

By: Menendez, Moody

H.B. No. 3064

A BILL TO BE ENTITLED

AN ACT

relating to the disposition of unclaimed cremated remains of certain veterans.

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

SECTION 1. Subtitle B, Title 8, Health and Safety Code, is amended by adding Chapter 696 to read as follows:

CHAPTER 696. DISPOSITION OF UNCLAIMED CREMATED REMAINS

Sec. 696.001. DEFINITIONS. In this chapter:

(1) "Verification information" means data required by the United States Department of Veterans Affairs to verify whether a person is a veteran or a veteran's dependent eligible for burial in a veterans cemetery, including a copy of the person's death certificate and the person's name, service number, social security number, date of birth, date of death, and place of birth.

(2) "Veterans' service organization" means:

(A) a veterans' organization that is chartered by the United States Congress;

(B) a veterans' service organization recognized by the United States Department of Veterans Affairs; or

(C) a veterans' service organization that is organized for verifying whether a person is a veteran or a veteran's dependent and providing for interment of veterans and their dependents and that is exempt from the payment of federal income taxes under Section 501(c) of the Internal Revenue Code of 1986 by

1 being listed as an exempt organization under Section 501(c)(3) or
2 501(c)(19) of that code.

3 Sec. 696.002. APPLICABILITY. This chapter applies to any
4 person who possesses unclaimed cremated remains, including a
5 funeral establishment or funeral director licensed under Chapter
6 651, Occupations Code, a coroner, or a crematory.

7 Sec. 696.003. AUTHORIZATION TO RELEASE INFORMATION. A
8 person who possesses unclaimed cremated remains may release to the
9 United States Department of Veterans Affairs or a veterans' service
10 organization verification information associated with the remains
11 to verify whether the remains are the remains of a person who was a
12 veteran or a veteran's dependent eligible to be interred in a
13 veterans cemetery if:

14 (1) the person has possessed the cremated remains for
15 at least five years;

16 (2) the person authorized to dispose of the decedent's
17 remains under Section 711.002 has not claimed the cremated remains;
18 and

19 (3) the person made a reasonable effort to locate a
20 relative of the decedent to claim the remains, including publishing
21 notice in a newspaper of general circulation in the county in which
22 the person is located, and more than 30 days have passed since the
23 person first made an effort to locate a relative of the decedent.

24 Sec. 696.004. TRANSFER OF UNCLAIMED CREMATED REMAINS. A
25 person who receives notice from the United States Department of
26 Veterans Affairs or a veterans' service organization that the
27 unclaimed cremated remains are the remains of a veteran or

1 veteran's dependent eligible to be interred in a veterans cemetery
2 may:

3 (1) transport the cremated remains to the veterans
4 cemetery for burial; or

5 (2) transfer the cremated remains to a veterans'
6 service organization that will ensure that the cremated remains are
7 interred in a veterans cemetery.

8 Sec. 696.005. CIVIL IMMUNITY. (a) A person who releases
9 verification information as authorized by this chapter or who
10 transfers cremated remains to a veterans' service organization or a
11 veterans cemetery as authorized by this chapter is immune from
12 civil liability for damages resulting from the release or transfer.

13 (b) A veterans' service organization that inters cremated
14 remains in a veterans cemetery as authorized by this chapter is
15 immune from civil liability for damages arising from the interment.

16 SECTION 2. Subchapter I, Chapter 651, Occupations Code, is
17 amended by adding Section 651.410 to read as follows:

18 Sec. 651.410. AUTHORIZED RELEASE OF INFORMATION. Nothing
19 in this chapter prohibits a funeral director or establishment from
20 releasing information under Chapter 696, Health and Safety Code.

21 SECTION 3. This Act takes effect September 1, 2013.