



# PROPOSED RULE MAKING

## CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: April 30, 2024

TIME: 2:38 PM

WSR 24-10-094

Agency: State Board of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR \_\_\_\_\_ ; or

Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_ ; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW \_\_\_\_\_.

Title of rule and other identifying information: (describe subject) Chapter 246-500 WAC – Handling of Human Remains. The State Board of Health (Board) is proposing amending parts of the rule to align with the changes to RCW 68.50.230 prescribed in Substitute House Bill 1974, which passed during the 2024 legislative session.

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
June 12, 2024	1:30 P.M.	<b>Physical Location:</b> Heathman Lodge 7801 NE Greenwood Drive Vancouver, Washington 98662  <b>Virtual Link:</b> <a href="https://us02web.zoom.us/join/https://us02web.zoom.us/webinar/register/WN_vifXqI9mSCGxcB06RcHI0Q">https://us02web.zoom.us/webinar/register/WN_vifXqI9mSCGxcB06RcHI0Q</a>	The State Board of Health will be holding a hybrid hearing with the option to attend and testify either via Zoom or in-person.

Date of intended adoption: 6/12/2024 (Note: This is NOT the effective date)

### Submit written comments to:

Name: Shay Bauman  
Address: P.O. Box 47990  
Olympia, WA  
98504-7990  
Email: shay.bauman@sboh.wa.gov  
Fax: N/A  
Other:  
By (date) 5/31/2024

### Assistance for persons with disabilities:

Contact Melanie Hisaw  
Phone: 360-236-4104  
  
Fax: N/A  
TTY: 711  
Email: melanie.hisaw@sboh.wa.gov  
Other:  
By (date) 06/05/2024

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this proposal is to update WAC 245-500-050, WAC 246-500-053, and WAC 246-500-055 to align with changes in statute. These rules establish the requirements for remains reduced through cremation, alkaline hydrolysis, and natural organic reduction. Under these sections, the local registrar or the Department of Health may issue a burial-transfer permit for the disposition of cremated remains, remains reduced through alkaline hydrolysis, or remains reduced through natural organic reduction which have been in the lawful possession of any person, firm, corporation, or association for a period of 90 days or more. The 90 day holding period is established in RCW 68.50.230, which was recently amended to 45 days. The amendment also added counties to the list of entities that may lawfully dispose of human remains after the holding period. The purpose of the proposal is to align the rule with the changes in statute.

**Reasons supporting proposal:** This change is dictated by statute. The existing rules must be amended to align with the statute and to no be in conflict. The 90 day holding period is being amended to 45 days. The proposed rules also add counties to the list of entities that may lawfully dispose of human remains to be consistent with the language in the law.

**Statutory authority for adoption:** RCW 43.20.050(2)(f)

**Statute being implemented:** Substitute House Bill 1974 (Chapter 57, Laws of 2024), as codified in RCW 68.50.230

**Is rule necessary because of a:**

Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Type of proponent:**  Private  Public  Governmental

**Name of proponent:** Washington State Board of Health

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Shay Bauman	101 Israel Road SE, Tumwater, WA, 98504	564-669-8929
Implementation:	Shay Bauman	101 Israel Road SE, Tumwater, WA, 98504	564-669-8929
Enforcement:	Funeral and Cemetary Board	405 Black Lake Blvd SW, Olympia, WA 98502	

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?**

Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

**Is a cost-benefit analysis required under [RCW 34.05.328](#)?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

No: Please explain: The proposed rule is exempt under RCW 34.05.328(5)(b)(v) Rules explicitly and specifically dictated by statute

**Regulatory Fairness Act and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

- |   |   |
|---|---|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of how the above exemption(s) applies to the proposed rule: All of the proposed changes are dictated by statute.

**(2) Scope of exemptions:** *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Date:** April 30, 2024

**Name:** Michelle A. Davis

**Title:** Executive Director, State Board of Health

**Signature:**

