

**House Bill 587**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

(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. Section 716.002, Health and Safety Code, is amended to read as follows:

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

(b) The rules must:

SENATE VERSION (IE)

SECTION 1. Section 716.001, Health and Safety Code, is amended by adding Subdivisions (10-a) and (16) to read as follows: [FA1(1)]

(10-a) "First responder" has the meaning assigned by Section 421.095, Government Code. [FA1(2)]

(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.

No equivalent provision. SECTION 2. [Deleted by FA1(3)]

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- (1) allow a veteran to be cremated with the United States flag or state flag at the request of the veteran or the veteran's authorizing agent; and
- (2) ensure that incineration of the United States flag or state flag with a veteran is in accordance with 4 U.S.C. Section 8 and Chapter 3100, Government Code, as applicable.

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

(a) A cremation authorization form must:

- (1) identify the deceased person and the time and date of death;
- (2) include the name and address of the funeral director or other person that contracted to provide for the cremation;
- (3) identify the authorizing agent and the relationship between the authorizing agent and the deceased person;
- (4) include a statement by the authorizing agent that:
  - (A) the authorizing agent has the right to authorize the cremation of the deceased person and is not aware of any person with a superior or equal priority right; or
  - (B) if another person has an equal priority right to authorize cremation, the authorizing agent:
    - (i) has made all reasonable efforts but failed to contact that person and believes the person would not object to the cremation; and
    - (ii) agrees to indemnify and hold harmless the funeral establishment and the crematory establishment for any liability arising from performing the cremation without the person's authorization;
- (5) authorize the crematory establishment to cremate the human remains;

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**No equivalent provision.** SECTION 3. [Deleted by FA1(3)]

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- (6) declare that to their knowledge the human remains do not contain a pacemaker or any other material or implant that may potentially be hazardous or cause damage to the cremation chamber or the person performing the cremation;
- (7) include the name of the funeral establishment or other person authorized to receive the cremated remains from the crematory establishment;
- (8) detail the manner of permanent disposition of the cremated remains, if known;
- (9) list any items of value delivered to the crematory establishment along with the human remains and include instructions on the handling of the items;
- (10) specify whether the authorizing agent has arranged for a viewing of the deceased person or service with the deceased person present before cremation and the date and time of the viewing or service; ~~and~~
- (11) include a space for the authorizing agent to request that a deceased person who is a veteran be cremated with the United States flag or state flag; and
- (12) include the signature of the authorizing agent attesting to the accuracy of all representations contained on the cremation authorization form.

SECTION 4. 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

SENATE VERSION (IE)

SECTION 4. 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

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remains one or more United States flags or state flags at the request of any person.

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

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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:  
[FA1(4)]

(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 5. Same as House version.

SECTION 6. Same as House version.

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