

BILL ANALYSIS

Senate Research Center

H.B. 587
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Veteran Affairs
5/4/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The process of retiring United States flags is a ceremonial and important process as a symbol of respect for the United States. American flags are made from synthetic materials that release toxic chemicals and fumes unsafe for inhalation if not properly burned in a contained location. Due to this, there is no way to currently dispose of United States flags made of these synthetic materials in a way that is respectful.

H.B. 587 will:

- Allow American and Texas flags to be cremated by permitting the disposal of tattered American and Texas flags at crematoriums one week before and one week after the following holidays: Memorial Day, Flag Day, and Independence Day.
- Allow flags to be retired with veterans by enacting an opt-in program that would allow veterans to choose to be cremated with tattered flags if the family has flags they would like to retire with the veteran, or if the crematorium has flags that are no longer able to be flown.

H.B. 587 amends current law relating to the cremation of deceased veterans with a United States flag or Texas state flag and the incineration of those flags through the cremation process.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Funeral Service Commission is modified in SECTION 2 (Section 716.002, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to the Texas Funeral Service Commission in SECTION 4 (Section 716.157, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 716.001, Health and Safety Code, by amending Subdivision (4) and adding Subdivision (16) to redefine "cremated remains" and define "veteran."

SECTION 2. Amends Section 716.002, Health and Safety Code, as follows:

Sec. 716.002. CREMATION RULES. (a) Creates this subsection from existing text.

(b) Requires that the rules adopted by the Texas Funeral Service Commission (TFSC) to govern the cremation of human remains:

(1) allow a veteran to be cremated with the United States flag or state flag at the request of the veteran or the veteran's authorizing agent; and

(2) ensure that incineration of the United States flag or state flag with a veteran is in accordance with 4 U.S.C. Section 8 and Chapter 3100 (State Flag), Government Code, as applicable.

SECTION 3. Amends Section 716.052(a), Health and Safety Code, to require that a cremation authorization form meet certain criteria, including that it include a space for the authorizing

agent to request that a deceased person who is a veteran be cremated with the United States flag or state flag. Makes nonsubstantive changes.

SECTION 4. Amends Subchapter D, Chapter 716, Health and Safety Code, by adding Section 716.157, as follows:

Sec. 716.157. INCINERATION OF UNITED STATES FLAG OR STATE FLAG THROUGH CREMATION PROCESS. (a) Authorizes a crematory establishment to incinerate through the cremation process and separately from human remains one or more United States flags or state flags at the request of any person. Authorizes a crematory establishment to only incinerate a flag during the week preceding and the week after the following national holidays:

- (1) Memorial Day;
- (2) Flag Day; and
- (3) Independence Day.

(b) Requires TFSC to adopt rules necessary to implement this section. Requires that the rules:

(1) establish guidelines on:

(A) crematory sanitation;

(B) the release of ashes from an incinerated United States flag or state flag to the person who requested incineration of the flag; and

(C) the disposal of ashes from an incinerated flag; and

(2) ensure that incineration of the flag is in accordance with 4 U.S.C. Section 8 and Chapter 3100, Government Code, as applicable.

SECTION 5. Requires TFSC, as soon as practicable after the effective date of this Act, to adopt rules necessary to implement the changes in law made by this Act.

SECTION 6. Effective date: September 1, 2023.