

AN ACT

relating to cemeteries in certain municipalities and counties.

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

SECTION 1. Section 711.008, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (g-3) and (g-4) to read as follows:

(a) Except as provided by Subsections (b), (f), (g), (g-1), (g-2), (g-3), (g-4), (h), and (k), an individual, corporation, partnership, firm, trust, or association may not establish or operate a cemetery, or use any land for the interment of remains, located:

(1) in or within one mile of the boundaries of a municipality with a population of 5,000 to 25,000;

(2) in or within two miles of the boundaries of a municipality with a population of 25,000 to 50,000;

(3) in or within three miles of the boundaries of a municipality with a population of 50,000 to 100,000;

(4) in or within four miles of the boundaries of a municipality with a population of 100,000 to 200,000; or

(5) in or within five miles of the boundaries of a municipality with a population of at least 200,000.

(g-3) An individual, corporation, partnership, firm, trust, or association may file a written application with the governing body of a municipality to establish or use a cemetery located inside

1 the limits of the municipality. The governing body by ordinance
2 shall prescribe the information to be included in the application.
3 The governing body by ordinance may authorize the establishment or
4 use of the cemetery if the governing body determines and states in
5 the ordinance that the establishment or use of the cemetery does not
6 adversely affect public health, safety, and welfare. This
7 subsection applies only to a municipality that is located in:

- 8 (1) a county with a population of more than 750,000; or
9 (2) a county adjacent to a county with a population of
10 more than 750,000.

11 (g-4) An individual, corporation, partnership, firm, trust,
12 or association may file a written application with the
13 commissioners court of a county to establish or use a cemetery
14 located inside the limits of the county. The commissioners court by
15 order shall prescribe the information to be included in the
16 application. The commissioners court by order may authorize the
17 establishment or use of the cemetery if the commissioners court
18 determines and states in the order that the establishment or use of
19 the cemetery does not adversely affect public health, safety, and
20 welfare. This subsection applies only to a county:

- 21 (1) with a population of more than 750,000; or
22 (2) that is adjacent to a county with a population of
23 more than 750,000.

24 SECTION 2. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 783 was passed by the House on April 14, 2023, by the following vote: Yeas 111, Nays 32, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 783 was passed by the Senate on May 22, 2023, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

APPROVED: _____

Date

Governor