

# WASHINGTON STATE BOARD OF HEALTH

**Date:** April 10, 2024

**To:** Washington State Board of Health Members

**From:** Patty Hayes, Board Chair

**Subject:** Changes to Chapter 246-500 WAC – Handling of Human Remains

## Background and Summary:

During the 2024 session, the Washington state legislature passed [Substitute House Bill 1974](#) (Chapter 57 Laws of 24), which amends [RCW 68.50.230](#) to reduce the period during which a person or entity is required to remain in lawful possession of human remains before disposal, in the absence of direction from relatives or persons interested in the deceased person from 90 days to 45 days and adds counties to the list of entities that can lawfully dispose of remains after 45 days.

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 relative of the decedent or other persons interested in the decedent directs the disposition of the decedent's remains. The purpose of this holding period is to give family members or other persons interested in the decedent time to claim the body and make arrangements. Sometimes relatives or other interested parties fail, neglect, or refuse to direct the disposition of the remains.

The primary bill sponsor, Representative Abbarno, spoke with coroners, medical examiners, and funeral directors from across the state, and found that this timeframe not only impacted their ability to process decedents, but it also didn't reflect their values by keeping the body that long. Many reported that after 30 days, bodies begin to decompose, and smaller counties don't have the storage capacity to keep bodies on ice for 90 days. This increases the potential risk of exposure to bodily fluids and pathogens.

**The changes prescribed in SHB 1974 reduce the holding period to 45 days and add counties to the list of entities that may lawfully dispose of unclaimed human remains after 45 days.**

The bill passed the legislature unanimously, with no opposition from the public. The Board's Handling of Human Remains rule, [Chapter 246-500 WAC](#) references the statutory 90 day holding period regarding remains reduced through cremation, alkaline hydrolysis, and natural organic reduction. These rules require updating to reflect the changes in the state law. Because these changes are directly and specifically dictated by state law, they are exempt under the Administrative Procedure Act, [RCW 34.05.310\(4\)](#), from pre-notice inquiry requirements and can be amended through an abbreviated rulemaking process.

(continued on the next page)

**Recommended Board Actions:**

The Board may wish to consider and amend, if necessary, the following motion:

The Board directs staff to file a CR-102 to initiate rulemaking for chapter 246-500 WAC to reduce the holding period for unclaimed human remains from 90 days to 45 days and add counties to the list of entities that may lawfully dispose of human remains after 45 days.

**Staff**

Shay Bauman, Policy Advisor

To request this document in an alternate format or a different language, please contact the Washington State Board of Health at 360-236-4110 or by email at [wsboh@sboh.wa.gov](mailto:wsboh@sboh.wa.gov). TTY users can dial 711.

PO Box 47990 • Olympia, WA 98504-7990  
360-236-4110 • [wsboh@sboh.wa.gov](mailto:wsboh@sboh.wa.gov) • [sboh.wa.gov](http://sboh.wa.gov)