

By: Patterson

H.B. No. 587

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the cremation of deceased veterans with a United States
3 flag or Texas state flag and the incineration of those flags through
4 the cremation process.

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

6 SECTION 1. Section 716.001, Health and Safety Code, is
7 amended by amending Subdivision (4) and adding Subdivision (16) to
8 read as follows:

9 (4) "Cremated remains" means the recoverable human
10 remains after the completion of the cremation process. The term may
11 include the residue of any nonhuman matter cremated with the
12 deceased human body including casket material, bridgework,
13 eyeglasses, the United States flag or state flag, or other
14 material.

15 (16) "Veteran" means an individual who:

16 (A) has served in:

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

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

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

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

1 SECTION 2. Section 716.002, Health and Safety Code, is
2 amended to read as follows:

3 Sec. 716.002. CREMATION RULES. (a) The commission may
4 adopt rules consistent with this chapter and Chapter 651,
5 Occupations Code, to govern the cremation of human remains.

6 (b) The rules must:

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

10 (2) ensure that incineration of the United States flag
11 or state flag with a veteran is in accordance with 4 U.S.C. Section
12 8 and Chapter 3100, Government Code, as applicable.

13 SECTION 3. Section 716.052(a), Health and Safety Code, is
14 amended to read as follows:

15 (a) A cremation authorization form must:

16 (1) identify the deceased person and the time and date
17 of death;

18 (2) include the name and address of the funeral
19 director or other person that contracted to provide for the
20 cremation;

21 (3) identify the authorizing agent and the
22 relationship between the authorizing agent and the deceased person;

23 (4) include a statement by the authorizing agent that:

24 (A) the authorizing agent has the right to
25 authorize the cremation of the deceased person and is not aware of
26 any person with a superior or equal priority right; or

27 (B) if another person has an equal priority right

1 to authorize cremation, the authorizing agent:

2 (i) has made all reasonable efforts but
3 failed to contact that person and believes the person would not
4 object to the cremation; and

5 (ii) agrees to indemnify and hold harmless
6 the funeral establishment and the crematory establishment for any
7 liability arising from performing the cremation without the
8 person's authorization;

9 (5) authorize the crematory establishment to cremate
10 the human remains;

11 (6) declare that to their knowledge the human remains
12 do not contain a pacemaker or any other material or implant that may
13 potentially be hazardous or cause damage to the cremation chamber
14 or the person performing the cremation;

15 (7) include the name of the funeral establishment or
16 other person authorized to receive the cremated remains from the
17 crematory establishment;

18 (8) detail the manner of permanent disposition of the
19 cremated remains, if known;

20 (9) list any items of value delivered to the crematory
21 establishment along with the human remains and include instructions
22 on the handling of the items;

23 (10) specify whether the authorizing agent has
24 arranged for a viewing of the deceased person or service with the
25 deceased person present before cremation and the date and time of
26 the viewing or service; ~~and~~

27 (11) include a space for the authorizing agent to

1 request that a deceased person who is a veteran be cremated with the
2 United States flag or state flag; and

3 (12) include the signature of the authorizing agent
4 attesting to the accuracy of all representations contained on the
5 cremation authorization form.

6 SECTION 4. Subchapter D, Chapter 716, Health and Safety
7 Code, is amended by adding Section 716.157 to read as follows:

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

15 (1) Memorial Day;

16 (2) Flag Day; and

17 (3) Independence Day.

18 (b) A crematory establishment that incinerates a United
19 States flag or state flag shall:

20 (1) maintain on the crematory establishment's premises
21 an accurate record of each incinerated flag that includes:

22 (A) the name of the person who requested
23 incineration of the flag;

24 (B) the cremation chamber operator's name;

25 (C) the date and time the flag was placed in and
26 removed from the cremation chamber;

27 (D) the weight of the ashes from the incinerated

1 flag; and

2 (E) the manner of disposition of the ashes from
3 the incinerated flag;

4 (2) maintain the information described by Subdivision
5 (1) until at least the 10th anniversary of the date of incineration;
6 and

7 (3) ensure the record is subject to inspection by the
8 commission.

9 (c) The commission shall adopt rules necessary to implement
10 this section. The rules must:

11 (1) establish guidelines on:

12 (A) crematory sanitation;

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

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

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

21 SECTION 5. As soon as practicable after the effective date
22 of this Act, the Texas Funeral Service Commission shall adopt rules
23 necessary to implement the changes in law made by this Act.

24 SECTION 6. This Act takes effect September 1, 2023.