H.B. No. 587

AN ACT

relating to the incineration of a United States flag or Texas state flag through the cremation process at the request of any person.

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

SECTION 1.  Section 716.001, Health and Safety Code, is amended by adding Subdivisions (10-a) and (16) to read as follows:

(10-a)  "First responder" has the meaning assigned by Section 421.095, Government Code.

(16)  "Veteran" means an individual who:

(A)  has served in:

(i)  the army, navy, air force, coast guard, or marine corps of the United States;

(ii)  the state military forces as defined by Section 431.001, Government Code; or

(iii)  an auxiliary service of one of those branches of the armed forces; and

(B)  has been honorably discharged from the branch of the service in which the individual served.

SECTION 2.  Subchapter D, Chapter 716, Health and Safety Code, is amended by adding Section 716.157 to read as follows:

Sec. 716.157.  INCINERATION OF UNITED STATES FLAG OR STATE FLAG THROUGH CREMATION PROCESS. (a) A crematory establishment may 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, including a family member of a deceased veteran, deceased first responder, or deceased spouse or child of a veteran or first responder for the purpose of spreading the ashes on the grave or memorial site of the veteran, first responder, spouse, or child. A crematory establishment may 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)  The commission shall adopt rules necessary to implement this section. The rules must:

(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 3.  As soon as practicable after the effective date of this Act, the Texas Funeral Service Commission shall adopt rules necessary to implement the changes in law made by this Act.

SECTION 4.  This Act takes effect September 1, 2023.

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    President of the Senate Speaker of the House

I certify that H.B. No. 587 was passed by the House on April 18, 2023, by the following vote:  Yeas 148, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 587 on May 17, 2023, by the following vote:  Yeas 140, Nays 5, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 587 was passed by the Senate, with amendments, on May 15, 2023, by the following vote:  Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                 Date

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               Governor