
HOUSE BILL 1037

State of Washington

68th Legislature

2023 Regular Session

By Representative Walsh

Prefiled 12/14/22. Read first time 01/09/23. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to family burial grounds on privately owned
2 property; amending RCW 68.05.400, 68.20.010, 68.20.140, and
3 68.50.130; adding a new section to chapter 68.04 RCW; and adding a
4 new chapter to Title 68 RCW.

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

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

8 "Family burial ground" means an area of privately owned land that
9 is designated pursuant to chapter 68.--- RCW (the new chapter created
10 in section 11 of this act) for the burial of human remains in the
11 ground and in which burials may be, but are not required to be,
12 restricted to a group of persons who are related to each other by
13 birth, marriage, or adoption.

14 NEW SECTION. **Sec. 2.** (1) A natural person may designate an area
15 of land owned by the person as a family burial ground.

16 (2) If a property is co-owned by two or more natural persons, a
17 family burial ground may be established on the property only with the
18 written consent of all co-owners of the property.

19 (3) A family burial ground may not be established on any property
20 co-owned by a combination of natural persons and legal entities.

1 NEW SECTION. **Sec. 3.** The owner of the property on which a
2 family burial ground is located may not offer plots in the family
3 burial ground for sale or charge fees for any goods or services
4 provided by the owner in connection with the burials in the family
5 burial ground.

6 NEW SECTION. **Sec. 4.** The owner of the property on which a
7 family burial ground is located shall record every burial within 30
8 days after the burial with the county auditor of the county in which
9 the land is situated. The owner shall record:

10 (1) The deceased person's name as it appears on the death
11 certificate;

12 (2) The deceased person's date of birth as it appears on the
13 death certificate;

14 (3) The deceased person's date of death as it appears on the
15 death certificate;

16 (4) The name of the owner or owners and the legal description of
17 the property where the human remains are buried; and

18 (5) The latitude and longitude coordinates of the grave, such as
19 those given by a global positioning system, that are verified by two
20 witnesses or the county coroner, sheriff, or a designee of the county
21 coroner or sheriff.

22 NEW SECTION. **Sec. 5.** Upon the sale of the property on which a
23 family burial ground is located, the owner of the property shall
24 disclose to the buyer the existence of the family burial ground.

25 NEW SECTION. **Sec. 6.** Cities and counties are authorized to
26 enact ordinances regulating or prohibiting the establishment of
27 family burial grounds or the extension of existing family burial
28 grounds and to give power to local planning commissions to pass upon
29 and make recommendations to local legislative bodies concerning the
30 establishment or extension of family burial grounds.

31 **Sec. 7.** RCW 68.05.400 and 1979 c 21 s 13 are each amended to
32 read as follows:

33 The provisions of this chapter do not apply to any of the
34 following:

35 (1) Nonprofit cemeteries which are owned or operated by any
36 recognized religious denomination which qualifies for an exemption

1 from real estate taxation under RCW 84.36.020 on any of its churches
2 or the ground upon which any of its churches are or will be built;
3 (~~or~~)

4 (2) Any cemetery controlled and operated by a coroner, county,
5 city, town, or cemetery district; or

6 (3) A family burial ground established pursuant to chapter 68.---
7 RCW (the new chapter created in section 11 of this act).

8 **Sec. 8.** RCW 68.20.010 and 1943 c 247 s 42 are each amended to
9 read as follows:

10 (~~It~~) Except as otherwise provided in chapter 68.--- RCW (the
11 new chapter created in section 11 of this act), it is unlawful for
12 any corporation, copartnership, firm, trust, association, or
13 individual to engage in or transact any of the businesses of a
14 cemetery within this state except by means of a corporation duly
15 organized for that purpose.

16 **Sec. 9.** RCW 68.20.140 and 1987 c 331 s 33 are each amended to
17 read as follows:

18 (1) This chapter does not apply to any cemetery controlled and
19 operated by a coroner, county, city, town, or cemetery district.

20 (2) This chapter does not apply to any family burial ground
21 established pursuant to chapter 68.--- RCW (the new chapter created
22 in section 11 of this act).

23 **Sec. 10.** RCW 68.50.130 and 2019 c 432 s 21 are each amended to
24 read as follows:

25 Every person who performs a disposition of any human remains,
26 except as otherwise provided by law, in any place, except in a
27 cemetery, a family burial ground, or a building dedicated exclusively
28 for religious purposes, is guilty of a misdemeanor. Disposition of
29 human remains following cremation, alkaline hydrolysis, or natural
30 organic reduction may also occur on private property, with the
31 consent of the property owner; and on public or government lands or
32 waters with the approval of the government agency that has either
33 jurisdiction or control, or both, of the lands or waters.

1 NEW SECTION. **Sec. 11.** Sections 2 through 6 of this act
2 constitute a new chapter in Title 68 RCW.

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