

BILL ANALYSIS

C.S.H.B. 1011
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised over the amount of time required to obtain a death certificate in Texas, which some suggest may take up to two weeks because of the necessary steps and various parties involved, because some religious traditions require a timely burial. While a death certificate is not required for a burial in the United States, it may be required to transport a body to a foreign country, and a delay in obtaining a death certificate could pose problems for families of deceased individuals who hold certain religious traditions and need the certificate in order to transport the body to the decedent's final resting place outside of the country. C.S.H.B. 1011 seeks to address these concerns by providing for the expedited completion of death certificates for religious purposes in certain counties.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 1011 amends the Health and Safety Code to authorize an individual to submit a written request to the person required to file a death certificate for the person to expedite the completion of a decedent's death certificate if the requestor demonstrates the following:

- the expedited completion is necessary for religious purposes;
- the decedent's remains will be interred, entombed, buried, cremated, or otherwise laid to rest in a foreign country; and
- the requestor is authorized to obtain a copy of the death certificate.

The bill requires the recipient of the request to issue a copy of the certificate to the requestor not later than 48 hours after the time the request is received unless an inquest will be conducted for the decedent. The bill authorizes a medical examiner, for purposes of completing the expedited death certificate, to perform a medical examination and complete the medical certification, provided the examiner serves the county in which the death occurred and has access to the decedent's medical history relevant to the death and the death is due to natural causes.

C.S.H.B. 1011 applies to a county with an office of medical examiner established in accordance with applicable Code of Criminal Procedure provisions and for which the commissioners court by resolution elects for the bill's provisions to apply. The bill does not apply to a county that entered into an agreement with another county to create a medical examiners district unless the jointly operated medical examiner's office is located in the county and the county has adopted such a resolution or makes that election in the agreement creating the district. The bill requires

the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1011 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision establishing that the bill does not apply to a county that entered into an agreement with another county to create a medical examiners district unless certain conditions are met.