

Cremation Issue Chart

WASHINGTON



ISSUE: IDENTIFICATION OF DECEASED			
Law/Regulation	Is ID Required?	Information Required for ID	Any Restrictions/Limitations
WAC 308-47-020 Identification of human remains.	Yes	<p>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:</p> <ul style="list-style-type: none"> • 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. 	
ISSUE: ALTERNATIVE CONTAINER FOR CREMATION			
Law/Regulation	Is It Required?	Definition of Alternative Container	
WAC 308-47-010 Definitions.	Yes	<p>(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:</p> <ul style="list-style-type: none"> • 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. • 	

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ISSUE: URN		
Law/Regulation	Any requirements for Urn/ Temporary Container	Definition of Urn/Temporary Container
N/A		
ISSUE: AUTHORIZING AGENT		
Law/Regulation	Legal Order of Authorizing Agent	
RCW 68.50.160	<p>(1) A person has the right to control the disposition of his or her own remains without the predeath or postdeath consent of another person. A valid written document expressing the decedent's wishes regarding the place or method of disposition of his or her remains, signed by the decedent in the presence of a witness, is sufficient legal authorization for the procedures to be accomplished.</p> <p>(2) Prearrangements that are prepaid, or filed with a licensed funeral establishment or cemetery authority, under RCW 18.39.280 through 18.39.345 and chapter 68.46 RCW are not subject to cancellation or substantial revision by survivors. Absent actual knowledge of contrary legal authorization under this section, a licensed funeral establishment or cemetery authority shall not be held criminally nor civilly liable for acting upon such prearrangements.</p> <p>(3) If the decedent has not made a prearrangement as set forth in subsection (2) of this section or the costs of executing the decedent's wishes regarding the disposition of the decedent's remains exceeds a reasonable amount or directions have not been given by the decedent, the right to control the disposition of the remains of a deceased person vests in, and the duty of disposition and the liability for the reasonable cost of preparation, care, and disposition of such remains devolves upon the following in the order named:</p> <p>(a) The person designated by the decedent as authorized to direct disposition as listed on the decedent's United States department of defense record of emergency data, DD form 93, or its successor form, if the decedent died while serving in military service as described in 10 U.S.C. Sec. 1481(a) (1)-(8) in any branch of the United States armed forces, United States reserve forces, or national guard;</p> <p>(b) The designated agent of the decedent as directed through a written document signed and dated by the decedent in the presence of a witness. The direction of the designated agent is sufficient to direct the type, place, and method of disposition;</p> <p>(c) The surviving spouse or state registered domestic partner;</p> <p>(d) The majority of the surviving adult children of the decedent;</p> <p>(e) The surviving parents of the decedent;</p> <p>(f) The majority of the surviving siblings of the decedent;</p> <p>(g) A court-appointed guardian for the person at the time of the person's death.</p> <p>(4) If any person to whom the right of control has vested pursuant to subsection (3) of this section has been arrested or charged with first or second degree murder or first degree manslaughter in connection with the decedent's death, the right of control is relinquished and passed on in accordance with subsection (3) of this section.</p> <p>(5) If a cemetery authority as defined in RCW 68.04.190 or a funeral establishment licensed under chapter 18.39 RCW has made a good faith effort to locate the person cited in subsection (3)(a) through (g) of this section or the legal representative of the decedent's estate, the cemetery authority or funeral establishment shall have the right to rely on an authority to bury or cremate the human remains, executed by the most responsible party available, and the cemetery authority or funeral establishment may not be held criminally or civilly liable for burying or cremating the human remains. In the event any government agency or charitable organization provides the funds for the disposition of any human remains, the cemetery authority or funeral establishment may not be held criminally or civilly liable for cremating the human remains.</p> <p>(6) The liability for the reasonable cost of preparation, care, and disposition devolves jointly and severally upon all kin of the decedent in the same degree of kindred, in the order listed in subsection (3) of this section, and upon the estate of the decedent.</p>	

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ISSUE: FINAL DISPOSITION	
Law/Regulation	Any Guidelines or Requirements of Disposition of Cremated Remains Including Mailing Requirements
WAC 308-47-070 Disposition of cremated human remains.	<p>(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:</p> <ul style="list-style-type: none"> • 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. <p>(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:</p> <ul style="list-style-type: none"> • 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. <p>(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.</p>