

SENATE AMENDMENTS

2nd Printing

By: Patterson

H.B. No. 587

A BILL TO BE ENTITLED

1 AN ACT

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) The commission shall adopt rules necessary to implement
19 this section. The rules must:

20 (1) establish guidelines on:

21 (A) crematory sanitation;

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

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

27 (2) ensure that incineration of the flag is in

1 accordance with 4 U.S.C. Section 8 and Chapter 3100, Government
2 Code, as applicable.

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

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

ADOPTED

✓✓
MAY 15 2023

Latey Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

[Signature]

1 Amend H.B. No. 587 (senate committee report) as follows:

2 (1) In the recital to SECTION 1 of the bill (page 1, line
3 22), strike "amending Subdivision (4) and adding Subdivision (16)"
4 and substitute "adding Subdivisions (10-a) and (16)".

5 (2) In SECTION 1 of the bill, strike amended Section
6 716.001(4), Health and Safety Code (page 1, lines 24 through 29),
7 and substitute the following:

8 (10-a) "First responder" has the meaning assigned by
9 Section 421.095, Government Code.

10 (3) Strike SECTIONS 2 and 3 of the bill, amending Sections
11 716.002 and 716.052(a), Health and Safety Code (page 1, line 40,
12 through page 2, line 37), and renumber the SECTIONS of the bill
13 accordingly.

14 (4) In SECTION 4 of the bill, in added Section 716.157(a),
15 Health and Safety Code (page 2, line 44), between "person" and the
16 underlined period, insert the following:

17 , including a family member of a deceased veteran, deceased first
18 responder, or deceased spouse or child of a veteran or first
19 responder for the purpose of spreading the ashes on the grave or
20 memorial site of the veteran, first responder, spouse, or child

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 16, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB587 by Patterson (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.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Funeral Service Commission, this estimate assumes duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 513 Funeral Service Commission

LBB Staff: JMc, AF, JBel, GDZ

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 7, 2023

TO: Honorable Kelly Hancock, Chair, Senate Committee on Veteran Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB587 by Patterson (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.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Funeral Service Commission, this estimate assumes duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 513 Funeral Service Commission

LBB Staff: JMc, AF, JBel, GDZ

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 6, 2023

TO: Honorable Terry M. Wilson, Chair, House Committee on Defense & Veterans' Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB587 by Patterson (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.), **As Introduced**

No significant fiscal implication to the State is anticipated.

Based on the analysis of the Funeral Service Commission, this estimate assumes duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 513 Funeral Service Commission

LBB Staff: JMc, AF, GDZ, JBel