

SENATE BILL REPORT

SHB 1974

As Reported by Senate Committee On:
Law & Justice, February 20, 2024

Title: An act relating to the disposition of human remains.

Brief Description: Disposing of human remains.

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Abbarno, Bronoske and Doglio).

Brief History: Passed House: 2/9/24, 97-0.

Committee Activity: Law & Justice: 2/19/24, 2/20/24 [DP].

Brief Summary of Bill

- Decreases from 90 to 45 days the amount of time a person or entity is required to hold on to unclaimed human remains before disposal.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer, McCune, Pedersen, Salomon, Torres, Valdez, Wagoner and Wilson, L..

Staff: Kevin Black (786-7747)

Background: Generally, a person has the authority to direct the disposition of their own remains. If a person has not made arrangements or provided directions, or if the cost of executing the person's wishes exceeds a reasonable amount, then responsibility for arranging the disposition, and the liability for the costs of the disposition, falls to the person's family or guardian.

When a person dies indigent and their body is not claimed by relatives or a church

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organization, it is the responsibility of the board of county commissioners of the county in which they died to provide for the disposition of the person's remains.

Under current law, a person, firm, corporation, or association that is in lawful possession of human remains may dispose of those remains after 90 days if no relatives of or other persons interested in the decedent directs the disposition of the decedent's remains.

If the Department of Veterans Affairs (DVA) certifies that the deceased person was a veteran or a dependent of a veteran and is eligible for interment at a federal or state veterans' cemetery, the person or entity in possession of the veteran's or dependent's remains is required to transfer the custody and control of the remains to the DVA. The transfer of human remains to the DVA does not create a private right of action against, or liability on behalf of, the state, person, or entity transferring the remains.

Summary of Bill: The time period during which a person or entity is required to remain in lawful possession of human remains before disposal in absence of direction from relatives or persons interested in the deceased person is decreased from 90 to 45 days.

Counties are added to the list of entities that may lawfully dispose of unclaimed human remains after 45 days. Counties are required to transfer remains to the DVA if the DVA certifies the remains as those of a veteran or dependent, and are exempt from a private right of action or liability concerning the transfer of human remains to the DVA.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill came to me from my local county coroner and led to many discussions. 90 days is a long time, which impacts the ability to operate and to keep bodies in an appropriate fashion. This bill clarifies the statute for unclaimed remains and modernizes the standard. Technology now allows us to contact family members more quickly. This will improve our current operating methods and better matches our holding capacity. Neighboring states have only 10-day and 14-day mandatory holds. Decaying remains introduce a nuisance to the workplace environment which threatens public health. This does not diminish rights held by the decedent or next-of-kin. This bill will positively affect every county without a fiscal note. Many funeral homes charge \$50 a day for holding bodies.

Persons Testifying: PRO: Representative Peter Abbarno, Prime Sponsor; Annie Pillers, Whitman County Coroner's Office; Coretta Harwood; Travis Locje, Washington State

Funeral Directors Association.

Persons Signed In To Testify But Not Testifying: No one.