

BILL ANALYSIS

H.B. 587
By: Patterson
Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Synthetic materials in certain flags may not be burned in the open as they release toxic chemicals and fumes that are unsafe for inhalation. This causes issues with finding an honorable way of disposing of these synthetic flags once they are no longer able to be flown. H.B. 587 seeks to resolve the issue and honor the service of military veterans by enacting an opt-in program allowing veterans to choose to be cremated with worn 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.

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 Texas Funeral Service Commission in SECTION 4 of this bill.

ANALYSIS

H.B. 587 amends the Health and Safety Code to require the cremation rules adopted by the Texas Funeral Service Commission (TFSC) to allow a veteran to be cremated with the U.S. flag or state flag at the request of the veteran or their authorizing agent and to ensure that incineration of the flag with the veteran is in accordance with applicable state and federal law. The bill requires a cremation authorization form to include a space for the authorizing agent to request that a deceased person who is a veteran be cremated with the U.S. flag or state flag. For purposes of these provisions, "veteran" means an individual who has served in, and been honorably discharged from, the army, navy, air force, coast guard, or marine corps of the United States; the state military forces; or an auxiliary service of any of these branches of the armed forces.

H.B. 587 provides also for the incineration of the U.S. flag or state flag through the cremation process for non-veterans on a limited basis. The bill authorizes a crematory establishment to incinerate through the cremation process and separately from human remains one or more U.S. flags or state flags at the request of any person during the week preceding and the week after Memorial Day, Flag Day, or Independence Day. The bill requires the crematory establishment to do the following:

- maintain on the establishment's premises an accurate record of each incinerated flag that includes certain specified information relating to the person who requested the incineration and the incineration process;
- maintain the record of each incinerated flag until at least the 10th anniversary of the date of incineration; and
- ensure the record is subject to inspection by the TFSC.

The bill requires the TFSC to adopt rules necessary to implement these provisions as soon as practicable after the bill's effective date. The rules must ensure that incineration of the U.S. flag or state flag is in accordance with applicable state and federal law and must establish guidelines on crematory sanitation, the release of ashes from an incinerated flag to the person who requested the incineration, and the disposal of ashes from an incinerated flag.

EFFECTIVE DATE

September 1, 2023.