Title 98 WAC
LICENSING, DEPARTMENT OF
(CEMETERY BOARD)

Chapters

98-08  Practice and procedure.
98-11  Nonendowed care cemeteries.
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DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 98-40

PROCEDURES FOR HANDLING DEAD HUMAN BODIES BY AUTHORIZED CREMATORY AUTHORITIES

98-40-010  Purpose for procedures. [Statutory Authority: RCW 68.05.100 as amended by 1985 c 402 § 8. 85-19-012 (Order 108), § 98-40-010, filed 9/6/85.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-40-020  Terminology. [Statutory Authority: RCW 68.05.105, 89-08-043 (Order PM 830), § 98-40-020, filed 3/31/89. Statutory Authority: RCW 68.05.100 as amended by 1985 c 402 § 8. 85-19-012 (Order 108), § 98-40-020, filed 9/6/85.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-40-030  Removal and identification of human remains. [Statutory Authority: RCW 68.05.105. 89-08-043 (Order PM 830), § 98-40-030, filed 3/31/89. Statutory Authority: RCW 68.05.100 as amended by 1985 c 402 § 8. 85-19-012 (Order 108), § 98-40-030, filed 9/6/85.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-40-040  Holding human remains for cremation. [Statutory Authority: RCW 68.05.105. 89-08-043 (Order PM 830), § 98-40-040, filed 3/31/89. Statutory Authority: RCW 68.05.100 as amended by 1985 c 402 § 8. 85-19-012 (Order 108), § 98-40-040, filed 9/6/85.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-40-050  Cremation of human remains. [Statutory Authority: RCW 68.05.105. 89-08-043 (Order PM 830), § 98-40-050, filed 3/31/89. Statutory Authority: RCW 68.05.105(1), 88-07-032 (Order PM 714), § 98-40-050, filed 9/9/88. Statutory Authority: RCW 68.05.100 as amended by 1985 c 402 § 8. 85-19-012 (Order 108), § 98-40-050, filed 9/6/85.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-40-060  Processing of cremated remains. [Statutory Authority: RCW 68.05.100 as amended by 1985 c 402 § 8. 85-19-012 (Order 108), § 98-40-060, filed 9/6/85.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-40-070  Packaging and storage of cremated remains. [Statutory Authority: RCW 68.05.105. 89-08-043 (Order PM 830), § 98-40-070, filed 3/31/89. Statutory Authority: RCW 68.05.100 as amended by 1985 c 402 § 8. 85-19-012 (Order 108), § 98-40-070, filed 9/6/85.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-40-080  Disposition of cremated remains. [Statutory Authority: RCW 68.05.105. 89-08-043 (Order PM 830), § 98-40-080, filed 3/31/89. Statutory Authority: RCW 68.05.100 as amended by 1985 c 402 § 8. 85-19-012 (Order 108), § 98-40-080, filed 9/6/85.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

(2009 Ed.)

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98-08-150  Subpoenas—Where provided by law—Form. [Statutory Authority: RCW 68.05.105. 89-08-043 (Order PM 830), § 98-08-150, filed 3/31/89; Rule .08.150, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-170  Subpoenas—Service. [Rule .08.170, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-190  Subpoenas—Proof of service. [Rule .08.190, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-200  Subpoenas—Quashing. [Rule .08.200, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-210  Subpoenas—Enforcement. [Rule .08.210, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-220  Subpoenas—Geographical scope. [Rule .08.220, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-370  Official notice—Matters of law. [Rule .08.370, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-380  Official notice—Material facts. [Rule .08.380, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-390  Presumptions. [Rule .08.390, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-400  Stipulations and admissions of record. [Rule .08.400, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-410  Petitions for rule making, amendment or repeal—Notice of disposition. [Rule .08.410, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-420  Petitions for rule making, amendment or repeal. [Rule .08.420, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-430  Prehearing conference rule—Authorized. [Rule .08.430, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-440  Prehearing conference rule—Record of conference action. [Rule .08.440, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-450  Submission of documentary evidence in advance. [Rule .08.450, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-460  Excerpts from documentary evidence. [Rule .08.460, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-470  Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Rule .08.470, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-480  Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. [Rule .08.480, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-490  Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. [Rule .08.490, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-500  Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 98-08-470 or 98-08-480. [Rule .08.500, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-510  Continuances. [Rule .08.510, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

98-08-520  Rules of evidence—Admissibility criteria. [Rule .08.520, effective 2/8/60.] Repealed by 02-19-018, filed 9/9/02, effective 10/10/02. Statutory Authority: RCW 68.05.100.

WAC 98-08-001 Model rules of procedure. Except as they may be inconsistent with the rules in this chapter, the cemetery board adopts the model rules of procedure as set forth in chapter 10-08 WAC.

WAC 98-08-005 Brief adjudicative proceedings—When they can be used. (1) The board adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted at the discretion of the board. Brief adjudicative proceedings can be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act. Brief adjudicative proceedings can also be used whenever the statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of any statute or rule that specifically governs disciplinary actions within a profession for which the applicant seeks a license or from which the licensee holds a license.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant or licensee has satisfied financial security requirements by providing adequate proof of surety bonds or other proof of financial security, as required by law;

(c) Whether a sanction proposed by the department is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;
(e) Whether an applicant or licensee failed to cooperate in an investigation by the department;

(f) Whether an applicant or licensee was convicted of a crime that should disqualify the applicant or licensee from holding the specific license sought or held;

(g) Whether an applicant or licensee has defaulted on educational loans;

(h) Whether an applicant or licensee has violated the terms of a final order issued by the director or director's designee;

(i) Whether a licensee has committed recordkeeping violations;

(j) Whether a licensee has committed trust account violations;

(k) Whether an applicant or licensee has engaged in false, deceptive, or misleading advertising; or

(l) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

[Statutory Authority: RCW 68.05.105 and chapter 34.05 RCW. 05-23-149, § 98-11-005, filed 11/22/05, effective 12/23/05.]

WAC 98-08-015 Objections to brief adjudicative proceedings and conversion to formal adjudicative hearings. (1) At least five days before the scheduled brief adjudicative proceeding, any party, including the board, may file a written objection to resolution of a matter by a brief adjudicative proceeding and may request that a matter be converted to a formal adjudicative hearing. Upon receiving a timely written objection, the presiding officer shall determine whether the matter should be converted. Regardless of whether any party files a timely objection, the presiding officer may convert any brief adjudicative proceeding to a formal adjudicative hearing whenever it appears that a brief adjudicative proceeding is insufficient to determine the issues pending before the board.

(2) In determining whether to convert a proceeding, the presiding officer may consider the following factors:

(a) Whether witness testimony will aid the presiding officer in resolving contested issues of fact;

(b) Whether the legal or factual issues are sufficiently complex to warrant a formal adjudicative proceeding, including whether there are multiple issues of fact or law;

(c) Whether a brief adjudicative proceeding will establish an adequate record for further agency or judicial review;

(d) Whether the legal issues involved in the proceeding present questions of legal significance or are being raised for the first time before the agency;

(e) Whether conversion of the proceeding will cause unnecessary delay in resolving the issues; and

(f) Any other factors that the presiding officer deems relevant in reaching a determination.

[Statutory Authority: RCW 68.05.105 and chapter 34.05 RCW. 05-23-149, § 98-08-015, filed 11/22/05, effective 12/23/05.]

(2009 Ed.)
WAC 98-12-030 "Gross sales price" defined. In determining "ten percent of the gross sales price" pursuant to RCW 68.40.010, gross sales price shall not include the endowment care fund portion. Endowment care shall be added to the gross sales price and separately identified as endowment care on any contract. For example: Grave gross sales price - $100.00. Endowment care requirement - $10.00. Total contract price - $110.00.

WAC 98-12-040 Records of endowment care funds. Any cemetery authority maintaining an endowment care fund shall maintain a current accounting system in accordance with generally accepted accounting principles. The system shall track sales, receipts, and disbursements and include the following:

1. An individual contract or agreement with each individual purchasing a right of interment with reference numbering.
2. A record of:
   a. Payments received and the amount due or paid to the endowment care fund.
   b. Reconciliation of payments to and from the fund.
   c. All supporting bank and investment statements.

All records required to be maintained pursuant to this rule and Title 68 RCW, whether maintained manually or by computer, shall:
- Be retained and available for inspection for a period of seven years.
- Be understandable to the cemetery board examiner or other persons reasonably having cause to access them.

WAC 98-12-050 Endowment care trust fund contribution for additional rights of interment, entombment or inurnment. A cemetery authority not exempt from this chapter must make a deposit to the endowment care fund, for additional rights of interment, entombment or inurnment, as required in RCW 68.40.010.

WAC 98-14-010 Definitions. All definitions of chapter 68.46 RCW apply to this chapter of WAC. In addition, the following definition applies:
"Direct cost" for the purpose of chapter 68.46 RCW, direct cost includes actual labor cost and other costs associated with delivery of the service. For example: Direct cost of providing an opening and closing may include labor, materials, fuel, equipment maintenance, and a share of overhead including benefits and insurance.

WAC 98-14-020 Itemization of charges. In addition to all other requirements of the law relating to consumer contracts, prearrangement contracts must have:
- A specific itemization of charges and descriptions for each merchandise or service to be furnished or delivered.
- An itemization of services to be performed on delivered merchandise such as marker installation and care.
- An itemization of charges and descriptions for each grave niche or crypt sold.

WAC 98-14-030 Form of delivery. All prearrangement contracts must state on the contract what form or forms of delivery of merchandise will constitute "delivery" to satisfy the requirements of RCW 68.46.050.

WAC 98-14-040 Performance of services. Prearrangement services, including shipment and installation of prearrangement merchandise, shall not be deemed to have been furnished within the meaning of RCW 68.46.050(1) until performance of such services has actually occurred.

WAC 98-14-050 Determination of delivery. Prearrangement merchandise and services will be delivered within the meaning of RCW 68.46.050(1) when:
1. Actual delivery of the merchandise is made to the contract beneficiary; or
2. Delivery of the merchandise is made to the cemetery authority for the contract beneficiary and the merchandise is permanently affixed to real property or a mausoleum; or
3. Delivery of the merchandise to the cemetery authority for the contract beneficiary with the storage provided by the cemetery authority, provided that fifty percent of the service charge of the installation and other services to be performed upon the merchandise is maintained in the prearrangement trust fund, and an insurance provision is maintained when stored in a building: Provided, That no insurance is necessary when merchandise is affixed to the grave; or
4. The cemetery authority has paid its supplier for prearrangement merchandise, and the supplier has caused the merchandise to be manufactured and stored, and has caused title to the merchandise to be transferred to the contract beneficiary, and has agreed to ship the merchandise upon his
request or the request of the cemetery authority: Provided, That fifty percent of the service charge of delivery, installation and other costs are maintained in the prearrangement trust fund by the cemetery authority. The delivery and installation cost must be itemized upon the prearrangement contract, in accordance with WAC 98-14-020. This subsection will apply to the manufacture and storage of merchandise, such as, but not limited to, vaults, liners, urns and marker bases, that are not permanently labeled or engraved with the beneficiaries' name.

[WAC 98-14-060 Suppliers. No person, firm or corporation will be deemed a supplier for purposes of chapter 98-14 WAC, unless it:

(1) Permanently and unalterably identifies all merchandise with the name of the contract beneficiary; and

(2) Submits, upon request of the board, a report of all merchandise which has been purchased through a Washington cemetery authority and has been placed in storage; and

(3) Permits the board or its designee, at any time, to examine stored merchandise which was purchased through a Washington cemetery authority and to examine any document pertaining thereto; and

(4) Submits evidence of a bond insuring the existing and good title of any merchandise due any contract beneficiary purchased through a Washington cemetery authority; and

(5) Submits evidence insuring that all merchandise purchased through a Washington cemetery authority and being stored by the supplier is insured for casualty, theft or other loss.

Subsection (1) of this section will not apply to merchandise that is manufactured and stored without being permanently labeled or engraved with the beneficiaries' name. Suppliers must maintain an inventory equal to the amount sold.

[Statutory Authority: RCW 68.05.100. 02-19-018, § 98-14-060, filed 9/9/02, effective 10/10/02; Order CB 101, § 98-14-060, filed 10/17/75.]

WAC 98-14-070 Securities for loans. In any instance where a prearrangement contract containing undelivered merchandise or services is sold, pledged or otherwise encumbered as security for a loan by cemetery authority, the cemetery authority shall pay into the prearrangement trust fund fifty percent of the total sale price of the prearrangement contract within twenty days of receipt of payment of the proceeds from the sale or loan.

[Statutory Authority: RCW 68.05.100. 02-19-018, § 98-14-070, filed 9/9/02, effective 10/10/02; Order CB 101, § 98-14-070, filed 10/17/75.]

WAC 98-14-080 Development plan for unconstructed, undeveloped property. Any cemetery authority selling undeveloped graves, unconstructed crypts or niches in accordance with chapter 68.46 RCW must make available to the purchaser at the time the prearrangement contract is signed.

• A statement of estimated time schedule of the development or construction.

Estimated time schedule must:

• Be submitted to the cemetery board annually with the financial reports required by RCW 68.46.090.
• Be made available to holders of prearrangement contracts affected by the development or construction in the offices of the cemetery authority.

A cemetery authority must maintain an equivalent inventory of constructed crypts, niches and developed graves, equal to ten percent of the unconstructed crypts, niches and undeveloped graves sold through prearrangement contracts. The equivalent inventory must be located within the cemetery or an adjacent cemetery under common ownership.

Trust fund deposits required for the prearrangement contract sales of undeveloped property, will be in accordance with RCW 68.46.030.

[WAC 98-14-090 Records of prearrangement trust funds. Any cemetery authority maintaining a prearrangement trust fund shall maintain a current accounting system in accordance with generally accepted accounting principles. The system shall track sales, receipts and disbursements and include the following:

(1) An individual contract or agreement with each individual establishing a prearrangement trust agreement.

(2) A record of payments received and the amount due or paid to the prearrangement trust fund.

(3) Reconciliation of payments to and from the fund.

(4) All supporting bank and investment statements.

All records required to be maintained pursuant to this rule and Title 68 RCW, whether maintained manually or by computer, shall:

• Be retained and available for inspection for a period of seven years.
• Be understandable to the cemetery board examiner or other persons reasonably having cause to access them.

[Statutory Authority: RCW 68.05.105 and chapter 34.05 RCW. 07-11-088, § 98-14-090, filed 5/15/07, effective 6/15/07. Statutory Authority: RCW 68.05.100. 02-19-018, § 98-14-080, filed 9/9/02, effective 10/10/02; 83-02-063 (Order 106), § 98-14-080, filed 1/5/83.]

WAC 98-14-100 Qualifications of applicant for prearrangement sales license. To qualify as an applicant for a prearrangement sales license as set forth in RCW 68.05.155 and 68.46.150, applicant must hold a valid and unsuspended certificate of authority to operate a cemetery issued by the Washington state cemetery board.

[Statutory Authority: RCW 68.05.105 and chapter 34.05 RCW. 07-11-088, § 98-14-100, filed 5/15/07, effective 6/15/07. Statutory Authority: RCW 68.05.105. 89-08-043 (Order PM 830), § 98-14-090, filed 3/31/89. Statutory Authority: RCW 68.05.100. 83-02-063 (Order 106), § 98-14-090, filed 1/5/83.]

WAC 98-14-200 Telephone solicitation. (1) The use of telephones for solicitation of prearrangements is prevalent. This form of communication offers unique benefits, but entails special risk and poses potential for abuse. The board finds that any impropriety in telephone solicitation is a matter vitally affecting the public interest. For the general welfare of the public and in order to protect the integrity of the cemetery

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industry, the use of telephones in solicitation of prearrangements must be defined by the board.

(2) Definitions:
(a) "Telephone solicitor" means any person who engages in telephone solicitation on behalf of a holder of a certificate of authority to operate.

(b) "Telephone solicitation" means an unsolicited telephone call to a person and conversation for the purpose of inducing the person to make cemetery prearrangements made without previous invitation, expressed or implied, by the person called.

(3) Time limits:
(a) No licensee may knowingly cause a telephone solicitation to be made to any person more often than once in every six months.

(b) A telephone solicitor shall not place calls which will be received before 8:00 a.m. or after 9:00 p.m.

(4) Unfair/deceptive practices. A telephone solicitor may not engage in any conduct the natural consequence of which is to harass, intimidate, or torment any person in connection with the telephone call.

(5) Identification. Within the first thirty seconds of the telephone call, a telephone solicitor or salesperson shall:
(a) Identify himself or herself, the company on whose behalf the solicitation is being made, the property, goods, or services being represented; and
(b) Terminate the telephone call within ten seconds if the purchaser indicates he or she does not wish to continue the conversation.

(6) Termination of contact. If at any time during the telephone contact, the purchaser states or indicates that he or she does not wish to be called again by the telephone solicitor or wants to have his or her name and individual telephone number removed from the telephone lists used by the telephone solicitor, the telephone solicitor shall not make any additional telephone solicitation of the called party at that telephone number within a period of at least one year.

(7) Enforcement. In the event that the board discerns a pattern of violation of these standards the board may act against the licensee’s prearrangement license as provided by Title 68 RCW.

[Statutory Authority: RCW 68.05.105 (1) and (2). 90-17-073, § 98-14-200, filed 8/16/90, effective 9/16/90.]

Chapter 98-15 WAC

CREMATORIES

WAC
98-15-010 Crematory inspections.

Chapter 98-16 WAC

HYBRID UNITS

WAC
98-16-010 Hybrid unit. Hybrid unit shall mean any combination "casket-vault" that is designed, intended, or represented to function as a substitute for a casket and/or a vault, or intended to serve the same purpose as a casket or a vault in lieu thereof.

[Statutory Authority: RCW 68.05.100. 81-07-013 (Order 104), § 98-16-010, filed 3/9/81.]

WAC 98-16-030 Disclosure of support or service items. In accordance with WAC 98-14-020, hybrid units specified as cemetery merchandise or services in cemetery prearrangement contracts must be itemized, and must disclose and describe all items of support or services which are required or may be required for the future or intended use of hybrid units. "Support or service" as used herein means any function, activity, or object, and their availability, required or may be required to meet a buyer’s expectations for necessary cemetery merchandise or services and/or funeral merchandise or services. Whether items of support or service are included in the immediate purchase price or are reserved for future sale at the time of need, must be clearly set forth in the cemetery prearrangement contract, and in all advertising or representations pertaining to preneed or prearrangement contract sales of hybrid units.

[Statutory Authority: RCW 68.05.100. 81-07-013 (Order 104), § 98-16-030, filed 3/9/81.]

Chapter 98-20 WAC

CEMETERY PROPERTY

WAC
98-20-020 Definitions—Sale or transfer of ownership or control of any cemetery.

Chapter 98-21 WAC

PLOT OR LOTS

WAC
98-21-010 Definitions—Sale or transfer of ownership or control of any cemetery.

Chapter 98-22 WAC

CADAVER CONSERVATION

WAC
98-22-010 Definitions—Sale or transfer of ownership or control of any cemetery.
WAC 98-20-020 Definitions—Sale or transfer of ownership or control of any cemetery. For purposes of RCW 68.05.115, sale or transfer of ownership or control of any cemetery authority, the following definitions shall apply:

1) Sale: The purchase of a controlling interest (fifty percent or more) of assets or stock of an existing cemetery corporation.

2) Ownership: The individual or individuals who own the stock of the cemetery corporation. Any one individual who owns fifty percent or more of the stock is considered an owner. When percentages of stock ownership change, anyone moving into a majority (fifty percent or more) position shall be considered the new owner, and thus subject to the provisions of RCW 68.05.115.

3) Control: The person or entity who has fifty percent or more of the ownership, or has acquired the right to sell the corporation or its assets.

[Statutory Authority: RCW 68.05.100. 93-07-040, § 98-60-020, filed 3/12/93, effective 4/12/93.]

Chapter 98-60 WAC
DISPOSITION OF CREMATED REMAINS

WAC
98-60-010 Definitions.
98-60-020 Permits and endorsements.
98-60-030 Compliance with all laws.
98-60-040 Records and documentation.
98-60-050 Permits and endorsements—Terms—Fees.

WAC 98-60-010 Definitions. The following definitions shall apply to this chapter:

1) "Dedicated cemetery property" as used in this chapter means private cemetery property which has been dedicated in compliance with chapter 68.24 RCW, and cemetery property belonging to a public or religious cemetery as defined by RCW 68.05.400.

2) "Board" as used in this chapter means the cemetery board.

3) "Department" as used in this chapter means the department of licensing.

[Statutory Authority: RCW 68.05.100. 93-07-040, § 98-60-010, filed 3/12/93, effective 4/12/93.]

WAC 98-60-020 Permits and endorsements. (1) Anyone not authorized to control the disposition of remains under RCW 68.50.160 must register to obtain a permit or endorsement to bury or otherwise dispose of cremated remains by land, sea, or air, where such disposition is made outside dedicated cemetery property.

(2) Authorization under subsection (1) of this section for those holding licenses issued by the cemetery board shall be by an endorsement to their existing license. All other authorization shall be in the form of a permit issued by the board.

(3) In the case of a corporate applicant, the corporation shall apply for and hold the endorsement or permit.

[Statutory Authority: RCW 68.05.100. 93-07-040, § 98-60-020, filed 3/12/93, effective 4/12/93.]
Chapter 98-80 Title 98 WAC: Cemetery Board

Title of Fee Fee
Crematory license/endorsement
Application $140.00
Renewal $70.00

Prearrangement sales license
Application $140.00
Renewal $70.00
Exemption from prearrangement sales license
Application $70.00
Renewal $35.00
Cremated remains disposition permit or endorsement
Application $70.00
Renewal $35.00

Chapter 98-80 WAC
RULES OF PROCEDURE FOR CREMATION

WAC 98-80-010 Definitions. (1) "Authorizing agent" means the person(s) legally entitled to control the disposition of the human remains.

(2) "Crematory authority or endorsement" the legal entity and their authorized representatives, licensed to perform cremations.

(3) "Cremation chamber" means the enclosed space in a crematory in which the cremation process takes place.

(4) "Pulverization" is the reduction of identifiable bone fragments to unidentifiable dimensions by manual or mechanical means following cremation.

(5) "Processing" is the removal of foreign objects from cremated human remains and may include pulverization.

(6) "Cremation container" means the container in which the human remains must be enclosed before being placed in the cremation chamber for cremation. A cremation container must:
- Be composed of a combustible material. If the remains are delivered to a crematory in a noncombustible container, the authorizing agent must be informed of the disposition of the container, if the container is not actually used in the cremation process. Any transfer of human remains to combustible containers at the crematory must be in accordance with chapter 18.39 RCW, Title 308 WAC, and applicable public health laws.
  - Be rigid enough for placement into the cremation chamber.
  - Assure protection to the health and safety of the crematory operators and others.
  - Provide a proper covering for the human remains.
  - Be resistant to leakage or spillage of body fluids.
  - "Sealable container" means any container in which cremated human remains can be placed and closed to prevent leakage or spillage of cremated human remains.

(7) "Holding facility" means an area designated for the care, storage and holding of human remains prior to disposition. A holding facility must:
- Comply with any applicable public health laws.
- Preserve the dignity of the human remains.
- Recognize the personal integrity, health and safety of employees and others.
- Be secure from access by anyone other than authorized personnel.

(8) "Cadaver" means human remains or any part thereof, which has been donated to science for medical research purposes.

(9) "Body parts" means limbs and other portions of human anatomy that have been removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy or medical research.

(10) "Commingling" means the mixing of cremated human remains of more than one deceased person.

(11) "Residue" means the cremation products that may unavoidably remain in the cremation chamber after manual sweeping techniques are performed.

[Statutory Authority: RCW 68.05.105 and chapter 34.05 RCW. 07-11-088, § 98-80-010, filed 5/15/07, effective 6/15/07. Statutory Authority: RCW 68.05.100. 02-19-018, § 98-80-010, filed 9/8-010, filed 9/9/02, effective 10/10/02.

WAC 98-80-020 Identification of human remains. A crematory must not take custody of unidentified human remains. Before accepting human remains, the crematory must verify that identification is attached to the cremation container. Upon accepting human remains for cremation, the crematory must make a permanent record of the following:
- Name of deceased.
- Date of death.
- Place of death.
- Name and relationship of authorizing agent.
- Name of firm engaging crematory services.
- Description of the cremation container to be consumed with the human remains.
- An identification number assigned each human remains and inscribed on a metal disc or metal tag. The metal identification disc or tag must identify the crematory and accompany the human remains through each phase of the cremation, processing and packaging. The disc or tag identification number must be recorded on all paperwork regarding a human remains.

[Statutory Authority: RCW 68.05.105 and chapter 34.05 RCW. 07-11-088, § 98-80-020, filed 5/15/07, effective 6/15/07. Statutory Authority: RCW 68.05.100. 02-19-018, § 98-80-020, filed 9/9/02, effective 10/10/02.

(2009 Ed.)
WAC 98-80-030 Holding human remains for cremation.  (1) A crematory must not accept and hold human remains for cremation unless the human remains are contained in a cremation container.

(2) A crematory must not accept human remains in a cremation container having evidence of body fluid leakage.

(3) Human remains that are not embalmed must be held only within a mechanically or commercially acceptable refrigerated facility of adequate capacity, with a maximum temperature of 48 degrees Fahrenheit, or in compliance with applicable public health regulations.

[Statutory Authority: RCW 68.05.100. 02-19-018, § 98-80-030, filed 9/9/02, effective 10/10/02.]

WAC 98-80-040 Cremation of human remains.  (1) Cremation must not take place until the burial transit permit and authorization for cremation are obtained.

(2) Immediately prior to being placed within the cremation chamber, the identification of the human remains must be verified by the crematory operator.  Appropriate identification of the human remains will be placed near the cremation chamber in such a way as to identify the human remains being cremated.  The metal identification disc or metal tag must stay with the cremated human remains.

(3) Simultaneous cremation of more than one human remains within the same cremation chamber is not permitted, unless written authorization is obtained from the authorizing agent of each human remains to be cremated simultaneously.  Such written authorization will exempt the crematory from all liability for commingling the products of the cremation process.

(4) Simultaneous cremation of more than one human remains within the same cremation chamber may be performed without the authorizations required in subsection (3) of this section, if:

• Equipment, techniques, and other devices are employed that keep the human remains separate and distinct, before and during the cremation process.

• Recoverable cremated remains are kept separate and distinct after the cremation process.

(5) Crematories licensed by the state cemetery board or the board of funeral directors and embalmers, will only be used for the cremation of human remains, cadavers, or human body parts.

[Statutory Authority: RCW 68.05.100. 02-19-018, § 98-80-040, filed 9/9/02, effective 10/10/02.]

WAC 98-80-050 Processing of cremated human remains.  (1) Upon completion of the cremation, the products of the cremation process must be removed from the cremation chamber, with the exception of residue.

(2) The cremation products must be placed within an individual container or tray in such a way that will insure against commingling with other cremated human remains.

(3) Identification must be attached to the container or tray.

(4) All cremated human remains must undergo processing to comply with applicable legal requirements.

(5) Processing or pulverization of cremated human remains may not be required if cremated human remains are to be placed in a cemetery, mausoleum, columbarium, or building devoted exclusively to religious purposes, or where religious or cultural beliefs oppose the practice.

(6) All body prostheses, bridgework, or similar items removed from the cremated human remains during processing will be disposed of by the crematory, as directed by the authorizing agent.

[Statutory Authority: RCW 68.05.100. 02-19-018, § 98-80-050, filed 9/9/02, effective 10/10/02.]

WAC 98-80-060 Packaging and storage of cremated human remains.  (1) The cremated human remains must be placed in a sealable container, or in such container as may have been ordered or supplied by the authorizing agent.

(2) The packaged cremated human remains will be identified.  The metal identification disc or metal tag must stay with the cremated human remains.

(3) If the cremated human remains do not completely fill the container, the remaining space may be filled with suitable packing material.  The container must then be securely closed.

(4) If the entire cremated human remains will not fit within the designated container, the remainder of the cremated human remains must be returned to the authorizing agent in a second container, clearly identified as being part of, and together with, the designated container.  Upon written consent of the authorizing agent, excess cremated human remains may be disposed of in any legal manner.

[Statutory Authority: RCW 68.05.100. 02-19-018, § 98-80-060, filed 9/9/02, effective 10/10/02.]

WAC 98-80-070 Disposition of cremated human remains.  (1) A crematory must keep a permanent record of all cremations performed and the disposition or release of the cremated human remains.  The record must include the following information:

• Date of death.

• Date burial transit permit was issued.

• Date of delivery of human remains to the crematory.

• Date of cremation.

• Name of crematory operator performing the cremation.

• Name of person performing packaging, and date of packaging.

• Date of release of the cremated human remains and the name of the individual(s) to whom the cremated human remains were released; or

• Date of disposition of the cremated human remains.

(2) When cremated human remains have been in the possession of a crematory, funeral establishment or cemetery for a period of ninety days or more, the entity holding the cremated human remains may arrange for disposition in any legal manner, provided the entity:

• Attempts to contact the authorizing agent for disposition instructions by registered mail.

• Informs the authorizing agent(s) of the procedures that will be followed if disposition instructions are not received.

• Informs the authorizing agent(s) that disposition will take place if disposition instructions are not received within sixty days of initiation of the contact process.
• Informs the authorizing agent(s) that recovery of the cremated human remains, after the disposition, may or may not be possible.
• Maintains a permanent record of the location of the disposition.

(3) No entity making disposition of cremated human remains under subsection (2) of this section will be liable for the disposition or nonrecoverability of cremated human remains.

[Statutory Authority:  RCW 68.05.105 and chapter 34.05 RCW. 07-11-088, § 98-80-070, filed 5/15/07, effective 6/15/07. Statutory Authority:  RCW 68.05.100. 02-19-018, § 98-80-070, filed 9/9/02, effective 10/10/02.]