

By: Oliverson

H.B. No. 3357

Substitute the following for H.B. No. 3357:

By: Smithee

C.S.H.B. No. 3357

A BILL TO BE ENTITLED

AN ACT

relating to cremation authorization procedures in counties with medical examiners.

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

SECTION 1. Section 716.051, Health and Safety Code, is amended to read as follows:

Sec. 716.051. CREMATION AUTHORIZATION. Except as otherwise provided in this chapter, a crematory establishment may not cremate deceased human remains until it receives:

(1) a cremation authorization form signed by an authorizing agent; ~~and~~

(2) a death certificate or other death record that indicates the deceased human remains may be cremated; and

(3) for a crematory establishment located in a county with a medical examiner appointed in accordance with Article 49.25, Code of Criminal Procedure, a certificate signed by the medical examiner indicating the medical examiner:

(A) examined the human remains and certified an inquest was unnecessary;

(B) chose not to examine the human remains and authorized release of the remains for cremation; or

(C) held an inquest and authorized release of the human remains for cremation.

SECTION 2. Section 6(a), Article 49.25, Code of Criminal

1 Procedure, is amended to read as follows:

2 (a) Any medical examiner, or his duly authorized deputy,  
3 shall be authorized, and it shall be his duty, to hold inquests with  
4 or without a jury within his county, in the following cases:

5 1. When a person shall die within twenty-four hours  
6 after admission to a hospital or institution or in prison or in  
7 jail;

8 2. When any person is killed; or from any cause dies an  
9 unnatural death, except under sentence of the law; or dies in the  
10 absence of one or more good witnesses;

11 3. When the body or a body part of a person is found and  
12 either:

13 (A) the person is identified but the cause or  
14 circumstances of death are unknown; or

15 (B) the person is unidentified, regardless of  
16 whether the cause or circumstances of death are known;

17 4. When the circumstances of the death of any person  
18 are such as to lead to suspicion that he came to his death by  
19 unlawful means;

20 5. When any person commits suicide, or the  
21 circumstances of his death are such as to lead to suspicion that he  
22 committed suicide;

23 6. When a person dies without having been attended by a  
24 duly licensed and practicing physician, and the local health  
25 officer or registrar required to report the cause of death under  
26 Section 193.005, Health and Safety Code, does not know the cause of  
27 death. When the local health officer or registrar of vital

1 statistics whose duty it is to certify the cause of death does not  
2 know the cause of death, he shall so notify the medical examiner of  
3 the county in which the death occurred and request an inquest;

4           7. When the person is a child who is younger than six  
5 years of age and the death is reported under Chapter 264, Family  
6 Code; ~~and~~

7           8. When a person dies who has been attended  
8 immediately preceding his death by a duly licensed and practicing  
9 physician or physicians, and such physician or physicians are not  
10 certain as to the cause of death and are unable to certify with  
11 certainty the cause of death as required by Section 193.004, Health  
12 and Safety Code. In case of such uncertainty the attending  
13 physician or physicians, or the superintendent or general manager  
14 of the hospital or institution in which the deceased shall have  
15 died, shall so report to the medical examiner of the county in which  
16 the death occurred, and request an inquest; and

17           9. When a medical examiner examines human remains  
18 before authorizing a cremation under Section 716.051, Health and  
19 Safety Code, and determines performance of an inquest is necessary.

20           SECTION 3. This Act takes effect September 1, 2025.