

By: Oliverson

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 death that occurred 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. Section (b), Chapter 181.2, Texas Administrative
21 Code, is amended to read as follows:

22 (b) If a dead body or fetus is to be removed from this state,
23 transported by common carrier within this state, or cremated, the
24 funeral director, or person acting as such, shall obtain a
25 burial-transit permit from the Local Registrar where the death
26 certificate is or will be filed, or from the State Registrar
27 electronically through a Vital Statistics Section electronic death

1 registration system. The registrar shall not issue a
2 burial-transit permit until a certificate of death, completed in so
3 far as possible and a cremation authorization permit issued in
4 accordance with Health and Safety Code Section 716.05(3) ~~has~~ have
5 been presented (See §181.6 of this title (relating to
6 Disinterment)).

7 SECTION 4. This Act takes effect September 1, 2025.