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SENATE BILL 6277

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State of Washington

61st Legislature

2010 Regular Session

By Senators Zarelli and Regala

Read first time 01/11/10. Referred to Committee on Judiciary.

1 AN ACT Relating to disposition of human remains; and amending RCW  
2 68.50.160.

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

4 **Sec. 1.** RCW 68.50.160 and 2007 c 156 s 24 are each amended to read  
5 as follows:

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

12 (2) Prearrangements that are prepaid, or filed with a licensed  
13 funeral establishment or cemetery authority, under RCW 18.39.280  
14 through 18.39.345 and chapter 68.46 RCW are not subject to cancellation  
15 or substantial revision by survivors. Absent actual knowledge of  
16 contrary legal authorization under this section, a licensed funeral  
17 establishment or cemetery authority shall not be held criminally nor  
18 civilly liable for acting upon such prearrangements.

1 (3) If the decedent has not made a prearrangement as set forth in  
2 subsection (2) of this section or the costs of executing the decedent's  
3 wishes regarding the disposition of the decedent's remains exceeds a  
4 reasonable amount or directions have not been given by the decedent,  
5 the right to control the disposition of the remains of a deceased  
6 person vests in, and the duty of disposition and the liability for the  
7 reasonable cost of preparation, care, and disposition of such remains  
8 devolves upon the following in the order named:

9 (a) The surviving spouse or state registered domestic partner.

10 (b) The surviving adult children of the decedent.

11 (c) The surviving parents of the decedent.

12 (d) The surviving siblings of the decedent.

13 (e) A person acting as a representative of the decedent under the  
14 signed authorization of the decedent.

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

20 (5) If a cemetery authority as defined in RCW 68.04.190 or a  
21 funeral establishment licensed under chapter 18.39 RCW has made a good  
22 faith effort to locate the person cited in subsection (3)(a) through  
23 (e) of this section or the legal representative of the decedent's  
24 estate, the cemetery authority or funeral establishment shall have the  
25 right to rely on an authority to bury or cremate the human remains,  
26 executed by the most responsible party available, and the cemetery  
27 authority or funeral establishment may not be held criminally or  
28 civilly liable for burying or cremating the human remains. In the  
29 event any government agency provides the funds for the disposition of  
30 any human remains and the government agency elects to provide funds for  
31 cremation only, the cemetery authority or funeral establishment may not  
32 be held criminally or civilly liable for cremating the human remains.

33 ((+5)) (6) The liability for the reasonable cost of preparation,  
34 care, and disposition devolves jointly and severally upon all kin of  
35 the decedent in the same degree of kindred, in the order listed in  
36 subsection (3) of this section, and upon the estate of the decedent.

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