

1-1 By: Hughes S.B. No. 1300  
 1-2 (In the Senate - Filed February 28, 2023; March 9, 2023,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 March 21, 2023, reported favorably by the following vote: Yeas 10,  
 1-5 Nays 0; March 21, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the disposition and removal of a decedent's remains.  
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-23 SECTION 1. Section 711.004(a), Health and Safety Code, is  
 1-24 amended to read as follows:  
 1-25 (a) Remains interred in a cemetery may be removed from a  
 1-26 plot in the cemetery with the written consent of the cemetery  
 1-27 organization operating the cemetery and the written consent of the  
 1-28 current plot owner or owners and the following persons, in the  
 1-29 priority listed:  
 1-30 (1) the person designated in a written instrument  
 1-31 signed by the decedent, as described by Section 711.002(a)(1);  
 1-32 (2) the decedent's surviving spouse;  
 1-33 (3) any one of [~~(2)~~] the decedent's surviving adult  
 1-34 children;  
 1-35 (4) either one of [~~(3)~~] the decedent's surviving  
 1-36 parents;  
 1-37 (5) any one of [~~(4)~~] the decedent's surviving adult  
 1-38 siblings;  
 1-39 (6) any one of the duly qualified executors or  
 1-40 administrators of the decedent's estate; or  
 1-41 (7) any [~~(5) the~~] adult person in the next degree of  
 1-42 kinship in the order named by law to inherit the estate of the  
 1-43 decedent.  
 1-44 SECTION 2. Section 711.002(b), Health and Safety Code, is  
 1-45 amended to read as follows:  
 1-46 (b) The written instrument referred to in Subsection (a)(1)  
 1-47 may be in substantially the following form:  
 1-48 APPOINTMENT FOR DISPOSITION OF REMAINS  
 1-49 I, \_\_\_\_\_,  
 1-50 (your name and address)  
 1-51 being of sound mind, willfully and voluntarily make known my desire  
 1-52 that, upon my death, the disposition of my remains shall be  
 1-53 controlled by \_\_\_\_\_  
 1-54 (name of agent)  
 1-55 in accordance with Sections [Section] 711.002 and 711.004, Health  
 1-56 and Safety Code, and, with respect to that subject only, I hereby  
 1-57 appoint such person as my agent (attorney-in-fact).  
 1-58 All decisions made by my agent with respect to the  
 1-59 disposition of my remains, including cremation, shall be binding.  
 1-60 SPECIAL DIRECTIONS:  
 1-61 Set forth below are any special directions limiting the power

2-1 granted to my agent:  
2-2 \_\_\_\_\_  
2-3 \_\_\_\_\_  
2-4 \_\_\_\_\_  
2-5 \_\_\_\_\_  
2-6 \_\_\_\_\_

2-7 AGENT:  
2-8 Name: \_\_\_\_\_  
2-9 Address: \_\_\_\_\_  
2-10 Telephone Number: \_\_\_\_\_

2-11 SUCCESSORS:

2-12 If my agent or a successor agent dies, becomes legally  
2-13 disabled, resigns, or refuses to act, or if my marriage to my agent  
2-14 or successor agent is dissolved by divorce, annulled, or declared  
2-15 void before my death and this instrument does not state that the  
2-16 agent or successor agent continues to serve after my marriage to  
2-17 that agent or successor agent is dissolved by divorce, annulled, or  
2-18 declared void, I hereby appoint the following persons (each to act  
2-19 alone and successively, in the order named) to serve as my agent  
2-20 (attorney-in-fact) to control the disposition of my remains as  
2-21 authorized by this document:

2-22 1. First Successor  
2-23 Name: \_\_\_\_\_  
2-24 Address: \_\_\_\_\_  
2-25 Telephone Number: \_\_\_\_\_

2-26 2. Second Successor  
2-27 Name: \_\_\_\_\_  
2-28 Address: \_\_\_\_\_  
2-29 Telephone Number: \_\_\_\_\_

2-30 DURATION:

2-31 This appointment becomes effective upon my death.

2-32 PRIOR APPOINTMENTS REVOKED:

2-33 I hereby revoke any prior appointment of any person to

2-34 control the disposition of my remains.

2-35 RELIANCE:

2-36 I hereby agree that any cemetery organization, business  
2-37 operating a crematory or columbarium or both, funeral director or  
2-38 embalmer, or funeral establishment who receives a copy of this  
2-39 document may act under it. Any modification or revocation of this  
2-40 document is not effective as to any such party until that party  
2-41 receives actual notice of the modification or revocation. No such  
2-42 party shall be liable because of reliance on a copy of this  
2-43 document.

2-44 ASSUMPTION:

2-45 THE AGENT, AND EACH SUCCESSOR AGENT, BY ACCEPTING THIS  
2-46 APPOINTMENT, ASSUMES THE OBLIGATIONS PROVIDED IN, AND IS BOUND BY  
2-47 THE PROVISIONS OF, SECTIONS [SECTION] 711.002 AND 711.004, HEALTH  
2-48 AND SAFETY CODE.

2-49 SIGNATURES:

2-50 This written instrument and my appointments of an agent and  
2-51 any successor agent in this instrument are valid without the  
2-52 signature of my agent and any successor agents below. Each agent,  
2-53 or a successor agent, acting pursuant to this appointment must  
2-54 indicate acceptance of the appointment by signing below before  
2-55 acting as my agent.

2-56 Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

2-57 \_\_\_\_\_  
2-58 (your signature)

2-59 State of \_\_\_\_\_  
2-60 County of \_\_\_\_\_

2-61 This document was acknowledged before me on \_\_\_\_\_ (date) by  
2-62 \_\_\_\_\_ (name of principal).

2-63 \_\_\_\_\_  
2-64 (signature of notarial officer)

2-65 (Seal, if any, of notary)

2-66 \_\_\_\_\_  
2-67 (printed name)

2-68 My commission expires:  
2-69 \_\_\_\_\_

3-1 ACCEPTANCE AND ASSUMPTION BY AGENT:

3-2 I have no knowledge of or any reason to believe this  
3-3 Appointment for Disposition of Remains has been revoked. I hereby  
3-4 accept the appointment made in this instrument with the  
3-5 understanding that I will be individually liable for the reasonable  
3-6 cost of the decedent's interment, for which I may seek  
3-7 reimbursement from the decedent's estate.

3-8 Acceptance of Appointment: \_\_\_\_\_  
3-9 (signature of agent)

3-10 Date of Signature: \_\_\_\_\_

3-11 Acceptance of Appointment: \_\_\_\_\_  
3-12 (signature of first successor)

3-13 Date of Signature: \_\_\_\_\_

3-14 Acceptance of Appointment: \_\_\_\_\_  
3-15 (signature of second successor)

3-16 Date of Signature: \_\_\_\_\_

3-17 SECTION 3. Section 711.002, Health and Safety Code, as  
3-18 amended by this Act, applies only to the validity of a written  
3-19 instrument executed on or after the effective date of this Act. The  
3-20 validity of a written instrument executed before the effective date  
3-21 of this Act is governed by the law in effect on the date the  
3-22 instrument was executed, and that law continues in effect for that  
3-23 purpose.

3-24 SECTION 4. This Act takes effect September 1, 2023.

3-25 \* \* \* \* \*