

(8) Shall recommend to the secretary, with the assistance of the faculty, the course of study including vocational training in the school for the deaf, in accordance with other applicable provisions of law and rules and regulations;

(9) May grant to every student, upon graduation or completion of a program or course of study, a suitable diploma, nonbaccalaureate degree, or certificate.

(10) Shall participate in the development of, and monitor the enforcement of the rules and regulations pertaining to the school for the deaf;

(11) Shall perform any other duties and responsibilities prescribed by the secretary.

Passed the House March 27, 1981.

Passed the Senate April 11, 1981.

Approved by the Governor April 22, 1981.

Filed in Office of Secretary of State April 22, 1981.

CHAPTER 43

[Substitute House Bill No. 308]

EMBALMERS AND FUNERAL DIRECTORS—LICENSURE

AN ACT Relating to embalmers and funeral directors; amending section 1, chapter 108, Laws of 1937 as last amended by section 39, chapter 158, Laws of 1979 and RCW 18.39.010; amending section 2, chapter 108, Laws of 1937 and RCW 18.39.020; amending section 6, chapter 108, Laws of 1937 as last amended by section 42, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.050; amending section 5, chapter 108, Laws of 1937 as amended by section 4, chapter 107, Laws of 1965 ex. sess. and RCW 18.39.070; amending section 10, chapter 108, Laws of 1937 as amended by section 43, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.120; amending section 15, chapter 108, Laws of 1937 as amended by section 44, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.130; amending section 4, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.148; amending section 8, chapter 108, Laws of 1937 as amended by section 45, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.150; amending section 9, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.175; amending section 5, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.181; amending section 9, chapter 108, Laws of 1937 and RCW 18.39.190; amending section 13, chapter 108, Laws of 1937 and RCW 18.39.220; amending section 6, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.223; amending section 7, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.225; adding new sections to chapter 18.39 RCW; creating new sections; repealing section 2, chapter 52, Laws of 1955, section 2, chapter 107, Laws of 1965 ex. sess., section 23, chapter 292, Laws of 1971 ex. sess. and RCW 18.39.030; repealing section 4, chapter 108, Laws of 1937, section 1, chapter 150, Laws of 1945, section 2, chapter 105, Laws of 1947, section 3, chapter 107, Laws of 1965 ex. sess., section 24, chapter 292, Laws of 1971 ex. sess., section 1, chapter 120, Laws of 1972 ex. sess., section 40, chapter 158, Laws of 1979 and RCW 18.39.040; repealing section 3, chapter 52, Laws of 1955 and RCW 18.39.080; repealing section 10, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.177; repealing section 11, chapter 108, Laws of 1937, section 2, chapter 93, Laws of 1977 ex. sess., section 41, chapter 158, Laws of 1979 and RCW 18.39.180; repealing section 15, chapter 215, Laws of 1909 and RCW 18.39.210; repealing section 17, chapter 108, Laws of 1937 and RCW 18.39.230; repealing section 13, chapter 99, Laws of 1979 and RCW 43.131.173; repealing section 55, chapter 99, Laws of 1979 and RCW 43.131.174; providing an effective date; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 108, Laws of 1937 as last amended by section 39, chapter 158, Laws of 1979 and RCW 18.39.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

~~((The term))~~ (1) "Funeral director" ~~((as used herein is))~~ means a person engaged in the profession or business of conducting funerals and supervising or directing the burial and disposal of dead human bodies.

~~((The term))~~ (2) "Embalmer" ~~((as used herein is))~~ means a person engaged in the profession or business of disinfecting, preserving or preparing for disposal or transportation of dead human bodies.

~~((A))~~ (3) "Two-year college course" ~~((as used herein))~~ means the completion of sixty semester hours or ninety quarter hours of ~~((collegiate))~~ college credit ~~((from a college or university approved by the director and the state board of funeral directors and embalmers)), including the satisfactory completion of certain college courses, as set forth in this chapter.~~

(4) "Funeral establishment" means a place of business licensed in accordance with RCW 18.39.145, conducted at a specific street address or location, and devoted to the care and preparation for burial or disposal of dead human bodies and includes all areas of such business premises and all tools, instruments, and supplies used in preparation and embalming of dead human bodies for burial or disposal.

(5) "Director" means the director of licensing.

(6) "Board" means the state board of funeral directors and embalmers created pursuant to RCW 18.39.173.

Words used in this chapter importing the singular may be applied to the plural of the person or thing, words importing the plural may be applied to the singular, and words importing the masculine gender may be applied to the female.

Sec. 2. Section 2, chapter 108, Laws of 1937 and RCW 18.39.020 are each amended to read as follows:

~~((On and after the first day of January, 1938,))~~ It ~~((shall be))~~ is unlawful for any person to act or hold himself out as a funeral director or embalmer or discharge any of the duties of a funeral director or embalmer as defined in this chapter unless ~~((he shall have first obtained and be the possessor of))~~ the person has a valid ~~((and subsisting))~~ license ~~((so to do granted pursuant to the provisions of))~~ under this chapter ~~((, or)).~~ It is unlawful for any person to open up, maintain or operate ~~((more than one place of business for directing or supervising the burial or disposal of dead human bodies,))~~ a funeral establishment without having ~~((or employing))~~ at all times at least one funeral director to supervise and direct the business conducted therefrom.

NEW SECTION. Sec. 3. There is added to chapter 18.39 RCW a new section to read as follows:

(1) An applicant for a license as a funeral director shall be at least eighteen years of age, of good moral character, and must have completed a course of not less than two years in an accredited college, and a one-year course of training under a licensed funeral director in this state. The applicant must also pass an examination which shall include the following subjects: Funeral directing, psychology, the signs of death, sanitary science, the preparation, burial, and disposal of dead human bodies, and the shipment of bodies of persons dying of contagious or infectious diseases.

(2) An applicant for a license as an embalmer must be at least eighteen years of age, of good moral character, and have completed two years at an accredited college, a two-year course of training under a licensed embalmer in this state, and a full course of instruction in an embalming school approved by the board. No portion of the course of instruction in the embalming school can be applied towards satisfaction of the two-year college course. The applicant must also pass an examination in each of the following subjects: Embalming, anatomy and physiology including histology, embryology, and dissection, pathology, bacteriology, public health including sanitation and hygiene, chemistry including toxicology, restorative art including plastic surgery and demi-surgery, the care, disinfection, preservation, transportation, burial, and disposal of dead human bodies and the contents of this chapter and of the law of the state relating to infectious diseases and quarantine.

NEW SECTION. Sec. 4. There is added to chapter 18.39 RCW a new section to read as follows:

(1) The two-year college course required under this chapter shall consist of sixty semester or ninety quarter hours of instruction at a school, college, or university accredited by the Northwest Association of Schools and Colleges, with a minimum 2.0 grade point average in each subject.

(2) Credits shall include one course in each of the following subjects: Psychology, mathematics, chemistry, and biology or zoology. Instruction shall also include two courses in English composition and rhetoric, two courses in social science, and three courses selected from the following subjects: Behavioral sciences, public speaking, counseling, business administration and management, and first aid.

Sec. 5. Section 6, chapter 108, Laws of 1937 as last amended by section 42, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.050 are each amended to read as follows:

Every application for ~~((a))~~ an initial license ~~((hereunder, whether for an initial issue or for a renewal of one already granted;))~~ or a license renewal under this chapter shall be made in writing on a form prescribed by the director ~~((and be verified by oath or affirmation before some person authorized by law to administer the same. The original application shall be accompanied by a natural photo of applicant. Every person making application for an initial issue of a license when an examination is required shall~~

pay to the state treasurer a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended and, in case such application is granted he shall pay the further fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended prior to the issuance of such license. Every licensed embalmer or licensed funeral director shall make an application for a renewal of his license for the succeeding year, on or before the 31st day of December of the current year, and pay to the state treasurer a fee to be determined by the director as provided in RCW 43.24.085 as now or hereafter amended, and upon the payment thereof shall be entitled to a renewal of his license) with such information as the director requires. The director shall set license fees in accordance with RCW 43.24.080 as now existing or hereafter amended.

Sec. 6. Section 5, chapter 108, Laws of 1937 as amended by section 4, chapter 107, Laws of 1965 ex. sess. and RCW 18.39.070 are each amended to read as follows:

(1) ~~((An examination for))~~ License ~~((hereunder))~~ examinations shall be held by the director ~~((of licensing))~~ at least once each year at a time and place to be designated by ~~((him))~~ the director. Application to take an examination ~~((may))~~ shall be filed with ~~((said))~~ the director ~~((at any time, and the director))~~ at least forty-five days prior to the examination date and the department shall give each applicant notice of the time and place of the next ~~((ensuing))~~ examination by written notice mailed to ~~((such))~~ the applicant's address as given upon his application not later than ~~((thirty))~~ fifteen days ~~((prior to))~~ before the examination, but no person ~~((shall be eligible to))~~ may take ~~((such))~~ an examination unless his application ~~((shall have))~~ has been on file for ~~((a period of))~~ at least ~~((thirty))~~ fifteen days ~~((prior thereto))~~ before the examination. The applicant shall be deemed to have passed an examination ~~((successfully whenever he shall have attained))~~ if the applicant attains a grade of not less than seventy-five percent in each subject of ~~((said))~~ the examination. Any applicant who ~~((shall))~~ fails ~~((to make the required grade in))~~ any subject ~~((or subjects))~~ in ~~((his))~~ the first examination shall be entitled, at no additional fee, to a second examination ~~((upon such))~~ in the subject or subjects at the next regular examination ~~((held, and no fee shall be required for said second examination)).~~

(2) An applicant for a license hereunder may take his written examination after completing the educational requirements and before completing the course of training required under ~~((RCW 18.39.030 and 18.39.040. The license to a successful examinee shall be issued only when such a course of training has been completed. PROVIDED, That if an applicant is otherwise qualified, the director of licensing shall issue a license to such applicant if he has made application to five licensed funeral directors for the one year course of training required by RCW 18.39.030 and has been turned down by said five licensed funeral directors))~~ section 3 of this 1981 act.

Sec. 7. Section 10, chapter 108, Laws of 1937 as amended by section 43, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.120 are each amended to read as follows:

Every person engaged in the business of funeral directing or embalming, who ~~((staff))~~ employs an apprentice ~~((or apprentices))~~ to assist ~~((him))~~ in the conduct of ~~((such))~~ the business, shall register the name of each apprentice ~~((so employed))~~ with ~~((said))~~ the director at the ~~((time of the))~~ beginning of ~~((said))~~ the apprenticeship, and ~~((such person))~~ shall also forward ~~((to the said director))~~ notice of the termination of ~~((such))~~ the apprenticeship. ~~((Such))~~ The registration shall ~~((also be made in the month of January of every year thereafter by the employer of such apprentice during the continuance of such apprenticeship))~~ be renewed annually and shall expire on the anniversary of the apprentice's birthdate. ((A)) Fees determined ((by the director as provided in)) under RCW 43.24.085 as now or hereafter amended shall be paid ((to the state treasurer)) for the initial registration of ((such)) the apprentice, and ((thereafter a fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended shall be paid to the state treasurer)) for each annual renewal ((of the same)).

Sec. 8. Section 15, chapter 108, Laws of 1937 as amended by section 44, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.130 are each amended to read as follows:

The director may recognize licenses issued to funeral directors or embalmers from other states ~~((and;)).~~ Upon presentation of ((such)) the license((s may, upon the)) and payment by the holder of a fee determined ((by the director as provided in)) under RCW 43.24.085 as now or hereafter amended, the director may issue ((to the lawful holder thereof the)) a funeral director's or embalmer's license ((herein provided for: PROVIDED; HOWEVER, That such)) under this chapter. Recognition shall not be extended to funeral directors or embalmers holding licenses from other states unless reciprocal rights are granted to holders of funeral directors' or embalmers' licenses granted in the state of Washington. ~~((Such))~~ Reciprocal licenses may be renewed annually upon payment of the renewal license fee as herein provided ((in the case of)) by license holders residing in the state of Washington. No person ((shall be)) is entitled to ((such)) a reciprocal license as a funeral director or embalmer unless he ((shall)) furnishes proof that he has, in the state in which he is regularly licensed, complied with requirements substantially equal to those ((set out in)) imposed by this chapter.

Sec. 9. Section 4, chapter 93, Laws of 1977 ex. sess. and RCW 18.39-.148 are each amended to read as follows:

~~((1) In the event))~~ If a licensed funeral establishment ((ceases to)) does not have a licensed funeral director and embalmer in its employ at its place of business, its license shall be canceled immediately by the director((; except as provided in subsection (2) of this section)) or the board.

~~((2) If a licensed funeral establishment constitutes any part of the assets of an estate of a deceased person upon whom such license was dependent because the deceased was a licensed funeral director, then the legal representative of the estate shall be entitled to appoint someone other than a licensed funeral director to act in the capacity of a funeral director and shall be entitled to continue to operate the licensed funeral establishment under the existing license or renewals thereof for a period not to exceed two years without the necessity of employing a licensed funeral director in addition to the required licensed embalmer.))~~

Sec. 10. Section 8, chapter 108, Laws of 1937 as amended by section 45, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.39.150 are each amended to read as follows:

~~((When a licensee has, for any reason, allowed his license to lapse, he may be granted a license upon application therefor made to the director, upon payment to the state treasurer of the fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended. PROVIDED, Such))~~ Any licensed funeral director or embalmer whose license has lapsed shall reapply for a license and pay a fee as determined under RCW 43.24.085 as now or hereafter amended before the license may be issued. Applications ~~((is))~~ under this section shall be made within one year after the expiration of ~~((his))~~ the previous license. If ~~((such))~~ the application is not made within ~~((such one))~~ three years ~~((period))~~, ~~((as in this section provided, then))~~ the applicant shall be required to take an examination ~~((before the director))~~ or submit other satisfactory proof of continued competency approved by the director and pay the license fee, as required by ~~((the provisions of))~~ this chapter in the case of initial applications, together with all unpaid license fees and penalties.

Sec. 11. Section 9, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.175 are each amended to read as follows:

Each member of the board of funeral directors and embalmers shall receive compensation of twenty-five dollars for each board meeting attended, together with travel expenses in connection with board duties in accordance with RCW 43.03.050 and 43.03.060.

The state board of funeral directors and embalmers shall have the following duties and responsibilities:

- (1) To be responsible for the preparation, conducting, and grading of examinations of applicants for funeral director and embalmer licenses;
- (2) To certify to the director the results of examinations of applicants and certify the applicant as having "passed" or "failed";
- (3) To make findings and recommendations to the director on any and all matters relating to the enforcement of ~~((the provisions of))~~ this chapter; ~~((and))~~

(4) To ((perform all other duties and responsibilities under this chapter, the laws of the state of Washington, and the rules and regulations promulgated in support thereof:)) adopt, promulgate, and enforce reasonable rules; and

(5) To suspend or revoke any license, after proper hearing and notice to the licensee, if the licensee has committed any of the following:

(a) A crime involving moral turpitude and resulting in a conviction;

(b) Unprofessional conduct, which includes:

(i) Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer;

(ii) False or misleading advertising as a funeral director or embalmer;

(iii) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether the solicitation occurs after death or while death is impending. This chapter does not prohibit general advertising or the sale of pre-need funeral plans;

(iv) Employment by the licensee of persons known as "cappers," "steerers," or "solicitors" or other persons to obtain funeral directing or embalming business;

(v) Employment directly or indirectly of any person for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;

(vi) The buying of business by the licensee, his agents, assistants or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, his agents, assistants, or employees, for the purpose of securing business;

(vii) Aiding or abetting an unlicensed person to practice funeral directing or embalming;

(viii) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum, or cemetery;

(ix) Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of a dead human body without the written consent of next of kin;

(x) Violation of any of the provisions of this chapter or the rules in support thereof;

(xi) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care, or transportation of dead human bodies;

(xii) Fraud or misrepresentation in obtaining a license;

(xiii) Refusing to promptly surrender the custody of a dead human body upon the express order of the person lawfully entitled to its custody;

(xiv) Selling, or offering for sale, a share, certificate, or an interest in the business of any funeral director or embalmer, or in any corporation, firm, or association owning or operating a funeral establishment, which

promises or purports to give to purchasers a right to the services of the funeral director, embalmer, or corporation, firm, or association at a charge or cost less than that offered or given to the public; or

(xv) Knowingly concealing information concerning a violation of this chapter.

NEW SECTION. Sec. 12. There is added to chapter 18.39 RCW a new section to read as follows:

If the board finds an applicant or licensed funeral director or embalmer has committed a violation of this chapter, it may enter an order imposing one or more of the following penalties:

- (1) Denial of a license;
- (2) Revocation or suspension of a license;
- (3) A fine not to exceed one thousand dollars for each separate offense;
- (4) Issuance of a reprimand;
- (5) Placement of the licensed funeral director or embalmer on probation for a period of time; or
- (6) Restriction of the authorized scope of practice.

Sec. 13. Section 5, chapter 93, Laws of 1977 ex. sess. and RCW 18.39-.181 are each amended to read as follows:

The director(~~(, in addition to other powers and duties,)~~) shall have the following powers and duties (~~((under this chapter))~~):

- (1) To determine the qualifications of applicants for all licenses under this chapter;
- (2) To issue all licenses provided for under (~~(the provisions of)~~) this chapter;
- (3) To annually renew licenses under this chapter;
- (4) To collect all fees prescribed and required under this chapter; and
- (5) To keep general books of record of all official acts, proceedings, and transactions of the department of licensing while acting under this chapter.

Sec. 14. Section 9, chapter 108, Laws of 1937 and RCW 18.39.190 are each amended to read as follows:

It (~~(shall be)~~) is unlawful for any person (~~(or persons in this state)~~) to use the name of any company, association, corporation, trade name, or business name, in the advertisement or operation of any (~~((business of funeral directing or embalming where services are rendered or contracted for or advertised to be rendered))~~) funeral establishment, unless (~~(said)~~) the person (~~(or persons shall)~~) displays in a conspicuous place upon or near the entrance, or in a conspicuous place in the office, if any, maintained for the transaction of business with the public, a printed statement (~~((in a form to be prescribed by the director of licensing, in plain English letters of not less than one inch in height,))~~) containing the name of every funeral director or embalmer (~~(who shall be)~~) engaged in the rendering of service within the

office or establishment operated under ~~((said))~~ the company, association, corporation, trade, or business name.

NEW SECTION. Sec. 15. No licensed embalmer shall embalm a deceased body without first having obtained authorization from a family member or representative of the deceased.

Notwithstanding the above prohibition a licensee may embalm without such authority when after due diligence no authorized person can be contacted and embalming is in accordance with legal or accepted standards of care in the community, or the licensee has good reason to believe that the family wishes embalming. If embalming is performed under these circumstances, the licensee shall not be deemed to be in violation of the provisions of this section.

The funeral director or embalmer shall inform the family member or representative of the deceased that embalming is not required by state law, except that embalming is required under certain conditions as determined by rule by the state board of health.

Sec. 16. Section 13, chapter 108, Laws of 1937 and RCW 18.39.220 are each amended to read as follows:

Every funeral director or embalmer who ~~((shall))~~ pays, or causes to be paid, directly or indirectly, ~~((any sum of))~~ money, or other valuable consideration, for the securing of business, and every person who ~~((shall))~~ accepts ~~((any sum of))~~ money, or other valuable consideration, directly or indirectly, from a funeral director or from an embalmer, in order that the latter may obtain business~~((, and))~~ is guilty of a gross misdemeanor. Every person who ~~((shall))~~ sells, or offers for sale, any share, certificate, or interest in the business of any funeral director or embalmer, or in any corporation, firm, or association owning or ~~((conducting the business of funeral directing or embalming, under promise or representation that))~~ operating a funeral establishment, which promises or purports to give to the purchaser ~~((thereof shall receive or be entitled))~~ a right to the services of ~~((such))~~ the funeral director, embalmer, or corporation, firm, or association at a ~~((price))~~ charge or cost less than that ~~((open))~~ offered or given to the ~~((general))~~ public, ~~((shall be))~~ is guilty of a gross misdemeanor.

Sec. 17. Section 6, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.223 are each amended to read as follows:

~~((†))~~ The director or board may initiate and conduct investigations as may be reasonably necessary to establish the existence of ~~((any alleged))~~ violations of or noncompliance with ~~((the provisions of))~~ this chapter or any rules ~~((and regulations))~~ issued hereunder. For the purpose of any investigation or proceeding under this chapter, the director, the board, or any officer designated by ~~((him))~~ either, may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements,

or other documents or records which the director or the board deems relevant or material to the inquiry. Subpoenas issued under this section are enforceable in any court of competent jurisdiction.

~~((2) If any individual fails to obey a subpoena or obeys a subpoena but refuses to give evidence, any court of competent jurisdiction, upon application by the director, may issue to that person an order requiring him to appear before the court, to show cause why he should not be compelled to obey the subpoena and give evidence material to the matter under investigation. The failure to obey an order of the court may be punishable as contempt:))~~

Sec. 18. Section 7, chapter 93, Laws of 1977 ex. sess. and RCW 18.39-.225 are each amended to read as follows:

The director or the board may refer ~~((such))~~ evidence ~~((as may be available to him))~~ concerning violations of this chapter, or of any rule ~~((or regulation))~~ adopted hereunder, to the attorney general or the prosecuting attorney of the county wherein the alleged violation arose~~((, who may, in their discretion, with or without such a reference, in addition to any other action they might commence, bring an action in the name of the state against any person to restrain and prevent the doing of any act or practice prohibited by this chapter. PROVIDED, That))~~. This chapter shall be considered in conjunction with chapters 9.04 and 19.86 RCW, as now or hereafter amended, and the powers and duties of the attorney general and the prosecuting attorney as they ~~((may))~~ appear in ~~((the aforementioned))~~ these chapters, ~~((shall))~~ apply against all persons subject to this chapter.

NEW SECTION. Sec. 19. The regulation of funeral directors and embalmers, chapter 18.39 RCW, shall terminate on June 30, 1987 and shall be subject to all of the processes provided in RCW 43.131.010 through 43.131.110 as now existing or hereafter amended.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 52, Laws of 1955, section 2, chapter 107, Laws of 1965 ex. sess., section 23, chapter 292, Laws of 1971 ex. sess. and RCW 18.39.030;

(2) Section 4, chapter 108, Laws of 1937, section 1, chapter 150, Laws of 1945, section 2, chapter 105, Laws of 1947, section 3, chapter 107, Laws of 1965 ex. sess., section 24, chapter 292, Laws of 1971 ex. sess., section 1, chapter 120, Laws of 1972 ex. sess., section 40, chapter 158, Laws of 1979 and RCW 18.39.040;

(3) Section 3, chapter 52, Laws of 1955 and RCW 18.39.080;

(4) Section 10, chapter 93, Laws of 1977 ex. sess. and RCW 18.39.177;
(5) Section 11, chapter 108, Laws of 1937, section 2, chapter 93, Laws of 1977 ex. sess., section 41, chapter 158, Laws of 1979 and RCW 18.39.180;

- (6) Section 15, chapter 215, Laws of 1909 and RCW 18.39.210;
- (7) Section 17, chapter 108, Laws of 1937 and RCW 18.39.230;
- (8) Section 13, chapter 99, Laws of 1979 and RCW 43.131.173; and
- (9) Section 55, chapter 99, Laws of 1979 and RCW 43.131.174.

Passed the House February 20, 1981.

Passed the Senate April 11, 1981.

Approved by the Governor April 22, 1981.

Filed in Office of Secretary of State April 22, 1981.

CHAPTER 44

[House Bill No. 334]

ANATOMICAL GIFTS, PACEMAKERS, ARTIFICIAL PARTS

AN ACT Relating to anatomical gifts; and amending section 2, chapter 80, Laws of 1969 and RCW 68.08.500.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 80, Laws of 1969 and RCW 68.08.500 are each amended to read as follows:

(1) "Bank or storage facility" means a facility licensed, accredited, or approved under the laws of any state for storage of human bodies or parts thereof including pacemakers.

(2) "Decedent" means a deceased individual and includes a stillborn infant or fetus.

(3) "Donor" means an individual who makes a gift of all or part of his body.

(4) "Hospital" means a hospital licensed, accredited, or approved under the laws of any state; includes a hospital operated by the United States government, a state, or a subdivision thereof, although not required to be licensed under state laws.

(5) "Part" means pacemakers, organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions of a human body including artificial parts.

(6) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(7) "Physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any state.