

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5026

Chapter 43, Laws of 1993

53rd Legislature
1993 Regular Session

CREMATION OF HUMAN REMAINS--IMMUNITY FROM LIABILITY FOR

EFFECTIVE DATE: 7/25/93

Passed by the Senate February 9, 1993
YEAS 47 NAYS 0

R. LORRAINE WOJAHN

President of the Senate

Passed by the House March 19, 1993
YEAS 98 NAYS 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved April 19, 1993

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5026** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

April 19, 1993 - 1:42 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5026

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senator A. Rasmussen)

Read first time 01/27/93.

1 AN ACT Relating to regulation of funeral directors, embalmers, and
2 crematories; amending RCW 18.39.290, 68.05.100, 68.05.205, and
3 68.50.180; and adding a new section to chapter 18.39 RCW.

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

5 **Sec. 1.** RCW 18.39.290 and 1986 c 259 s 69 are each amended to read
6 as follows:

7 All certificates of registration issued pursuant to this chapter
8 shall continue in force until the expiration date unless suspended or
9 revoked. A certificate shall be subject to renewal annually ninety
10 days after the end of its fiscal year, as stated on the original
11 application, by the funeral establishment and payment of the required
12 fees.

13 The director shall determine and collect fees related to
14 certificate of registration licensure.

15 All fees so collected shall be remitted by the director to the
16 state treasurer not later than the first business day following receipt
17 of such funds and the funds shall be credited to the ((health
18 professions)) funeral directors and embalmers account.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.39 RCW
2 to read as follows:

3 The funeral directors and embalmers account is created in the
4 custody of the state treasurer. All fees received by the department
5 for licenses, registrations, renewals, examinations, and audits shall
6 be forwarded to the state treasurer who shall credit the money to the
7 account. All fines and civil penalties ordered by the superior court
8 or fines ordered pursuant to RCW 18.130.160(8) against holders of
9 licenses or registrations issued under the provisions of this chapter
10 shall be paid to the account. All expenses incurred in carrying out
11 the licensing and registration activities of the department and the
12 state funeral directors and embalmers board under this chapter shall be
13 paid from the account as authorized by legislative appropriation. Any
14 residue in the account shall be accumulated and shall not revert to the
15 general fund at the end of the biennium. All earnings of investments
16 of balances in the account shall be credited to the general fund. Any
17 fund balance remaining in the health professions account attributable
18 to the funeral director and embalmer professions as of the effective
19 date of this act shall be transferred to the funeral directors and
20 embalmers account.

21 **Sec. 3.** RCW 68.05.100 and 1987 c 331 s 9 are each amended to read
22 as follows:

23 The board may establish necessary rules and regulations for the
24 enforcement of this title and the laws subject to its jurisdiction and
25 prescribe the form of statements and reports provided for in this
26 title. Rules regulating the cremation of human remains and
27 establishing ~~((fees and))~~ permit requirements shall be adopted in
28 consultation with the state board of funeral directors and embalmers.

29 **Sec. 4.** RCW 68.05.205 and 1987 c 331 s 16 are each amended to read
30 as follows:

31 ~~((Every cemetery authority shall pay for each cemetery operated by
32 it, an annual regulatory charge to be fixed by the director of not more
33 than three dollars per interment, entombment, and inurnment made during
34 the preceding full calendar year, which charges shall be deposited in
35 the cemetery account. Upon payment of said charges and compliance with
36 the provisions of Title 68 RCW and the lawful orders, rules, and
37 regulations of the board, the board will issue a certificate of~~

1 ~~authority.)~~) The director with the consent of the cemetery board shall
2 set all fees for chapters 68.05, 68.20, 68.24, 68.28, 68.32, 68.36,
3 68.40, 68.44, and 68.46 RCW in accordance with RCW 43.24.086, including
4 fees for licenses, certificates, regulatory charges, permits, or
5 endorsements, and the department shall collect the fees.

6 **Sec. 5.** RCW 68.50.180 and 1979 c 21 s 14 are each amended to read
7 as follows:

8 The cemetery authority may inter or cremate any remains upon the
9 receipt of a written authorization of a person representing himself to
10 be a person who has acquired the right to control the disposition of
11 the remains. A cemetery authority is not liable for interring or
12 cremating pursuant to such authorization, unless it has actual notice
13 that such representation is untrue.

14 In the event the state of Washington or any of its agencies provide
15 the funds for the disposition of any remains and the state or its
16 agency elects to provide the funds for cremation only, the cemetery
17 authority or licensed funeral establishment shall not be criminally or
18 civilly liable for cremating the remains.

19 If a cemetery authority with a permit issued under RCW 68.05.175 or
20 a funeral establishment licensed under chapter 18.39 RCW has made a
21 good faith effort to locate the persons cited in RCW 68.50.160 or the
22 legal representative of the decedent's estate, the cemetery authority
23 or funeral establishment shall have the right to rely on an authority
24 to cremate executed by the most responsible party available, and the
25 cemetery authority or funeral establishment shall not be criminally or
26 civilly liable for cremating the remains.

Passed the Senate February 9, 1993.

Passed the House March 19, 1993.

Approved by the Governor April 19, 1993.

Filed in Office of Secretary of State April 19, 1993.