

HOUSE BILL REPORT

SHB 2328

*As Passed House
February 11, 1992*

Title: An act relating to the right of a person to control the disposition of the person's remains.

Brief Description: Allowing a person to dictate the disposition of his or her remains.

Sponsor(s): By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Winsley and Silver).

Brief History:

Reported by House Committee on:
Financial Institutions & Insurance, January 31, 1992,
DPS;
Passed House, February 11, 1992, 95-0.

**HOUSE COMMITTEE ON
FINANCIAL INSTITUTIONS & INSURANCE**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 10 members: Representatives Zellinsky, Vice Chair; Broback, Ranking Minority Member; Mielke, Assistant Ranking Minority Member; Anderson; Dorn; Inslee; R. Johnson; Paris; Schmidt; and Winsley.

Staff: John Conniff (786-7119).

Background: In the absence of contrary direction by the decedent prior to death, the control over and liability for the costs of the decedent's interment rests, in descending order, with the surviving spouse, surviving children, and surviving parents. When these persons do not survive the decedent, or are difficult to find, effectuation of the decedent's wishes can be difficult. For example, if the decedent had expressed the desire to be cremated, authorization for cremation may be difficult to obtain and a crematory might face liability without a specific authorization recognized by statute.

Summary of Bill: Any valid written document expressing the decedent's wishes signed by the decedent in the presence of a witness is sufficient legal authorization for the

procedures to be accomplished. A crematory is not criminally or civilly liable for a cremation based upon such authorization.

Fiscal Note: Not requested.

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

Testimony For: Obtaining authorization for cremation can be difficult when the decedent's surviving relatives live in another state or are very old. Current law does not recognize authorization given by the personal representative of the decedent's estate. Such authorization will ease problems in obtaining approval for cremations.

Testimony Against: None.

Witnesses: (Pro) B. Dave Daly, Washington State Funeral Directors Association; and James Noel, Washington Internment Association.