



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH

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June 14, 2006

TO: Washington State Board of Health Members

FROM: Karen VanDusen, SBOH Member

**SUBJECT: PROPOSED ADOPTION OF CHAPTER 246-500 WAC,
HANDLING OF HUMAN REMAINS**

Background and Summary

The Board has authority under RCW 43.20.050(2)(e) to adopt rules to prevent and control infectious diseases, including rules concerning the receipt and conveyance of human remains. The Board has adopted such rules in chapter 246-490 WAC, Vital Statistics. Another statute, RCW 18.39.215, impacts this WAC. The Legislature changed this statute in 2005 to require funeral directors to refrigerate or embalm a body upon receipt. This replaced an older requirement that allowed a delay of up to 24 hours. Changes to the Board's rules are needed to be consistent with the RCW change. As part of this rule revision, Board staff has proposed moving the human remains provisions of chapter 246-490 WAC new chapter 246-500 WAC, specific for human remains handling. This would better assure that persons looking for the rules can find them.

The new requirement in RCW 18.39.215 has had unintended consequences for the handling of unembalmed bodies. It hinders viewing for identification and does not allow for preparing the body for burial according to religious traditions. Board staff has prepared a rule proposal that would implement a waiver clause in RCW 18.39.215 to allow funeral establishments to delay or remove an unembalmed body from refrigeration for a specified amount of time for certain activities. Those activities include transport, identification, washing, dressing, sitting vigil, and viewing.

Board staff gathered input from representatives of funeral directors, religious groups, consumer advocates, health officers, a medical examiner, the University of Washington's Anatomy Department, the Department of Licensing's Funeral & Cemetery Program, and the Department of Health to develop a rule proposal. A considerable amount of comment was received regarding the maximum amount of time an unembalmed body should be allowed to remain unrefrigerated in a funeral establishment. The proposal contains a provision to allow delay or removal from refrigeration for a maximum of 24 hours. The proposal contains additional provisions to encourage universal precautions for all persons who handle human remains; give more discretion to local health officers, especially during emergency situations; simplify packing requirements for shipping human remains by common carrier; and clarify existing language.

The Board's executive director, in consultation with me, has approved a CR-102 on the proposal for a public hearing on July 12, 2006. In preparation for that hearing, Ned Therien, SBOH policy analyst, will explain the proposal today. Dennis McPhee, Department of Licensing, and Phil Freeman, DOH Center for Health Statistics, are also available to answer questions about the proposal. Please refer to materials behind Tab 11.

Recommended Board Action

None at this time.