

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5001

66th Legislature
2019 Regular Session

Passed by the Senate April 19, 2019
Yeas 38 Nays 11

President of the Senate

Passed by the House April 9, 2019
Yeas 80 Nays 16

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5001** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5001

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Pedersen, King, Rivers, Keiser, Palumbo, Saldaña, Lias, Carlyle, Conway, Kuderer, and Van De Wege)

READ FIRST TIME 01/18/19.

1 AN ACT Relating to human remains; amending RCW 68.04.020,
2 68.04.080, 68.04.120, 68.04.170, 68.04.260, 68.04.270, 68.05.175,
3 68.05.195, 68.05.205, 68.05.245, 68.24.010, 68.24.150, 68.50.108,
4 68.50.110, 68.50.130, 68.50.140, 68.50.160, 68.50.170, 68.50.185,
5 68.50.240, 68.50.270, 68.64.120, 70.15.010, 70.58.230, 70.58.260,
6 70.95K.010, 70.95M.090, 73.08.070, 73.08.080, 18.39.170, 18.39.217,
7 and 18.39.410; reenacting and amending RCW 18.39.010; adding new
8 sections to chapter 68.04 RCW; repealing RCW 68.05.390; providing an
9 effective date; and prescribing penalties.

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

11 NEW SECTION. **Sec. 1.** A new section is added to chapter 68.04
12 RCW to read as follows:

13 The definitions in this chapter apply throughout this title
14 unless the context clearly requires otherwise.

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

17 "Human remains" or "remains" means the body of a deceased person,
18 (~~includes the body in any stage of decomposition, and includes~~
19 ~~cremated human remains~~) including remains following the process of

1 cremation, alkaline hydrolysis, or natural organic reduction. This
2 also includes the body in any stage of decomposition.

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

5 "Alkaline hydrolysis" or "hydrolysis" means the reduction of
6 human remains to bone fragments and essential elements in a licensed
7 hydrolysis facility using heat, pressure, water, and base chemical
8 agents.

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

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

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

16 "Columbarium" means a structure, room, or other space in a
17 building or structure containing niches for permanent placement of
18 (~~cremated~~) human remains in a place used, or intended to be used,
19 and dedicated, for cemetery purposes.

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

22 "Inurnment" means placing (~~cremated~~) human remains in a
23 cemetery.

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

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

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

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

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

3 "Niche" means a space in a columbarium for placement of
4 (~~cremated~~) human remains.

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

7 "Scattering garden" means a designated area in a cemetery for the
8 scattering of (~~cremated~~) human remains.

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

11 "Scattering" means the removal of (~~cremated~~) human remains from
12 their container for the purpose of scattering the (~~cremated human~~)
13 remains in any lawful manner.

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

16 A (~~permit~~)license or endorsement issued (~~by the board or~~)
17 under chapter 18.39 RCW is required in order to operate a crematory
18 or conduct a cremation, operate or conduct alkaline hydrolysis,
19 operate or conduct natural organic reduction, or operate a natural
20 organic reduction facility.

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

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

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

30 The director with the consent of the board (~~shall~~)must set all
31 fees for chapters 18.39, 68.05, 68.20, 68.24, 68.28, 68.32, 68.36,
32 68.40, 68.44, and 68.46 RCW in accordance with RCW 43.24.086,
33 including fees for licenses, certificates, regulatory charges,
34 permits, or endorsements, and the department (~~shall~~)must collect
35 the fees.

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

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

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

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

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

16 Cemetery authorities may take by purchase, donation, or devise,
17 property consisting of lands, mausoleums, ~~((crematories))~~ cremation,
18 alkaline hydrolysis, or natural organic reduction facilities, and
19 columbariums, or other property within which the placement of human
20 remains may be authorized by law.

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

23 Every person who pays, causes to be paid, or offers to pay to any
24 other person, firm, or corporation, directly or indirectly, except as
25 provided in RCW 68.24.140, any commission, bonus, or rebate, or other
26 thing of value in consideration of recommending or causing the
27 disposition of human remains in any ~~((crematory))~~ cremation, alkaline
28 hydrolysis, or natural organic reduction facility or cemetery, is
29 guilty of a misdemeanor. Each violation ~~((shall))~~ constitutes a
30 separate offense.

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

33 No dead body upon which the coroner, or prosecuting attorney, if
34 there ~~((be no))~~ is not a coroner in the county, may perform an autopsy
35 or postmortem, ~~((shall))~~ may be embalmed ~~((or cremated))~~ or make final
36 disposition without the consent of the coroner having jurisdiction(~~(7~~

1 ~~and~~). Failure to obtain such consent ((shall be)) is a misdemeanor (~~+~~
2 ~~PROVIDED, That~~). However, such autopsy or postmortem must be
3 performed within five days, unless the coroner ((shall)) obtains an
4 order from the superior court extending such time.

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

7 Except in cases of dissection provided for in RCW 68.50.100, and
8 where human remains ((shall)) are rightfully ((be)) carried through or
9 removed from the state for the purpose of burial elsewhere, human
10 remains lying within this state, and the remains of any dissected
11 body, after dissection, ((shall)) must be decently buried, ((~~or~~
12 ~~cremated~~)) undergo cremation, alkaline hydrolysis, or natural organic
13 reduction within a reasonable time after death.

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

16 Every person who performs a disposition of any human remains,
17 except as otherwise provided by law, in any place, except in a
18 cemetery or a building dedicated exclusively for religious purposes,
19 is guilty of a misdemeanor. Disposition of ((~~cremated~~)) human remains
20 following cremation, alkaline hydrolysis, or natural organic
21 reduction may also occur on private property, with the consent of the
22 property owner; and on public or government lands or waters with the
23 approval of the government agency that has either jurisdiction or
24 control, or both, of the lands or waters.

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

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

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

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

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

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

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

18 (2) Prearrangements that are prepaid, or filed with a licensed
19 funeral establishment or cemetery authority, under RCW 18.39.280
20 through 18.39.345 and chapter 68.46 RCW are not subject to
21 cancellation or substantial revision by survivors. Absent actual
22 knowledge of contrary legal authorization under this section, a
23 licensed funeral establishment or cemetery authority (~~shall~~)may not
24 be held criminally nor civilly liable for acting upon such
25 prearrangements.

26 (3) If the decedent has not made a prearrangement as set forth in
27 subsection (2) of this section or the costs of executing the
28 decedent's wishes regarding the disposition of the decedent's remains
29 exceeds a reasonable amount or directions have not been given by the
30 decedent, the right to control the disposition of the remains of a
31 deceased person vests in, and the duty of disposition and the
32 liability for the reasonable cost of preparation, care, and
33 disposition of such remains devolves upon the following in the order
34 named:

35 (a) The person designated by the decedent as authorized to direct
36 disposition as listed on the decedent's United States department of
37 defense record of emergency data, DD form 93, or its successor form,
38 if the decedent died while serving in military service as described

1 in 10 U.S.C. Sec. 1481(a) (1)-(8) in any branch of the United States
2 armed forces, United States reserve forces, or national guard;

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

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

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

9 (e) The surviving parents of the decedent;

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

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

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

19 (5) If a cemetery authority as defined in RCW 68.04.190 or a
20 funeral establishment licensed under chapter 18.39 RCW has made a
21 good faith effort to locate the person cited in subsection (3)(a)
22 through (g) of this section or the legal representative of the
23 decedent's estate, the cemetery authority or funeral establishment
24 (~~shall have~~)has the right to rely on an authority to bury or
25 (~~exhume~~)make final disposition of the human remains, executed by
26 the most responsible party available, and the cemetery authority or
27 funeral establishment may not be held criminally or civilly liable
28 for burying or (~~exhuming~~)performing final disposition of the human
29 remains. In the event any government agency or charitable
30 organization provides the funds for the disposition of any human
31 remains, the cemetery authority, alkaline hydrolysis, natural organic
32 reduction facility, or funeral establishment may not be held
33 criminally or civilly liable for (~~exhuming~~)making final
34 disposition of the human remains.

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

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

3 Any person signing any authorization for the interment ~~((or))~~,
4 cremation, alkaline hydrolysis, or natural organic reduction of any
5 human remains warrants the truthfulness of any fact set forth in the
6 authorization, the identity of the person whose human remains are
7 sought to ~~((be interred or cremated, and his or her authority to~~
8 ~~order interments or cremation))~~undergo final disposition, and his or
9 her authority to order such. That person is personally liable for all
10 damage occasioned by or resulting from breach of such warranty.

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

13 (1) A person authorized to dispose of human remains ~~((shall))~~may
14 ~~((cremate or cause to be cremated))~~perform or cause to be
15 performed final disposition of more than one human remains at a time
16 unless written permission, after full and adequate disclosure
17 regarding the manner of ~~((cremation))~~disposition, has been received
18 from the person or persons under RCW 68.50.160 having the authority
19 to order ~~((cremation))~~final disposition. This restriction
20 ~~((shall))~~does not apply when equipment, techniques, or devices are
21 employed that keep human remains separate and distinct before,
22 during, and after the ~~((cremation))~~final disposition process.

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

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

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

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

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

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

3 (1) When a hospital refers an individual at or near death to a
4 procurement organization, the organization shall make a reasonable
5 search of the records of the department of licensing and any donor
6 registry that it knows exists for the geographical area in which the
7 individual resides to ascertain whether the individual has made an
8 anatomical gift.

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

12 (3) When a hospital refers an individual at or near death to a
13 procurement organization, the organization may conduct any reasonable
14 examination necessary to ensure the medical suitability of a part
15 that is or could be the subject of an anatomical gift for
16 transplantation, therapy, research, or education from a donor or a
17 prospective donor. During the examination period, measures necessary
18 to ensure the medical suitability of the part may not be withdrawn
19 unless the hospital or procurement organization knows that the
20 individual expressed a contrary intent.

21 (4) Unless prohibited by law other than this chapter, at any time
22 after a donor's death, the person to which a part passes under RCW
23 68.64.100 may conduct any reasonable examination necessary to ensure
24 the medical suitability of the body or part for its intended purpose.

25 (5) Unless prohibited by law other than this chapter, an
26 examination under subsection (3) or (4) of this section may include
27 an examination of all medical records of the donor or prospective
28 donor.

29 (6) Upon the death of a minor who was a donor or had signed a
30 refusal, unless a procurement organization knows the minor is
31 emancipated, the procurement organization shall conduct a reasonable
32 search for the parents of the minor and provide the parents with an
33 opportunity to revoke or amend the anatomical gift or revoke the
34 refusal.

35 (7) Upon referral by a hospital under subsection (1) of this
36 section, a procurement organization shall make a reasonable search
37 for any person listed in RCW 68.64.080 having priority to make an
38 anatomical gift on behalf of a prospective donor. If a procurement
39 organization receives information that an anatomical gift to any

1 other person was made, amended, or revoked, it shall promptly advise
2 the other person of all relevant information.

3 (8) Subject to RCW 68.64.100(9), 68.64.190, and 68.64.901, the
4 rights of the person to which a part passes under RCW 68.64.100 are
5 superior to the rights of all others with respect to the part. The
6 person may accept or reject an anatomical gift in whole or in part.
7 Subject to the terms of the document of gift and this chapter, a
8 person that accepts an anatomical gift of an entire body may allow
9 embalming, burial, (~~or cremation~~) alkaline hydrolysis, natural
10 organic reduction, and use of remains in a funeral service. If the
11 gift is of a part, the person to which the part passes under RCW
12 68.64.100, upon the death of the donor and before embalming(~~or~~
13 ~~burial, or cremation, shall~~) or final disposition, must cause the
14 part to be removed without unnecessary mutilation.

15 (9) Neither the physician who attends the decedent at death nor
16 the physician who determines the time of the decedent's death may
17 participate in the procedures for removing or transplanting a part
18 from the decedent.

19 (10) A physician or technician may remove a donated part from the
20 body of a donor that the physician or technician is qualified to
21 remove.

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

24 The definitions in this section apply throughout this chapter
25 unless the context clearly requires otherwise.

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

27 (2) "Disaster relief organization" means an entity that provides
28 emergency or disaster relief services that include health or
29 veterinary services provided by volunteer health practitioners and
30 that:

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

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

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

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

1 (5) "Emergency management assistance compact" means the
2 interstate compact approved by congress by P.L. 104-321, 110 Stat.
3 3877, RCW 38.10.010.

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

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

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

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

14 (a) The following, concerning the physical or mental condition or
15 functional status of an individual or affecting the structure or
16 function of the body:

17 (i) Preventive, diagnostic, therapeutic, rehabilitative,
18 maintenance, or palliative care; and

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

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

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

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

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

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

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

1 (14) "State" means a state of the United States, the District of
2 Columbia, Puerto Rico, the United States Virgin Islands, or any
3 territory or insular possession subject to the jurisdiction of the
4 United States.

5 (15) "Veterinary services" means the provision of treatment,
6 care, advice or guidance, or other services, or supplies, related to
7 the health or death of an animal or to animal populations, to the
8 extent necessary to respond to an emergency, including:

9 (a) Diagnosis, treatment, or prevention of an animal disease,
10 injury, or other physical or mental condition by the prescription,
11 administration, or dispensing of vaccine, medicine, surgery, or
12 therapy;

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

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

16 (16) "Volunteer health practitioner" means a health practitioner
17 who provides health or veterinary services, whether or not the
18 practitioner receives compensation for those services. The term does
19 not include a practitioner who receives compensation pursuant to a
20 preexisting employment relationship with a host entity or affiliate
21 which requires the practitioner to provide health services in this
22 state, unless the practitioner is not a resident of this state and is
23 employed by a disaster relief organization providing services in this
24 state while an emergency declaration is in effect.

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

27 It (~~shall be~~)is unlawful for any person to inter(~~(r)~~); deposit
28 in a vault, grave, or tomb(~~(r-cremate,r)~~); perform alkaline hydrolysis
29 or natural organic reduction as defined in section 7 of this act; or
30 otherwise dispose of, or disinter or remove from one registration
31 district to another, or hold for more than three business days after
32 death, the human remains of any person whose death occurred in this
33 state or any human remains which shall be found in this state,
34 without obtaining, from the local registrar of the district in which
35 the death occurred or in which the human remains were found, a permit
36 for the burial, disinterment, or removal of the human remains.
37 However, a licensed funeral director or embalmer of this state or a
38 funeral establishment licensed in another state contiguous to
39 Washington, with a current certificate of removal registration issued

1 by the director of the department of licensing, may remove human
2 remains from the district where the death occurred to another
3 registration district or Oregon or Idaho without having obtained a
4 permit but in such cases the funeral director or embalmer
5 (~~shall~~)must at the time of removing human remains file with or mail
6 to the local registrar of the district where the death occurred a
7 notice of removal upon a blank to be furnished by the state
8 registrar. The notice of removal (~~shall~~)must be signed or
9 electronically approved by the funeral director or embalmer and
10 (~~shall~~)must contain the name and address of the local registrar
11 with whom the certificate of death will be filed and the burial-
12 transit permit secured. Every local registrar, accepting a death
13 certificate and issuing a burial-transit permit for a death that
14 occurred outside his or her district, (~~shall be~~)is entitled to a
15 fee of one dollar to be paid by the funeral director or embalmer at
16 the time the death certificate is accepted and the permit is secured.
17 It (~~shall be~~)is unlawful for any person to bring into or transport
18 within the state or inter, deposit in a vault, grave, or tomb, or
19 cremate or otherwise dispose of human remains of any person whose
20 death occurred outside this state unless the human remains are
21 accompanied by a removal or transit permit issued in accordance with
22 the law and health regulations in force where the death occurred, or
23 unless a special permit for bringing the human remains into this
24 state (~~shall be~~)is obtained from the state registrar.

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

27 It (~~shall be~~)is unlawful for any person in charge of any
28 premises in which bodies of deceased persons are interred, cremated,
29 or otherwise permanently disposed of, to permit the (~~interment,~~
30 ~~cremation~~)final disposition, or other disposition of any body upon
31 such premises unless it is accompanied by a burial, removal, or
32 transit permit as provided in this chapter. It (~~shall be~~)is the
33 duty of the person in charge of any such premises to, in case of the
34 interment, cremation, alkaline hydrolysis, natural organic reduction
35 as defined in section 7 of this act, or other disposition of human
36 remains therein, endorse upon the permit the date and character of
37 such disposition, over his or her signature or electronic approval,
38 to return all permits so endorsed to the local registrar of the
39 district in which the death occurred within ten days from the date of

1 such disposition, and to keep a record of all human remains disposed
2 of on the premises under his or her charge, stating, in each case,
3 the name of the deceased person, if known, the place of death, the
4 date of burial or other disposition, and the name and address of the
5 undertaker, which record (~~shall~~)must at all times be open to public
6 inspection, and it (~~shall be~~)is the duty of every undertaker, or
7 person acting as such, when burying human remains in a cemetery or
8 burial grounds having no person in charge, to sign or electronically
9 approve the burial, removal, or transit permit, giving the date of
10 burial, write across the face of the permit the words "no person in
11 charge," and file the burial, removal, or transit permit within ten
12 days with the registrar of the district in which the death occurred.

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

15 (~~Unless the context clearly requires otherwise,~~)The definitions
16 in this section apply throughout this chapter unless the context
17 clearly requires otherwise.

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

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

24 (b) "Biosafety level 4 disease waste" is waste contaminated with
25 blood, excretions, exudates, or secretions from humans or animals who
26 are isolated to protect others from highly communicable infectious
27 diseases that are identified as pathogenic organisms assigned to
28 biosafety level 4 by the centers for disease control, national
29 institute of health, biosafety in microbiological and biomedical
30 laboratories, current edition.

31 (c) "Cultures and stocks" are wastes infectious to humans and
32 includes specimen cultures, cultures and stocks of etiologic agents,
33 wastes from production of biologicals and serums, discarded live and
34 attenuated vaccines, and laboratory waste that has come into contact
35 with cultures and stocks of etiologic agents or blood specimens. Such
36 waste includes but is not limited to culture dishes, blood specimen
37 tubes, and devices used to transfer, inoculate, and mix cultures.

1 (d) "Human blood and blood products" is discarded waste human
2 blood and blood components, and materials containing free-flowing
3 blood and blood products.

4 (e) "Pathological waste" is waste human source biopsy materials,
5 tissues, and anatomical parts that emanate from surgery, obstetrical
6 procedures, and autopsy. "Pathological waste" does not include teeth,
7 human corpses, remains, and anatomical parts that are intended for
8 (~~interment or cremation~~) final disposition.

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

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

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

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

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

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

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

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

33 (9) "Pharmacy return programs" means those programs where sharps
34 containers are returned by the user to designated return sites
35 located at a pharmacy to be transported by a biomedical or solid
36 waste collection company approved by the utilities and transportation
37 commission.

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

1 (11) "Source separation" has the same meaning as in RCW
2 70.95.030.

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

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

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

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

12 (1) The legislative authority for each county must designate a
13 proper authority to be responsible, at the expense of the county, for
14 the (~~burial or cremation~~) lawful disposition of the remains of any
15 deceased indigent veteran or deceased family member of an indigent
16 veteran who died without leaving means sufficient to defray funeral
17 expenses. The costs of such a (~~burial or cremation~~) disposition may
18 not exceed the limit established by the county legislative authority
19 nor be less than three hundred dollars.

20 (2) If the deceased has relatives or friends who desire to
21 conduct the (~~burial or cremation~~) disposition of such deceased
22 (~~person~~) person's remains, then a sum not to exceed the limit
23 established by the county legislative authority nor less than three
24 hundred dollars (~~shall~~) must be paid to the relatives or friends by
25 the county auditor, or by the chief financial officer in a county
26 operating under a charter. Payment (~~shall~~) must be made to the
27 relatives or friends upon presenting to the auditor or chief
28 financial officer due proof of the death, (~~burial or cremation~~),
29 disposition of the remains, and expenses incurred.

30 (3) Expenses incurred for the (~~burial or cremation~~) disposition
31 of the remains of a deceased indigent veteran or the deceased family
32 member of an indigent veteran as provided by this section
33 (~~shall~~) must be paid from the veterans' assistance fund authorized
34 by RCW 73.08.080.

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

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

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

11 (a) The veterans' assistance programs authorized by RCW
12 73.08.010;

13 (b) The (~~(burial or cremation)~~)lawful disposition of the remains
14 as defined in RCW 68.04.020 of a deceased indigent veteran or
15 deceased family member of an indigent veteran as authorized by RCW
16 73.08.070; and

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

19 (2) If the funds on deposit in the veterans' assistance fund,
20 less outstanding warrants, on the first Tuesday in September exceed
21 the lesser of the expected yield of one and one-eighth cents per
22 thousand dollars of assessed value against the taxable property of
23 the county or the expected yield of a levy determined as set forth in
24 subsection (5) of this section, the county legislative authority may
25 levy a lesser amount than would otherwise be required under
26 subsection (1) or (5) of this section.

27 (3) The direct and indirect costs incurred in the administration
28 of the veterans' assistance fund must be computed by the county
29 auditor, or the chief financial officer in a county operating under a
30 charter, not less than annually. Following the computation of these
31 direct and indirect costs, an amount equal to these costs may then be
32 transferred from the veterans' assistance fund to the county current
33 expense fund.

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

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

1 (i) If the certified levy is reduced from the preceding year's
2 certified levy, the amount of the levy allocated to the purposes
3 specified in this section may be reduced by no more than the same
4 percentage as the certified levy is reduced from the preceding year's
5 certified levy;

6 (ii) If the certified levy is increased from the preceding year's
7 certified levy, the amount of the levy allocated to the purposes
8 specified in this section may not be less than the base allocation
9 increased by the same percentage as the certified levy is increased
10 from the preceding year's certified levy. However, the amount of the
11 levy allocated to the purposes specified in this section does not
12 have to be increased under this subsection (5)(a)(ii) for the portion
13 of a certified levy increase resulting from a voter-approved increase
14 under RCW 84.55.050 that is dedicated to a specific purpose; or

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

19 (b) For purposes of this subsection, the following definitions
20 apply:

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

23 (ii) "Certified levy" means the property tax levy for general
24 county purposes certified to the county assessor as required by RCW
25 84.52.070, excluding any amounts certified under chapters 84.69 and
26 84.68 RCW.

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

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

33 The definitions in this section and in chapter 68.04 RCW apply
34 throughout this chapter unless the context clearly requires
35 otherwise.

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

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

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

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

8 (5) "Funeral establishment" means a place of business licensed in
9 accordance with RCW 18.39.145, that provides for any aspect of the
10 care, shelter, transportation, embalming, preparation, and
11 arrangements for the disposition of human remains and includes all
12 areas of such entity and all equipment, instruments, and supplies
13 used in the care, shelter, transportation, preparation, and embalming
14 of human remains.

15 (6) "Funeral merchandise or services" means those services
16 normally performed and merchandise normally provided by funeral
17 establishments, including the sale of burial supplies and equipment,
18 but excluding the sale by a cemetery of lands or interests therein,
19 services incidental thereto, markers, memorials, monuments,
20 equipment, crypts, niches, or vaults.

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

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

28 (9) "Public depository" means a public depository defined by RCW
29 39.58.010 or a state or federally chartered credit union.

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

34 Words used in this chapter importing the singular may be applied
35 to the plural of the person or thing, words importing the plural may
36 be applied to the singular, and words importing the masculine gender
37 may be applied to the female.

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

1 (~~There shall be appointed by~~)The director must appoint an agent
2 whose title (~~shall be~~)is "inspector of funeral establishments,
3 crematories, alkaline hydrolysis, and natural organic reduction
4 facilities, funeral directors, and embalmers of the state of
5 Washington." (~~No~~)A person (~~shall be~~)is not eligible for such
6 appointment unless he or she has been a licensed funeral director and
7 embalmer in the state of Washington, with a minimum experience of not
8 less than five consecutive years.

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

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

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

12 (2) The inspector is authorized to:

13 (a) Enter the office, premises, establishment, or place of
14 business, where funeral directing, embalming, (~~or~~
15 ~~cremation~~)alkaline hydrolysis, or natural organic reduction is
16 carried on for the purpose of inspecting the premises;

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

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

21 (d) Perform any other duty or duties prescribed or ordered by the
22 director.

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

25 (1) A license or endorsement issued (~~by the board or~~) under
26 this chapter or chapter 68.05 RCW is required in order to operate a
27 crematory, alkaline hydrolysis, or natural organic reduction facility
28 or conduct a cremation, alkaline hydrolysis, or natural organic
29 reduction.

30 (2) Conducting a (~~cremation~~)final disposition without a license
31 or endorsement is a misdemeanor. Each such (~~cremation~~)action is a
32 separate violation.

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

35 In addition to the unprofessional conduct described in RCW
36 18.235.130, the board may take disciplinary action and may impose any
37 of the sanctions specified in RCW 18.235.110 for the following
38 conduct, acts, or conditions, except as provided in RCW 9.97.020:

1 (1) Solicitation of human remains by a licensee, registrant,
2 endorsement, or permit holder, or agent, assistant, or employee of
3 the licensee, registrant, endorsement, or permit holder whether the
4 solicitation occurs after death or while death is impending. This
5 chapter does not prohibit general advertising or the sale of
6 prearrangement funeral service contracts;

7 (2) Solicitation may include employment of solicitors, payment of
8 commission, bonus, rebate, or any form of gratuity or payment of a
9 finders fee, referral fee, or other consideration given for the
10 purpose of obtaining or providing the services for human remains or
11 where death is impending;

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

18 (4) Using a casket or part of a casket that has previously been
19 used as a receptacle for, or in connection with, the burial or other
20 disposition of human remains without the written consent of the
21 person lawfully entitled to control the disposition of remains of the
22 deceased person in accordance with RCW 68.50.160. This subsection
23 does not prohibit the use of rental caskets, such as caskets of which
24 the outer shell portion is rented and the inner insert that contains
25 the human remains is purchased and used for the disposition, that are
26 disclosed as such in the statement of funeral goods and services;

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

30 (6) Refusing to promptly surrender the custody of human remains
31 upon the expressed order of the person lawfully entitled to its
32 custody under RCW 68.50.160;

33 (7) Selling, or offering for sale, a share, certificate, or an
34 interest in the business of a funeral establishment, or in a
35 corporation, firm, or association owning or operating a funeral
36 establishment that promises or purports to give to purchasers a right
37 to the services of a licensee, registrant, endorsement, or permit
38 holder at a charge or cost less than offered or given to the public;

1 (8) Violation of any state or federal statute or administrative
2 ruling relating to funeral practice, except as provided in RCW
3 9.97.020;

4 (9) Knowingly concealing information concerning a violation of
5 this title.

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

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