

ESSB 5001 - H COMM AMD

By Committee on Consumer Protection & Business

ADOPTED 04/09/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 68.04
4 RCW to read as follows:

5 The definitions in this chapter apply throughout this title
6 unless the context clearly requires otherwise.

7 **Sec. 2.** RCW 68.04.020 and 2005 c 365 s 27 are each amended to
8 read as follows:

9 "Human remains" or "remains" means the body of a deceased person,
10 (~~includes the body in any stage of decomposition, and includes~~
11 ~~cremated human remains~~)) including remains following the process of
12 cremation, alkaline hydrolysis, or natural organic reduction. This
13 also includes the body in any stage of decomposition.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 68.04
15 RCW to read as follows:

16 "Alkaline hydrolysis" or "hydrolysis" means the reduction of
17 human remains to bone fragments and essential elements in a licensed
18 hydrolysis facility using heat, pressure, water, and base chemical
19 agents.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 68.04
21 RCW to read as follows:

22 "Hydrolysis facility" means a structure, room, or other space in
23 a building or structure containing one or more hydrolysis vessels, to
24 be used for alkaline hydrolysis.

25 **Sec. 5.** RCW 68.04.080 and 2005 c 365 s 31 are each amended to
26 read as follows:

1 "Columbarium" means a structure, room, or other space in a
2 building or structure containing niches for permanent placement of
3 (~~eremated~~) human remains in a place used, or intended to be used,
4 and dedicated, for cemetery purposes.

5 **Sec. 6.** RCW 68.04.120 and 2005 c 365 s 34 are each amended to
6 read as follows:

7 "Inurnment" means placing (~~eremated~~) human remains in a
8 cemetery.

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

11 "Natural organic reduction" means the contained, accelerated
12 conversion of human remains to soil.

13 NEW SECTION. **Sec. 8.** A new section is added to chapter 68.04
14 RCW to read as follows:

15 "Natural organic reduction facility" means a structure, room, or
16 other space in a building or real property where natural organic
17 reduction of a human body occurs.

18 **Sec. 9.** RCW 68.04.170 and 2005 c 365 s 38 are each amended to
19 read as follows:

20 "Niche" means a space in a columbarium for placement of
21 (~~eremated~~) human remains.

22 **Sec. 10.** RCW 68.04.260 and 2005 c 365 s 43 are each amended to
23 read as follows:

24 "Scattering garden" means a designated area in a cemetery for the
25 scattering of (~~eremated~~) human remains.

26 **Sec. 11.** RCW 68.04.270 and 2005 c 365 s 44 are each amended to
27 read as follows:

28 "Scattering" means the removal of (~~eremated~~) human remains from
29 their container for the purpose of scattering the (~~eremated-human~~)
30 remains in any lawful manner.

31 **Sec. 12.** RCW 68.05.175 and 2009 c 102 s 11 are each amended to
32 read as follows:

1 A (~~permit~~) license or endorsement issued (~~by the board or~~)
2 under chapter 18.39 RCW is required in order to operate a crematory
3 or conduct a cremation, operate or conduct alkaline hydrolysis,
4 operate or conduct natural organic reduction, or operate a natural
5 organic reduction facility.

6 **Sec. 13.** RCW 68.05.195 and 2005 c 365 s 58 are each amended to
7 read as follows:

8 Any person other than persons defined in RCW 68.50.160 who buries
9 or scatters (~~cremated~~) human remains by land, air, or sea or
10 performs any other disposition of (~~cremated~~) human remains outside
11 of a cemetery (~~shall~~) must have a permit issued in accordance with
12 RCW 68.05.100 and (~~shall be~~) are subject to that section.

13 **Sec. 14.** RCW 68.05.205 and 2009 c 102 s 12 are each amended to
14 read as follows:

15 The director with the consent of the board (~~shall~~) must set all
16 fees for chapters 18.39, 68.05, 68.20, 68.24, 68.28, 68.32, 68.36,
17 68.40, 68.44, and 68.46 RCW in accordance with RCW 43.24.086,
18 including fees for licenses, certificates, regulatory charges,
19 permits, or endorsements, and the department (~~shall~~) must collect
20 the fees.

21 **Sec. 15.** RCW 68.05.245 and 2005 c 365 s 64 are each amended to
22 read as follows:

23 (1) All (~~crematory~~) permits, licenses, or endorsements issued
24 under this chapter (~~shall~~) or chapter 18.39 RCW must be issued for
25 the year and (~~shall~~) expire at midnight, the thirty-first day of
26 January of each year, or at whatever time during any year that
27 ownership or control of any cemetery authority (~~which~~) that
28 operates such (~~crematory~~) facility is transferred or sold.

29 (2) The director (~~shall~~) must set and the department (~~shall~~)
30 must collect in advance the fees required for licensing.

31 NEW SECTION. **Sec. 16.** RCW 68.05.390 (Permit or endorsement
32 required for cremation—Penalty) and 1987 c 331 s 32 are each
33 repealed.

34 **Sec. 17.** RCW 68.24.010 and 2005 c 365 s 73 are each amended to
35 read as follows:

1 Cemetery authorities may take by purchase, donation, or devise,
2 property consisting of lands, mausoleums, (~~crematories~~) cremation,
3 alkaline hydrolysis, or natural organic reduction facilities, and
4 columbariums, or other property within which the placement of human
5 remains may be authorized by law.

6 **Sec. 18.** RCW 68.24.150 and 2005 c 365 s 81 are each amended to
7 read as follows:

8 Every person who pays, causes to be paid, or offers to pay to any
9 other person, firm, or corporation, directly or indirectly, except as
10 provided in RCW 68.24.140, any commission, bonus, or rebate, or other
11 thing of value in consideration of recommending or causing the
12 disposition of human remains in any (~~crematory~~) cremation, alkaline
13 hydrolysis, or natural organic reduction facility or cemetery, is
14 guilty of a misdemeanor. Each violation (~~shall~~) constitutes a
15 separate offense.

16 **Sec. 19.** RCW 68.50.108 and 1953 c 188 s 8 are each amended to
17 read as follows:

18 No dead body upon which the coroner, or prosecuting attorney, if
19 there (~~be no~~) is not a coroner in the county, may perform an
20 autopsy or postmortem, (~~shall~~) may be embalmed (~~or cremated~~) or
21 make final disposition without the consent of the coroner having
22 jurisdiction(~~, and~~). Failure to obtain such consent (~~shall be~~) is
23 a misdemeanor(~~(: PROVIDED, That)~~). However, such autopsy or
24 postmortem must be performed within five days, unless the coroner
25 (~~shall~~) obtains an order from the superior court extending such
26 time.

27 **Sec. 20.** RCW 68.50.110 and 2005 c 365 s 138 are each amended to
28 read as follows:

29 Except in cases of dissection provided for in RCW 68.50.100, and
30 where human remains (~~shall~~) are rightfully (~~be~~) carried through
31 or removed from the state for the purpose of burial elsewhere, human
32 remains lying within this state, and the remains of any dissected
33 body, after dissection, (~~shall~~) must be decently buried, (~~or~~
34 ~~cremated~~) undergo cremation, alkaline hydrolysis, or natural organic
35 reduction within a reasonable time after death.

1 **Sec. 21.** RCW 68.50.130 and 2005 c 365 s 139 are each amended to
2 read as follows:

3 Every person who performs a disposition of any human remains,
4 except as otherwise provided by law, in any place, except in a
5 cemetery or a building dedicated exclusively for religious purposes,
6 is guilty of a misdemeanor. Disposition of (~~cremated~~) human remains
7 following cremation, alkaline hydrolysis, or natural organic
8 reduction may also occur on private property, with the consent of the
9 property owner; and on public or government lands or waters with the
10 approval of the government agency that has either jurisdiction or
11 control, or both, of the lands or waters.

12 **Sec. 22.** RCW 68.50.140 and 2005 c 365 s 140 are each amended to
13 read as follows:

14 (1) Every person who (~~shall~~) removes human remains, or any part
15 thereof, from a grave, vault, or other place where the same has been
16 buried or deposited awaiting (~~burial or cremation~~) final
17 disposition, without authority of law, with intent to sell the same,
18 or for the purpose of securing a reward for its return, or for
19 dissection, or from malice or wantonness, is guilty of a class C
20 felony.

21 (2) Every person who (~~shall~~) purchases or receives, except for
22 burial or (~~cremation~~) final disposition, human remains or any part
23 thereof, knowing that the same has been removed contrary to the
24 foregoing provisions, is guilty of a class C felony.

25 (3) Every person who (~~shall~~) opens a grave or other place of
26 interment, temporary or otherwise, or a building where human remains
27 are placed, with intent to sell or remove the casket, urn, or of any
28 part thereof, or anything attached thereto, or any vestment, or other
29 article interred, or intended to be interred with the human remains,
30 is guilty of a class C felony.

31 (4) Every person who removes, disinters, or mutilates human
32 remains from a place of interment, without authority of law, is
33 guilty of a class C felony.

34 **Sec. 23.** RCW 68.50.160 and 2012 c 5 s 1 are each amended to read
35 as follows:

36 (1) A person has the right to control the disposition of his or
37 her own remains without the predeath or postdeath consent of another
38 person. A valid written document expressing the decedent's wishes

1 regarding the place or method of disposition of his or her remains,
2 signed by the decedent in the presence of a witness, is sufficient
3 legal authorization for the procedures to be accomplished.

4 (2) Prearrangements that are prepaid, or filed with a licensed
5 funeral establishment or cemetery authority, under RCW 18.39.280
6 through 18.39.345 and chapter 68.46 RCW are not subject to
7 cancellation or substantial revision by survivors. Absent actual
8 knowledge of contrary legal authorization under this section, a
9 licensed funeral establishment or cemetery authority (~~shall~~) may
10 not be held criminally nor civilly liable for acting upon such
11 prearrangements.

12 (3) If the decedent has not made a prearrangement as set forth in
13 subsection (2) of this section or the costs of executing the
14 decedent's wishes regarding the disposition of the decedent's remains
15 exceeds a reasonable amount or directions have not been given by the
16 decedent, the right to control the disposition of the remains of a
17 deceased person vests in, and the duty of disposition and the
18 liability for the reasonable cost of preparation, care, and
19 disposition of such remains devolves upon the following in the order
20 named:

21 (a) The person designated by the decedent as authorized to direct
22 disposition as listed on the decedent's United States department of
23 defense record of emergency data, DD form 93, or its successor form,
24 if the decedent died while serving in military service as described
25 in 10 U.S.C. Sec. 1481(a) (1)-(8) in any branch of the United States
26 armed forces, United States reserve forces, or national guard;

27 (b) The designated agent of the decedent as directed through a
28 written document signed and dated by the decedent in the presence of
29 a witness. The direction of the designated agent is sufficient to
30 direct the type, place, and method of disposition;

31 (c) The surviving spouse or state registered domestic partner;

32 (d) The majority of the surviving adult children of the decedent;

33 (e) The surviving parents of the decedent;

34 (f) The majority of the surviving siblings of the decedent;

35 (g) A court-appointed guardian for the person at the time of the
36 person's death.

37 (4) If any person to whom the right of control has vested
38 pursuant to subsection (3) of this section has been arrested or
39 charged with first or second degree murder or first degree
40 manslaughter in connection with the decedent's death, the right of

1 control is relinquished and passed on in accordance with subsection
2 (3) of this section.

3 (5) If a cemetery authority as defined in RCW 68.04.190 or a
4 funeral establishment licensed under chapter 18.39 RCW has made a
5 good faith effort to locate the person cited in subsection (3)(a)
6 through (g) of this section or the legal representative of the
7 decedent's estate, the cemetery authority or funeral establishment
8 (~~shall have~~) has the right to rely on an authority to bury or
9 (~~cremate~~) make final disposition of the human remains, executed by
10 the most responsible party available, and the cemetery authority or
11 funeral establishment may not be held criminally or civilly liable
12 for burying or (~~cremating~~) performing final disposition of the
13 human remains. In the event any government agency or charitable
14 organization provides the funds for the disposition of any human
15 remains, the cemetery authority, alkaline hydrolysis, natural organic
16 reduction facility, or funeral establishment may not be held
17 criminally or civilly liable for (~~cremating~~) making final
18 disposition of the human remains.

19 (6) The liability for the reasonable cost of preparation, care,
20 and disposition devolves jointly and severally upon all kin of the
21 decedent in the same degree of kindred, in the order listed in
22 subsection (3) of this section, and upon the estate of the decedent.

23 **Sec. 24.** RCW 68.50.170 and 2005 c 365 s 142 are each amended to
24 read as follows:

25 Any person signing any authorization for the interment (~~or~~),
26 cremation, alkaline hydrolysis, or natural organic reduction of any
27 human remains warrants the truthfulness of any fact set forth in the
28 authorization, the identity of the person whose human remains are
29 sought to (~~be interred or cremated, and his or her authority to~~
30 ~~order interments or cremation~~) undergo final disposition, and his or
31 her authority to order such. That person is personally liable for all
32 damage occasioned by or resulting from breach of such warranty.

33 **Sec. 25.** RCW 68.50.185 and 2005 c 365 s 143 are each amended to
34 read as follows:

35 (1) A person authorized to dispose of human remains (~~shall~~) may
36 not (~~cremate or cause to be cremated~~) perform or cause to be
37 performed final disposition of more than one human remains at a time
38 unless written permission, after full and adequate disclosure

1 regarding the manner of (~~cremation~~) disposition, has been received
2 from the person or persons under RCW 68.50.160 having the authority
3 to order (~~cremation~~) final disposition. This restriction (~~shall~~)
4 does not apply when equipment, techniques, or devices are employed
5 that keep human remains separate and distinct before, during, and
6 after the (~~cremation~~) final disposition process.

7 (2) Violation of this section is a gross misdemeanor.

8 **Sec. 26.** RCW 68.50.240 and 2005 c 365 s 147 are each amended to
9 read as follows:

10 The person in charge of any premises on which (~~interments or~~
11 ~~cremations~~) final dispositions are made (~~shall~~) must keep a record
12 of all human remains (~~interred or cremated~~) on the premises under
13 his or her charge, in each case stating the name of each deceased
14 person, date of (~~cremation or interment~~) final disposition, and
15 name and address of the funeral establishment.

16 **Sec. 27.** RCW 68.50.270 and 2005 c 365 s 148 are each amended to
17 read as follows:

18 The person or persons determined under RCW 68.50.160 as having
19 authority to order (~~cremation shall be~~) disposition is entitled to
20 possession of the (~~cremated~~) human remains without further
21 intervention by the state or its political subdivisions.

22 **Sec. 28.** RCW 68.64.120 and 2008 c 139 s 13 are each amended to
23 read as follows:

24 (1) When a hospital refers an individual at or near death to a
25 procurement organization, the organization shall make a reasonable
26 search of the records of the department of licensing and any donor
27 registry that it knows exists for the geographical area in which the
28 individual resides to ascertain whether the individual has made an
29 anatomical gift.

30 (2) A procurement organization must be allowed reasonable access
31 to information in the records of the department of licensing to
32 ascertain whether an individual at or near death is a donor.

33 (3) When a hospital refers an individual at or near death to a
34 procurement organization, the organization may conduct any reasonable
35 examination necessary to ensure the medical suitability of a part
36 that is or could be the subject of an anatomical gift for
37 transplantation, therapy, research, or education from a donor or a

1 prospective donor. During the examination period, measures necessary
2 to ensure the medical suitability of the part may not be withdrawn
3 unless the hospital or procurement organization knows that the
4 individual expressed a contrary intent.

5 (4) Unless prohibited by law other than this chapter, at any time
6 after a donor's death, the person to which a part passes under RCW
7 68.64.100 may conduct any reasonable examination necessary to ensure
8 the medical suitability of the body or part for its intended purpose.

9 (5) Unless prohibited by law other than this chapter, an
10 examination under subsection (3) or (4) of this section may include
11 an examination of all medical records of the donor or prospective
12 donor.

13 (6) Upon the death of a minor who was a donor or had signed a
14 refusal, unless a procurement organization knows the minor is
15 emancipated, the procurement organization shall conduct a reasonable
16 search for the parents of the minor and provide the parents with an
17 opportunity to revoke or amend the anatomical gift or revoke the
18 refusal.

19 (7) Upon referral by a hospital under subsection (1) of this
20 section, a procurement organization shall make a reasonable search
21 for any person listed in RCW 68.64.080 having priority to make an
22 anatomical gift on behalf of a prospective donor. If a procurement
23 organization receives information that an anatomical gift to any
24 other person was made, amended, or revoked, it shall promptly advise
25 the other person of all relevant information.

26 (8) Subject to RCW 68.64.100(9), 68.64.190, and 68.64.901, the
27 rights of the person to which a part passes under RCW 68.64.100 are
28 superior to the rights of all others with respect to the part. The
29 person may accept or reject an anatomical gift in whole or in part.
30 Subject to the terms of the document of gift and this chapter, a
31 person that accepts an anatomical gift of an entire body may allow
32 embalming, burial, (~~or cremation~~) alkaline hydrolysis, natural
33 organic reduction, and use of remains in a funeral service. If the
34 gift is of a part, the person to which the part passes under RCW
35 68.64.100, upon the death of the donor and before embalming(~~or~~
36 ~~burial, or cremation, shall~~) or final disposition, must cause the
37 part to be removed without unnecessary mutilation.

38 (9) Neither the physician who attends the decedent at death nor
39 the physician who determines the time of the decedent's death may

1 participate in the procedures for removing or transplanting a part
2 from the decedent.

3 (10) A physician or technician may remove a donated part from the
4 body of a donor that the physician or technician is qualified to
5 remove.

6 **Sec. 29.** RCW 70.15.010 and 2018 c 184 s 2 are each amended to
7 read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) "Department" means the department of health.

11 (2) "Disaster relief organization" means an entity that provides
12 emergency or disaster relief services that include health or
13 veterinary services provided by volunteer health practitioners and
14 that:

15 (a) Is designated or recognized as a provider of those services
16 pursuant to a disaster response and recovery plan adopted by an
17 agency of the federal government or the department; or

18 (b) Regularly plans and conducts its activities in coordination
19 with an agency of the federal government or the department.

20 (3) "Emergency" means an event or condition that is an emergency,
21 disaster, or public health emergency under chapter 38.52 RCW.

22 (4) "Emergency declaration" means a proclamation of a state of
23 emergency issued by the governor under RCW 43.06.010.

24 (5) "Emergency management assistance compact" means the
25 interstate compact approved by congress by P.L. 104-321, 110 Stat.
26 3877, RCW 38.10.010.

27 (6) "Entity" means a person other than an individual.

28 (7) "Health facility" means an entity licensed under the laws of
29 this or another state to provide health or veterinary services.

30 (8) "Health practitioner" means an individual licensed under the
31 laws of this or another state to provide health or veterinary
32 services.

33 (9) "Health services" means the provision of treatment, care,
34 advice or guidance, or other services, or supplies, related to the
35 health or death of individuals or human populations, to the extent
36 necessary to respond to an emergency, including:

37 (a) The following, concerning the physical or mental condition or
38 functional status of an individual or affecting the structure or
39 function of the body:

1 (i) Preventive, diagnostic, therapeutic, rehabilitative,
2 maintenance, or palliative care; and

3 (ii) Counseling, assessment, procedures, or other services;

4 (b) Sale or dispensing of a drug, a device, equipment, or another
5 item to an individual in accordance with a prescription; and

6 (c) Funeral, cremation, alkaline hydrolysis, natural organic
7 reduction as defined in section 7 of this act, cemetery, or other
8 mortuary services.

9 (10) "Host entity" means an entity operating in this state which
10 uses volunteer health practitioners to respond to an emergency.

11 (11) "License" means authorization by a state to engage in health
12 or veterinary services that are unlawful without the authorization.
13 The term includes authorization under the laws of this state to an
14 individual to provide health or veterinary services based upon a
15 national certification issued by a public or private entity.

16 (12) "Person" means an individual, corporation, business trust,
17 trust, partnership, limited liability company, association, joint
18 venture, public corporation, government or governmental subdivision,
19 agency, or instrumentality, or any other legal or commercial entity.

20 (13) "Scope of practice" means the extent of the authorization to
21 provide health or veterinary services granted to a health
22 practitioner by a license issued to the practitioner in the state in
23 which the principal part of the practitioner's services are rendered,
24 including any conditions imposed by the licensing authority.

25 (14) "State" means a state of the United States, the District of
26 Columbia, Puerto Rico, the United States Virgin Islands, or any
27 territory or insular possession subject to the jurisdiction of the
28 United States.

29 (15) "Veterinary services" means the provision of treatment,
30 care, advice or guidance, or other services, or supplies, related to
31 the health or death of an animal or to animal populations, to the
32 extent necessary to respond to an emergency, including:

33 (a) Diagnosis, treatment, or prevention of an animal disease,
34 injury, or other physical or mental condition by the prescription,
35 administration, or dispensing of vaccine, medicine, surgery, or
36 therapy;

37 (b) Use of a procedure for reproductive management; and

38 (c) Monitoring and treatment of animal populations for diseases
39 that have spread or demonstrate the potential to spread to humans.

1 (16) "Volunteer health practitioner" means a health practitioner
2 who provides health or veterinary services, whether or not the
3 practitioner receives compensation for those services. The term does
4 not include a practitioner who receives compensation pursuant to a
5 preexisting employment relationship with a host entity or affiliate
6 which requires the practitioner to provide health services in this
7 state, unless the practitioner is not a resident of this state and is
8 employed by a disaster relief organization providing services in this
9 state while an emergency declaration is in effect.

10 **Sec. 30.** RCW 70.58.230 and 2009 c 231 s 4 are each amended to
11 read as follows:

12 It (~~shall be~~) is unlawful for any person to inter(~~(r)~~); deposit
13 in a vault, grave, or tomb(~~(r-cremate,r)~~); perform alkaline hydrolysis
14 or natural organic reduction as defined in section 7 of this act; or
15 otherwise dispose of, or disinter or remove from one registration
16 district to another, or hold for more than three business days after
17 death, the human remains of any person whose death occurred in this
18 state or any human remains which shall be found in this state,
19 without obtaining, from the local registrar of the district in which
20 the death occurred or in which the human remains were found, a permit
21 for the burial, disinterment, or removal of the human remains.
22 However, a licensed funeral director or embalmer of this state or a
23 funeral establishment licensed in another state contiguous to
24 Washington, with a current certificate of removal registration issued
25 by the director of the department of licensing, may remove human
26 remains from the district where the death occurred to another
27 registration district or Oregon or Idaho without having obtained a
28 permit but in such cases the funeral director or embalmer (~~shall~~)
29 must at the time of removing human remains file with or mail to the
30 local registrar of the district where the death occurred a notice of
31 removal upon a blank to be furnished by the state registrar. The
32 notice of removal (~~shall~~) must be signed or electronically approved
33 by the funeral director or embalmer and (~~shall~~) must contain the
34 name and address of the local registrar with whom the certificate of
35 death will be filed and the burial-transit permit secured. Every
36 local registrar, accepting a death certificate and issuing a burial-
37 transit permit for a death that occurred outside his or her district,
38 (~~shall be~~) is entitled to a fee of one dollar to be paid by the
39 funeral director or embalmer at the time the death certificate is

1 accepted and the permit is secured. It (~~shall be~~) is unlawful for
2 any person to bring into or transport within the state or inter,
3 deposit in a vault, grave, or tomb, or cremate or otherwise dispose
4 of human remains of any person whose death occurred outside this
5 state unless the human remains are accompanied by a removal or
6 transit permit issued in accordance with the law and health
7 regulations in force where the death occurred, or unless a special
8 permit for bringing the human remains into this state (~~shall be~~) is
9 obtained from the state registrar.

10 **Sec. 31.** RCW 70.58.260 and 2009 c 231 s 7 are each amended to
11 read as follows:

12 It (~~shall be~~) is unlawful for any person in charge of any
13 premises in which bodies of deceased persons are interred, cremated,
14 or otherwise permanently disposed of, to permit the (~~interment,~~
15 ~~cremation~~) final disposition, or other disposition of any body upon
16 such premises unless it is accompanied by a burial, removal, or
17 transit permit as provided in this chapter. It (~~shall be~~) is the
18 duty of the person in charge of any such premises to, in case of the
19 interment, cremation, alkaline hydrolysis, natural organic reduction
20 as defined in section 7 of this act, or other disposition of human
21 remains therein, endorse upon the permit the date and character of
22 such disposition, over his or her signature or electronic approval,
23 to return all permits so endorsed to the local registrar of the
24 district in which the death occurred within ten days from the date of
25 such disposition, and to keep a record of all human remains disposed
26 of on the premises under his or her charge, stating, in each case,
27 the name of the deceased person, if known, the place of death, the
28 date of burial or other disposition, and the name and address of the
29 undertaker, which record (~~shall~~) must at all times be open to
30 public inspection, and it (~~shall be~~) is the duty of every
31 undertaker, or person acting as such, when burying human remains in a
32 cemetery or burial grounds having no person in charge, to sign or
33 electronically approve the burial, removal, or transit permit, giving
34 the date of burial, write across the face of the permit the words "no
35 person in charge," and file the burial, removal, or transit permit
36 within ten days with the registrar of the district in which the death
37 occurred.

1 **Sec. 32.** RCW 70.95K.010 and 1994 c 165 s 2 are each amended to
2 read as follows:

3 (~~Unless the context clearly requires otherwise,~~) The
4 definitions in this section apply throughout this chapter unless the
5 context clearly requires otherwise.

6 (1) "Biomedical waste" means, and is limited to, the following
7 types of waste:

8 (a) "Animal waste" is waste animal carcasses, body parts, and
9 bedding of animals that are known to be infected with, or that have
10 been inoculated with, human pathogenic microorganisms infectious to
11 humans.

12 (b) "Biosafety level 4 disease waste" is waste contaminated with
13 blood, excretions, exudates, or secretions from humans or animals who
14 are isolated to protect others from highly communicable infectious
15 diseases that are identified as pathogenic organisms assigned to
16 biosafety level 4 by the centers for disease control, national
17 institute of health, biosafety in microbiological and biomedical
18 laboratories, current edition.

19 (c) "Cultures and stocks" are wastes infectious to humans and
20 includes specimen cultures, cultures and stocks of etiologic agents,
21 wastes from production of biologicals and serums, discarded live and
22 attenuated vaccines, and laboratory waste that has come into contact
23 with cultures and stocks of etiologic agents or blood specimens. Such
24 waste includes but is not limited to culture dishes, blood specimen
25 tubes, and devices used to transfer, inoculate, and mix cultures.

26 (d) "Human blood and blood products" is discarded waste human
27 blood and blood components, and materials containing free-flowing
28 blood and blood products.

29 (e) "Pathological waste" is waste human source biopsy materials,
30 tissues, and anatomical parts that emanate from surgery, obstetrical
31 procedures, and autopsy. "Pathological waste" does not include teeth,
32 human corpses, remains, and anatomical parts that are intended for
33 (~~interment or cremation~~) final disposition.

34 (f) "Sharps waste" is all hypodermic needles, syringes with
35 needles attached, IV tubing with needles attached, scalpel blades,
36 and lancets that have been removed from the original sterile package.

37 (2) "Local government" means city, town, or county.

38 (3) "Local health department" means the city, county, city-
39 county, or district public health department.

1 (4) "Person" means an individual, firm, corporation, association,
2 partnership, consortium, joint venture, commercial entity, state
3 government agency, or local government.

4 (5) "Treatment" means incineration, sterilization, or other
5 method, technique, or process that changes the character or
6 composition of a biomedical waste so as to minimize the risk of
7 transmitting an infectious disease.

8 (6) "Residential sharps waste" has the same meaning as "sharps
9 waste" in subsection (1) of this section except that the sharps waste
10 is generated and prepared for disposal at a residence, apartment,
11 dwelling, or other noncommercial habitat.

12 (7) "Sharps waste container" means a leak-proof, rigid, puncture-
13 resistant red container that is taped closed or tightly lidded to
14 prevent the loss of the residential sharps waste.

15 (8) "Mail programs" means those programs that provide sharps
16 users with a multiple barrier protection kit for the placement of a
17 sharps container and subsequent mailing of the wastes to an approved
18 disposal facility.

19 (9) "Pharmacy return programs" means those programs where sharps
20 containers are returned by the user to designated return sites
21 located at a pharmacy to be transported by a biomedical or solid
22 waste collection company approved by the utilities and transportation
23 commission.

24 (10) "Drop-off programs" means those program sites designated by
25 the solid waste planning jurisdiction where sharps users may dispose
26 of their sharps containers.

27 (11) "Source separation" has the same meaning as in RCW
28 70.95.030.

29 (12) "Unprotected sharps" means residential sharps waste that are
30 not disposed of in a sharps waste container.

31 **Sec. 33.** RCW 70.95M.090 and 2003 c 260 s 10 are each amended to
32 read as follows:

33 Nothing in this chapter applies to crematories as (~~that term~~
34 ~~is~~) defined in RCW 68.04.070, alkaline hydrolysis, or natural
35 organic reduction facilities as defined in section 8 of this act.

36 **Sec. 34.** RCW 73.08.070 and 2005 c 250 s 5 are each amended to
37 read as follows:

1 (1) The legislative authority for each county must designate a
2 proper authority to be responsible, at the expense of the county, for
3 the ~~((burial or cremation))~~ lawful disposition of the remains of any
4 deceased indigent veteran or deceased family member of an indigent
5 veteran who died without leaving means sufficient to defray funeral
6 expenses. The costs of such a ~~((burial or cremation))~~ disposition may
7 not exceed the limit established by the county legislative authority
8 nor be less than three hundred dollars.

9 (2) If the deceased has relatives or friends who desire to
10 conduct the ~~((burial or cremation))~~ disposition of such deceased
11 ~~((person))~~ person's remains, then a sum not to exceed the limit
12 established by the county legislative authority nor less than three
13 hundred dollars ~~((shall))~~ must be paid to the relatives or friends by
14 the county auditor, or by the chief financial officer in a county
15 operating under a charter. Payment ~~((shall))~~ must be made to the
16 relatives or friends upon presenting to the auditor or chief
17 financial officer due proof of the death, ~~((burial or cremation))~~,
18 disposition of the remains, and expenses incurred.

19 (3) Expenses incurred for the ~~((burial or cremation))~~ disposition
20 of the remains of a deceased indigent veteran or the deceased family
21 member of an indigent veteran as provided by this section ~~((shall))~~
22 must be paid from the veterans' assistance fund authorized by RCW
23 73.08.080.

24 (4) Remains has the same meaning as provided in RCW 68.04.020.

25 **Sec. 35.** RCW 73.08.080 and 2013 c 123 s 2 are each amended to
26 read as follows:

27 (1) The legislative authority in each county must levy, in
28 addition to the taxes now levied by law, a tax in a sum equal to the
29 amount ~~((which))~~ that would be raised by not less than one and one-
30 eighth cents per thousand dollars of assessed value, and not greater
31 than twenty-seven cents per thousand dollars of assessed value
32 against the taxable property of their respective counties, to be
33 levied and collected as now prescribed by law for the assessment and
34 collection of taxes, for the purpose of creating a veterans'
35 assistance fund. Expenditures from the veterans' assistance fund, and
36 interest earned on balances from the fund, may be used only for:

37 (a) The veterans' assistance programs authorized by RCW
38 73.08.010;

1 (b) The (~~burial or cremation~~) lawful disposition of the remains
2 as defined in RCW 68.04.020 of a deceased indigent veteran or
3 deceased family member of an indigent veteran as authorized by RCW
4 73.08.070; and

5 (c) The direct and indirect costs incurred in the administration
6 of the fund as authorized by subsection (2) of this section.

7 (2) If the funds on deposit in the veterans' assistance fund,
8 less outstanding warrants, on the first Tuesday in September exceed
9 the lesser of the expected yield of one and one-eighth cents per
10 thousand dollars of assessed value against the taxable property of
11 the county or the expected yield of a levy determined as set forth in
12 subsection (5) of this section, the county legislative authority may
13 levy a lesser amount than would otherwise be required under
14 subsection (1) or (5) of this section.

15 (3) The direct and indirect costs incurred in the administration
16 of the veterans' assistance fund must be computed by the county
17 auditor, or the chief financial officer in a county operating under a
18 charter, not less than annually. Following the computation of these
19 direct and indirect costs, an amount equal to these costs may then be
20 transferred from the veterans' assistance fund to the county current
21 expense fund.

22 (4) The amount of a levy allocated to the purposes specified in
23 this section may be reduced in the same proportion as the regular
24 property tax levy of the county is reduced by chapter 84.55 RCW.

25 (5)(a) The amount of a levy allocated to the purposes specified
26 in this section may be modified from the amount required by
27 subsection (1) of this section as follows:

28 (i) If the certified levy is reduced from the preceding year's
29 certified levy, the amount of the levy allocated to the purposes
30 specified in this section may be reduced by no more than the same
31 percentage as the certified levy is reduced from the preceding year's
32 certified levy;

33 (ii) If the certified levy is increased from the preceding year's
34 certified levy, the amount of the levy allocated to the purposes
35 specified in this section may not be less than the base allocation
36 increased by the same percentage as the certified levy is increased
37 from the preceding year's certified levy. However, the amount of the
38 levy allocated to the purposes specified in this section does not
39 have to be increased under this subsection (5)(a)(ii) for the portion

1 of a certified levy increase resulting from a voter-approved increase
2 under RCW 84.55.050 that is dedicated to a specific purpose; or

3 (iii) If the certified levy is unchanged from the preceding
4 year's certified levy, the amount of the levy allocated to the
5 purposes specified in this section must be equal to or greater than
6 the base allocation.

7 (b) For purposes of this subsection, the following definitions
8 apply:

9 (i) "Base allocation" means the most recent allocation that was
10 not reduced under subsection (2) of this section.

11 (ii) "Certified levy" means the property tax levy for general
12 county purposes certified to the county assessor as required by RCW
13 84.52.070, excluding any amounts certified under chapters 84.69 and
14 84.68 RCW.

15 (6) Subsections (2), (4), and (5) of this section do not preclude
16 a county from increasing the levy amount in subsection (1) of this
17 section to an amount that is greater than the change in the regular
18 county levy.

19 **Sec. 36.** RCW 18.39.010 and 2009 c 102 s 1 are each reenacted and
20 amended to read as follows:

21 The definitions in this section and in chapter 68.04 RCW apply
22 throughout this chapter unless the context clearly requires
23 otherwise.

24 (1) "Board" means the funeral and cemetery board created pursuant
25 to RCW 18.39.173.

26 (2) "Director" means the director of licensing.

27 (3) "Embalmer" means a person engaged in the profession or
28 business of disinfecting and preserving human remains for
29 transportation or final disposition.

30 (4) "Funeral director" means a person engaged in the profession
31 or business of providing for the care, shelter, transportation, and
32 arrangements for the disposition of human remains that may include
33 arranging and directing funeral, memorial, or other services.

34 (5) "Funeral establishment" means a place of business licensed in
35 accordance with RCW 18.39.145, that provides for any aspect of the
36 care, shelter, transportation, embalming, preparation, and
37 arrangements for the disposition of human remains and includes all
38 areas of such entity and all equipment, instruments, and supplies

1 used in the care, shelter, transportation, preparation, and embalming
2 of human remains.

3 (6) "Funeral merchandise or services" means those services
4 normally performed and merchandise normally provided by funeral
5 establishments, including the sale of burial supplies and equipment,
6 but excluding the sale by a cemetery of lands or interests therein,
7 services incidental thereto, markers, memorials, monuments,
8 equipment, crypts, niches, or vaults.

9 (7) "Licensee" means any person or entity holding a license,
10 registration, endorsement, or permit under this chapter issued by the
11 director.

12 (8) "Prearrangement funeral service contract" means any contract
13 under which, for a specified consideration, a funeral establishment
14 promises, upon the death of the person named or implied in the
15 contract, to furnish funeral merchandise or services.

16 (9) "Public depository" means a public depository defined by RCW
17 39.58.010 or a state or federally chartered credit union.

18 (10) "Two-year college course" means the completion of sixty
19 semester hours or ninety quarter hours of college credit, including
20 the satisfactory completion of certain college courses, as set forth
21 in this chapter.

22 Words used in this chapter importing the singular may be applied
23 to the plural of the person or thing, words importing the plural may
24 be applied to the singular, and words importing the masculine gender
25 may be applied to the female.

26 **Sec. 37.** RCW 18.39.170 and 2005 c 365 s 12 are each amended to
27 read as follows:

28 (~~There shall be appointed by~~) The director must appoint an
29 agent whose title (~~shall be~~) is "inspector of funeral
30 establishments, crematories, alkaline hydrolysis, and natural organic
31 reduction facilities, funeral directors, and embalmers of the state
32 of Washington." (~~No~~) A person (~~shall be~~) is not eligible for such
33 appointment unless he or she has been a licensed funeral director and
34 embalmer in the state of Washington, with a minimum experience of not
35 less than five consecutive years.

36 (1) The inspector (~~shall~~) must:

37 (a) Serve at the pleasure of the director; and

38 (b) At all times be under the supervision of the director.

39 (2) The inspector is authorized to:

1 (a) Enter the office, premises, establishment, or place of
2 business, where funeral directing, embalming, (~~or—cremation~~)
3 alkaline hydrolysis, or natural organic reduction is carried on for
4 the purpose of inspecting the premises;

5 (b) Inspect the licenses and registrations of funeral directors,
6 embalmers, funeral director interns, and embalmer interns;

7 (c) Serve and execute any papers or process issued by the
8 director under authority of this chapter; and

9 (d) Perform any other duty or duties prescribed or ordered by the
10 director.

11 **Sec. 38.** RCW 18.39.217 and 2009 c 102 s 4 are each amended to
12 read as follows:

13 (1) A license or endorsement issued (~~by the board or~~) under
14 this chapter or chapter 68.05 RCW is required in order to operate a
15 crematory, alkaline hydrolysis, or natural organic reduction facility
16 or conduct a cremation, alkaline hydrolysis, or natural organic
17 reduction.

18 (2) Conducting a (~~cremation~~) final disposition without a
19 license or endorsement is a misdemeanor. Each such (~~cremation~~)
20 action is a separate violation.

21 **Sec. 39.** RCW 18.39.410 and 2016 c 81 s 9 are each amended to
22 read as follows:

23 In addition to the unprofessional conduct described in RCW
24 18.235.130, the board may take disciplinary action and may impose any
25 of the sanctions specified in RCW 18.235.110 for the following
26 conduct, acts, or conditions, except as provided in RCW 9.97.020:

27 (1) Solicitation of human remains by a licensee, registrant,
28 endorsement, or permit holder, or agent, assistant, or employee of
29 the licensee, registrant, endorsement, or permit holder whether the
30 solicitation occurs after death or while death is impending. This
31 chapter does not prohibit general advertising or the sale of
32 prearrangement funeral service contracts;

33 (2) Solicitation may include employment of solicitors, payment of
34 commission, bonus, rebate, or any form of gratuity or payment of a
35 finders fee, referral fee, or other consideration given for the
36 purpose of obtaining or providing the services for human remains or
37 where death is impending;

1 (3) Acceptance by a licensee, registrant, endorsement, or permit
2 holder or other employee of a funeral establishment of a commission,
3 bonus, rebate, or gratuity in consideration of directing business to
4 a cemetery, crematory, alkaline hydrolysis, or natural organic
5 reduction facility, mausoleum, columbarium, florist, or other person
6 providing goods and services to the disposition of human remains;

7 (4) Using a casket or part of a casket that has previously been
8 used as a receptacle for, or in connection with, the burial or other
9 disposition of human remains without the written consent of the
10 person lawfully entitled to control the disposition of remains of the
11 deceased person in accordance with RCW 68.50.160. This subsection
12 does not prohibit the use of rental caskets, such as caskets of which
13 the outer shell portion is rented and the inner insert that contains
14 the human remains is purchased and used for the disposition, that are
15 disclosed as such in the statement of funeral goods and services;

16 (5) Violation of a state law, municipal law, or county ordinance
17 or regulation affecting the handling, custody, care, transportation,
18 or disposition of human remains, except as provided in RCW 9.97.020;

19 (6) Refusing to promptly surrender the custody of human remains
20 upon the expressed order of the person lawfully entitled to its
21 custody under RCW 68.50.160;

22 (7) Selling, or offering for sale, a share, certificate, or an
23 interest in the business of a funeral establishment, or in a
24 corporation, firm, or association owning or operating a funeral
25 establishment that promises or purports to give to purchasers a right
26 to the services of a licensee, registrant, endorsement, or permit
27 holder at a charge or cost less than offered or given to the public;

28 (8) Violation of any state or federal statute or administrative
29 ruling relating to funeral practice, except as provided in RCW
30 9.97.020;

31 (9) Knowingly concealing information concerning a violation of
32 this title.

33 NEW SECTION. **Sec. 40.** This act takes effect May 1, 2020."

34 Correct the title.

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