

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

1 request of any person, including a family member of a deceased
2 veteran, deceased first responder, or deceased spouse or child of a
3 veteran or first responder for the purpose of spreading the ashes on
4 the grave or memorial site of the veteran, first responder, spouse,
5 or child. A crematory establishment may only incinerate a flag
6 during the week preceding and the week after the following national
7 holidays:

8 (1) Memorial Day;

9 (2) Flag Day; and

10 (3) Independence Day.

11 (b) The commission shall adopt rules necessary to implement
12 this section. The rules must:

13 (1) establish guidelines on:

14 (A) crematory sanitation;

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

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

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

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

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

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.

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.

Secretary of the Senate

APPROVED: _____

Date

Governor