

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5001**

Chapter 432, Laws of 2019

66th Legislature  
2019 Regular Session

HUMAN REMAINS--ALKALINE HYDROLYSIS AND NATURAL ORGANIC REDUCTION

EFFECTIVE DATE: May 1, 2020

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

CYRUS HABIB

**President of the Senate**

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

FRANK CHOPP

**Speaker of the House of Representatives**

Approved May 21, 2019 11:15 AM

JAY INSLEE

**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.

BRAD HENDRICKSON

**Secretary**

FILED

May 21, 2019

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 5001**

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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 ((~~eremated~~)) 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 ((~~eremated~~)) 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 (~~eremated~~) 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 (~~eremated~~) 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 (~~eremated~~) human remains from  
12 their container for the purpose of scattering the (~~eremated 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 (~~eremated~~)human remains by land, air, or sea or  
25 performs any other disposition of (~~eremated~~) 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, ((~~e~~  
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(~~(7~~  
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.

          Passed by the Senate April 19, 2019.

          Passed by the House April 9, 2019.

          Approved by the Governor May 21, 2019.

          Filed in Office of Secretary of State May 21, 2019.

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