSB 5759

*As Reported By House Committee on:
Commerce & Labor*

Title: An act relating to regulation of funeral directors, embalmers, and crematories.

Brief Description: Revising provisions regulating funeral directors, embalmers, and crematories.

Sponsor(s): Senate Committee on Commerce & Labor (originally sponsored by Senator Rasmussen).

Brief History:

Reported by House Committee on:
Commerce & Labor, April 2, 1991, DPA.

**HOUSE COMMITTEE ON
COMMERCE & LABOR**

Majority Report: *Do pass as amended.* Signed by 11 members: Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; Vance; and Wilson.

Staff: Jim Kelley (786-7166).

Background: Prior to 1989, all health care professionals were licensed by the Department of Licensing. Fees collected for the activities related to the licensing and registration of these professionals were deposited into the health professionals account. Funeral directors and embalmers were classified as health care professionals during that time. When the Department of Health was established, it acquired the responsibility for licensing health care professionals. The licensing of funeral directors and embalmers remained the responsibility of the Department of Licensing. Fees collected for the licensing and registration of funeral directors and embalmers continue to be deposited in the health professionals account. The Department of Licensing does not receive credit when such fees are deposited into the account.

Under certain circumstances, the state of Washington provides funds for the disposition of human remains. In such cases, the State may elect to have the remains

cremated. Crematories owned by cemetery authorities that perform these cremations are currently protected from being held criminally or civilly liable for performing such cremations. Crematories owned by funeral homes are not provided with the same legal protection under existing statutes.

Unless directions have been left by the decedent, the right to control the disposition of the decedent's remains rests with the surviving spouse, children, or parents of the decedent. In the event that a decedent did not leave directions and that there are no known next of kin, a crematory that performs the cremation based on the permission of a friend or other representative of the decedent may be held liable for crematory remains.

Current law limits the dollar amount of fees the director may charge cemetery authorities. Compliance with this law has put the Cemetery Board Program in direct conflict with the statutory requirement that licensing programs be self-sustaining.

Summary of Amended Bill: The funeral directors and embalmers account is created in the custody of the state treasurer. All fees received by the Department of Licensing for activities related to the licensing and registration of funeral directors and embalmers, and all fines and civil penalties paid by such professionals are deposited into this account. All expenses related to the licensing and registration of these professionals are paid from this account.

In the event of a state-funded and state-ordered cremation, all crematories are protected from being held criminally or civilly liable for performing such cremations.

In the event that directions are not left by the decedent concerning the disposition of remains and that there are no known next of kin, a crematory may cremate the decedent's remains after receiving permission from a representative of the decedent or the decedent's estate. In such cases, a crematory cannot be held criminally or civilly liable for cremating the remains.

The director is authorized to set the cemetery renewal fees and may raise those fees by up to 25 percent per year.

Amended Bill Compared to Substitute Bill: The amended bill gives the director the authority to set cemetery fees and to raise those fees by up to 25 percent per year, in order to make the program self-sustaining.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is necessary to avoid the needless delays that occur when a cremation is performed. Also, the bill provides needed protection for funeral directors and crematories.

Testimony Against: None.

Witnesses: Senator A.L. "Slim" Rasmussen, Prime Sponsor; Jon Donnellan, Department of Licensing, Funeral and Cemetery Unit (in favor); and T.K. Bentler, Washington Funeral Directors (in favor as amended).