

By: Riddle

H.B. No. 2841

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the disposition of a decedent's remains by a  
3 beneficiary named in the decedent's will.

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

5 SECTION 1. Section 711.002(a), Health and Safety Code, is  
6 amended to read as follows:

7 (a) Unless a decedent has left directions in writing for the  
8 disposition of the decedent's remains as provided in Subsection  
9 (g), the following persons, in the priority listed, have the right  
10 to control the disposition, including cremation, of the decedent's  
11 remains, shall inter the remains, and are liable for the reasonable  
12 cost of interment:

13 (1) the person designated in a written instrument, the  
14 form for which is prescribed by Subsection (b), signed by the  
15 decedent;

16 (2) any one of the primary beneficiaries named in the  
17 decedent's will, if the beneficiary is an individual;

18 (3) the decedent's surviving spouse;

19 (4) [~~(3)~~] any one of the decedent's surviving adult  
20 children;

21 (5) [~~(4)~~] either one of the decedent's surviving  
22 parents;

23 (6) [~~(5)~~] any one of the decedent's surviving adult  
24 siblings; or

1            (7) [~~(6)~~] any adult person in the next degree of  
2 kinship in the order named by law to inherit the estate of the  
3 decedent.

4            SECTION 2. The changes in law made by this Act apply only to  
5 the disposition of the remains of a decedent who dies on or after  
6 the effective date of this Act. The disposition of the remains of a  
7 decedent who dies before the effective date of this Act is governed  
8 by the law in effect on the date of the decedent's death, and the  
9 former law is continued in effect for that purpose.

10           SECTION 3. This Act takes effect September 1, 2009.