

By: A. Johnson of Harris

H.B. No. 1404

A BILL TO BE ENTITLED

AN ACT

relating to the cremation of human remains by alkaline hydrolysis.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 711.001(11), (12), and (13), Health and Safety Code, are amended to read as follows:

(11) "Cremated remains" or "cremains" means the essential elements, including bone fragments, remaining after the cremation process, which may include the residue of any foreign materials that were cremated with the human remains.

(12) "Cremation" means the irreversible process of reducing human remains to essential elements, including bone fragments, through extreme heat and evaporation or through alkaline hydrolysis. The process ~~[, which]~~ may include the processing or the pulverization of bone fragments.

(13) "Crematory" means a structure containing a furnace or alkaline hydrolysis vessel used or intended to be used for the cremation of human remains. The term includes a facility that cremates human remains through alkaline hydrolysis.

SECTION 2. Section 716.001(5), Health and Safety Code, is amended to read as follows:

(5) "Cremation" means the irreversible process of reducing human remains to essential elements, including bone fragments, through direct flame, extreme heat, and evaporation or through alkaline hydrolysis. The term may include pulverization,

1 which is the process of reducing identifiable bone fragments after
2 cremation and processing granulated particles by manual or
3 mechanical means.

4 SECTION 3. Section 716.002, Health and Safety Code, is
5 amended to read as follows:

6 Sec. 716.002. CREMATION RULES. (a) The commission may
7 adopt rules consistent with this chapter and Chapter 651,
8 Occupations Code, to govern the cremation of human remains.

9 (b) Notwithstanding the provisions of this chapter and
10 Chapter 651, Occupations Code, the commission may modify cremation
11 procedures and requirements under Subchapter D to the extent
12 necessary to allow cremation through alkaline hydrolysis.

13 SECTION 4. Subchapter D, Chapter 716, Health and Safety
14 Code, is amended by adding Section 716.1525 to read as follows:

15 Sec. 716.1525. ALKALINE HYDROLYSIS CREMATION.
16 Notwithstanding Sections 716.151 and 716.152, the commission by
17 rule shall establish the requirements for cremation through
18 alkaline hydrolysis, including rules for the cremation process and
19 for containers used in the process.

20 SECTION 5. Section 651.001(3), Occupations Code, is amended
21 to read as follows:

22 (3) "Crematory" means a structure containing a furnace
23 or alkaline hydrolysis vessel used or intended to be used for the
24 cremation of human remains. The term includes a facility that
25 cremates human remains through alkaline hydrolysis.

26 SECTION 6. Section 651.651(1), Occupations Code, is amended
27 to read as follows:

1 (1) "Cremation" means the irreversible process of
2 reducing human remains to essential elements, including bone
3 fragments, through direct flame, extreme heat, and evaporation or
4 through alkaline hydrolysis. The term may include pulverization,
5 which is the process of reducing identifiable bone fragments after
6 cremation and processing granulated particles by manual or
7 mechanical means.

8 SECTION 7. Not later than December 1, 2021, the Texas
9 Funeral Service Commission shall adopt rules to implement the
10 changes in law made by this Act.

11 SECTION 8. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2021.