

SSB 5001 - S AMD 4
By Senator Pedersen

ADOPTED 02/06/2019

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 (~~eremated~~) postreduction human remains.

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

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

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

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

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

25 "Columbarium" means a structure, room, or other space in a
26 building or structure containing niches for permanent placement of
27 (~~eremated~~) postreduction human remains in a place used, or intended
28 to be used, and dedicated, for cemetery purposes.

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

3 "Interment" means placing (~~eremated~~) postreduction human
4 remains in a cemetery.

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

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

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

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

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

16 "Niche" means a space in a columbarium for placement of
17 (~~eremated~~) postreduction human remains.

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

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

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

24 "Scattering" means the removal of (~~eremated~~) postreduction
25 human remains from their container for the purpose of scattering the
26 (~~eremated human~~) remains in any lawful manner.

27 NEW SECTION. **Sec. 12.** A new section is added to chapter 68.04
28 RCW to read as follows:

29 "Reduce," "reduction," or "reducing" means cremate or conduct the
30 process of alkaline hydrolysis or natural organic reduction.

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

1 "Reduction facility" means a crematory, an alkaline hydrolysis
2 facility, or a natural organic reduction facility.

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

5 "Postreduction human remains" means human remains after
6 reduction.

7 **Sec. 15.** RCW 68.05.175 and 2009 c 102 s 11 are each amended to
8 read as follows:

9 A ((~~permit~~)) license or endorsement issued ((~~by the board or~~))
10 under chapter 18.39 RCW is required in order to operate a ((~~crematory~~
11 ~~or conduct a cremation~~)) reduction facility or to reduce human
12 remains.

13 **Sec. 16.** RCW 68.05.195 and 2005 c 365 s 58 are each amended to
14 read as follows:

15 Any person other than persons defined in RCW 68.50.160 who buries
16 or scatters ((~~cremated~~)) postreduction human remains by land, air, or
17 sea or performs any other disposition of ((~~cremated~~)) postreduction
18 human remains outside of a cemetery ((~~shall~~)) must have a permit
19 issued in accordance with RCW 68.05.100 and ((~~shall be~~)) are subject
20 to that section.

21 **Sec. 17.** RCW 68.05.205 and 2009 c 102 s 12 are each amended to
22 read as follows:

23 The director with the consent of the board ((~~shall~~)) must set all
24 fees for chapters 18.39, 68.05, 68.20, 68.24, 68.28, 68.32, 68.36,
25 68.40, 68.44, and 68.46 RCW in accordance with RCW 43.24.086,
26 including fees for licenses, certificates, regulatory charges,
27 permits, or endorsements, and the department ((~~shall~~)) must collect
28 the fees.

29 **Sec. 18.** RCW 68.05.245 and 2005 c 365 s 64 are each amended to
30 read as follows:

31 (1) All ((~~crematory~~)) permits, licenses, or endorsements issued
32 under this chapter ((~~shall~~)) or chapter 18.39 RCW must be issued for
33 the year and ((~~shall~~)) expire at midnight, the thirty-first day of
34 January of each year, or at whatever time during any year that

1 ownership or control of any cemetery authority (~~(which)~~) that
2 operates such (~~(crematory)~~) facility is transferred or sold.

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

5 NEW SECTION. **Sec. 19.** RCW 68.05.390 (Permit or endorsement
6 required for cremation—Penalty) and 1987 c 331 s 32 are each
7 repealed.

8 **Sec. 20.** RCW 68.24.010 and 2005 c 365 s 73 are each amended to
9 read as follows:

10 Cemetery authorities may take by purchase, donation, or devise,
11 property consisting of lands, mausoleums, (~~(crematories)~~) reduction
12 facilities, and columbariums, or other property within which the
13 placement of human remains may be authorized by law.

14 **Sec. 21.** RCW 68.24.150 and 2005 c 365 s 81 are each amended to
15 read as follows:

16 Every person who pays, causes to be paid, or offers to pay to any
17 other person, firm, or corporation, directly or indirectly, except as
18 provided in RCW 68.24.140, any commission, bonus, or rebate, or other
19 thing of value in consideration of recommending or causing the
20 disposition of human remains in any (~~(crematory)~~) reduction facility
21 or cemetery, is guilty of a misdemeanor. Each violation (~~(shall)~~)
22 constitutes a separate offense.

23 **Sec. 22.** RCW 68.50.108 and 1953 c 188 s 8 are each amended to
24 read as follows:

25 No (~~(dead body)~~) one may embalm or reduce human remains upon
26 which the coroner, or prosecuting attorney, if there (~~(be no)~~) is not
27 a coroner in the county, may perform an autopsy or postmortem,
28 (~~(shall be embalmed or cremated)~~) without the consent of the coroner
29 having jurisdiction(~~(, and)~~). Failure to obtain such consent (~~(shall~~
30 ~~be)~~) is a misdemeanor(~~(: PROVIDED, That)~~). However, such autopsy or
31 postmortem must be performed within five days, unless the coroner
32 (~~(shall)~~) obtains an order from the superior court extending such
33 time.

34 **Sec. 23.** RCW 68.50.110 and 2005 c 365 s 138 are each amended to
35 read as follows:

1 Except in cases of dissection provided for in RCW 68.50.100, and
2 where human remains (~~shall~~) are rightfully (~~be~~) carried through
3 or removed from the state for the purpose of burial elsewhere, human
4 remains lying within this state, and the remains of any dissected
5 body, after dissection, (~~shall~~) must be decently buried(~~(r)~~) or
6 (~~cremated~~) reduced within a reasonable time after death.

7 **Sec. 24.** RCW 68.50.130 and 2005 c 365 s 139 are each amended to
8 read as follows:

9 Every person who performs a disposition of any human remains,
10 except as otherwise provided by law, in any place, except in a
11 cemetery or a building dedicated exclusively for religious purposes,
12 is guilty of a misdemeanor. Disposition of (~~cremated~~) postreduction
13 human remains may also occur on private property, with the consent of
14 the property owner; and on public or government lands or waters with
15 the approval of the government agency that has either jurisdiction or
16 control, or both, of the lands or waters.

17 **Sec. 25.** RCW 68.50.140 and 2005 c 365 s 140 are each amended to
18 read as follows:

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

25 (2) Every person who (~~shall~~) purchases or receives, except for
26 burial or (~~cremation~~) reduction, human remains or any part thereof,
27 knowing that the same has been removed contrary to the foregoing
28 provisions, is guilty of a class C felony.

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

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

1 **Sec. 26.** RCW 68.50.160 and 2012 c 5 s 1 are each amended to read
2 as follows:

3 (1) A person has the right to control the disposition of his or
4 her own remains without the predeath or postdeath consent of another
5 person. A valid written document expressing the decedent's wishes
6 regarding the place or method of disposition of his or her remains,
7 signed by the decedent in the presence of a witness, is sufficient
8 legal authorization for the procedures to be accomplished.

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

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

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

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

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

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

38 (e) The surviving parents of the decedent;

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

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

3 (4) If any person to whom the right of control has vested
4 pursuant to subsection (3) of this section has been arrested or
5 charged with first or second degree murder or first degree
6 manslaughter in connection with the decedent's death, the right of
7 control is relinquished and passed on in accordance with subsection
8 (3) of this section.

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

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

28 **Sec. 27.** RCW 68.50.170 and 2005 c 365 s 142 are each amended to
29 read as follows:

30 Any person signing any authorization for the interment or
31 (~~cremation~~) reduction of any human remains warrants the
32 truthfulness of any fact set forth in the authorization, the identity
33 of the person whose human remains are sought to be interred or
34 (~~cremated~~) reduced, and his or her authority to order interments or
35 (~~cremation~~) reduction. That person is personally liable for all
36 damage occasioned by or resulting from breach of such warranty.

37 **Sec. 28.** RCW 68.50.185 and 2005 c 365 s 143 are each amended to
38 read as follows:

1 (1) A person authorized to dispose of human remains (~~shall~~) may
2 not (~~cremate~~) reduce or cause to be (~~cremated~~) reduced more than
3 one human remains at a time unless written permission, after full and
4 adequate disclosure regarding the manner of (~~cremation~~) reduction,
5 has been received from the person or persons under RCW 68.50.160
6 having the authority to order (~~cremation~~) reduction. This
7 restriction (~~shall~~) does not apply when equipment, techniques, or
8 devices are employed that keep human remains separate and distinct
9 before, during, and after the (~~cremation~~) reduction process.

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

11 **Sec. 29.** RCW 68.50.240 and 2005 c 365 s 147 are each amended to
12 read as follows:

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

19 **Sec. 30.** RCW 68.50.270 and 2005 c 365 s 148 are each amended to
20 read as follows:

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

25 **Sec. 31.** RCW 68.64.120 and 2008 c 139 s 13 are each amended to
26 read as follows:

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

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

36 (3) When a hospital refers an individual at or near death to a
37 procurement organization, the organization may conduct any reasonable

1 examination necessary to ensure the medical suitability of a part
2 that is or could be the subject of an anatomical gift for
3 transplantation, therapy, research, or education from a donor or a
4 prospective donor. During the examination period, measures necessary
5 to ensure the medical suitability of the part may not be withdrawn
6 unless the hospital or procurement organization knows that the
7 individual expressed a contrary intent.

8 (4) Unless prohibited by law other than this chapter, at any time
9 after a donor's death, the person to which a part passes under RCW
10 68.64.100 may conduct any reasonable examination necessary to ensure
11 the medical suitability of the body or part for its intended purpose.

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

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

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

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

1 (9) Neither the physician who attends the decedent at death nor
2 the physician who determines the time of the decedent's death may
3 participate in the procedures for removing or transplanting a part
4 from the decedent.

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

8 **Sec. 32.** RCW 70.15.010 and 2018 c 184 s 2 are each amended to
9 read as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

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

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

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

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

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

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

26 (5) "Emergency management assistance compact" means the
27 interstate compact approved by congress by P.L. 104-321, 110 Stat.
28 3877, RCW 38.10.010.

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

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

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

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

1 (a) The following, concerning the physical or mental condition or
2 functional status of an individual or affecting the structure or
3 function of the body:

4 (i) Preventive, diagnostic, therapeutic, rehabilitative,
5 maintenance, or palliative care; and

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

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

9 (c) Funeral, (~~cremation~~) reduction as defined in section 12 of
10 this act, cemetery, or other mortuary services.

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

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

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

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

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

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

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

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

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

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

12 **Sec. 33.** RCW 70.58.230 and 2009 c 231 s 4 are each amended to
13 read as follows:

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

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

11 **Sec. 34.** RCW 70.58.260 and 2009 c 231 s 7 are each amended to
12 read as follows:

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

1 **Sec. 35.** 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~~) reduction as defined in section 12 of this
34 act.

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

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

39 (3) "Local health department" means the city, county, city-
40 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. 36.** 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 is~~
34 ~~defined in RCW 68.04.070~~) reduction facilities as defined in section
35 13 of this act.

36 **Sec. 37.** 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. 38.** 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. 39.** 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. 40.** 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,~~) reduction facilities, funeral
31 directors, and embalmers of the state of Washington." (~~No~~) A person
32 (~~shall be~~) is not eligible for such appointment unless he or she
33 has been a licensed funeral director and embalmer in the state of
34 Washington, with a minimum experience of not less than five
35 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 reduction is carried on for the purpose of inspecting the premises;

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

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

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

10 **Sec. 41.** RCW 18.39.217 and 2009 c 102 s 4 are each amended to
11 read as follows:

12 (1) A license or endorsement issued ~~((by the board or))~~ under
13 this chapter or chapter 18.39 or 68.05 RCW is required in order to
14 operate a ~~((crematory))~~ reduction facility or conduct a ~~((cremation))~~
15 reduction.

16 (2) Conducting a ~~((cremation))~~ reduction without a license or
17 endorsement is a misdemeanor. Each such ~~((cremation))~~ action is a
18 separate violation.

19 **Sec. 42.** RCW 18.39.410 and 2016 c 81 s 9 are each amended to
20 read as follows:

21 In addition to the unprofessional conduct described in RCW
22 18.235.130, the board may take disciplinary action and may impose any
23 of the sanctions specified in RCW 18.235.110 for the following
24 conduct, acts, or conditions, except as provided in RCW 9.97.020:

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

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

36 (3) Acceptance by a licensee, registrant, endorsement, or permit
37 holder or other employee of a funeral establishment of a commission,
38 bonus, rebate, or gratuity in consideration of directing business to

1 a cemetery, (~~crematory~~) reduction facility, mausoleum, columbarium,
2 florist, or other person providing goods and services to the
3 disposition of human remains;

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

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

16 (6) Refusing to promptly surrender the custody of human remains
17 upon the expressed order of the person lawfully entitled to its
18 custody under RCW 68.50.160;

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

25 (8) Violation of any state or federal statute or administrative
26 ruling relating to funeral practice, except as provided in RCW
27 9.97.020;

28 (9) Knowingly concealing information concerning a violation of
29 this title.

30 NEW SECTION. **Sec. 43.** This act takes effect May 1, 2020."

SSB 5001 - S AMD 4
By Senator Pedersen

ADOPTED 02/06/2019

31 On page 1, line 1 of the title, after "remains;" strike the
32 remainder of the title and insert "amending RCW 68.04.020, 68.04.080,
33 68.04.120, 68.04.170, 68.04.260, 68.04.270, 68.05.175, 68.05.195,

1 68.05.205, 68.05.245, 68.24.010, 68.24.150, 68.50.108, 68.50.110,
2 68.50.130, 68.50.140, 68.50.160, 68.50.170, 68.50.185, 68.50.240,
3 68.50.270, 68.64.120, 70.15.010, 70.58.230, 70.58.260, 70.95K.010,
4 70.95M.090, 73.08.070, 73.08.080, 18.39.170, 18.39.217, and
5 18.39.410; reenacting and amending RCW 18.39.010; adding new sections
6 to chapter 68.04 RCW; repealing RCW 68.05.390; providing an effective
7 date; and prescribing penalties."

EFFECT: Replaces the terms recomposition and recomposition facility with natural organic reduction and natural organic reduction facility. Makes other technical changes.

--- END ---