

1-1 By: Patterson (Senate Sponsor - Blanco) H.B. No. 587  
1-2 (In the Senate - Received from the House April 18, 2023;  
1-3 April 19, 2023, read first time and referred to Committee on  
1-4 Veteran Affairs; May 10, 2023, reported favorably by the following  
1-5 vote: Yeas 6, Nays 0; May 10, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the cremation of deceased veterans with a United States  
1-18 flag or Texas state flag and the incineration of those flags through  
1-19 the cremation process.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 716.001, Health and Safety Code, is  
1-22 amended by amending Subdivision (4) and adding Subdivision (16) to  
1-23 read as follows:

1-24 (4) "Cremated remains" means the recoverable human  
1-25 remains after the completion of the cremation process. The term may  
1-26 include the residue of any nonhuman matter cremated with the  
1-27 deceased human body including casket material, bridgework,  
1-28 eyeglasses, the United States flag or state flag, or other  
1-29 material.

1-30 (16) "Veteran" means an individual who:

1-31 (A) has served in:

1-32 (i) the army, navy, air force, coast guard,  
1-33 or marine corps of the United States;

1-34 (ii) the state military forces as defined  
1-35 by Section 431.001, Government Code; or

1-36 (iii) an auxiliary service of one of those  
1-37 branches of the armed forces; and

1-38 (B) has been honorably discharged from the branch  
1-39 of the service in which the individual served.

1-40 SECTION 2. Section 716.002, Health and Safety Code, is  
1-41 amended to read as follows:

1-42 Sec. 716.002. CREMATION RULES. (a) The commission may  
1-43 adopt rules consistent with this chapter and Chapter 651,  
1-44 Occupations Code, to govern the cremation of human remains.

1-45 (b) The rules must:

1-46 (1) allow a veteran to be cremated with the United  
1-47 States flag or state flag at the request of the veteran or the  
1-48 veteran's authorizing agent; and

1-49 (2) ensure that incineration of the United States flag  
1-50 or state flag with a veteran is in accordance with 4 U.S.C. Section  
1-51 8 and Chapter 3100, Government Code, as applicable.

1-52 SECTION 3. Section 716.052(a), Health and Safety Code, is  
1-53 amended to read as follows:

1-54 (a) A cremation authorization form must:

1-55 (1) identify the deceased person and the time and date  
1-56 of death;

1-57 (2) include the name and address of the funeral  
1-58 director or other person that contracted to provide for the  
1-59 cremation;

1-60 (3) identify the authorizing agent and the  
1-61 relationship between the authorizing agent and the deceased person;

2-1 (4) include a statement by the authorizing agent that:  
 2-2 (A) the authorizing agent has the right to  
 2-3 authorize the cremation of the deceased person and is not aware of  
 2-4 any person with a superior or equal priority right; or  
 2-5 (B) if another person has an equal priority right  
 2-6 to authorize cremation, the authorizing agent:  
 2-7 (i) has made all reasonable efforts but  
 2-8 failed to contact that person and believes the person would not  
 2-9 object to the cremation; and  
 2-10 (ii) agrees to indemnify and hold harmless  
 2-11 the funeral establishment and the crematory establishment for any  
 2-12 liability arising from performing the cremation without the  
 2-13 person's authorization;  
 2-14 (5) authorize the crematory establishment to cremate  
 2-15 the human remains;  
 2-16 (6) declare that to their knowledge the human remains  
 2-17 do not contain a pacemaker or any other material or implant that may  
 2-18 potentially be hazardous or cause damage to the cremation chamber  
 2-19 or the person performing the cremation;  
 2-20 (7) include the name of the funeral establishment or  
 2-21 other person authorized to receive the cremated remains from the  
 2-22 crematory establishment;  
 2-23 (8) detail the manner of permanent disposition of the  
 2-24 cremated remains, if known;  
 2-25 (9) list any items of value delivered to the crematory  
 2-26 establishment along with the human remains and include instructions  
 2-27 on the handling of the items;  
 2-28 (10) specify whether the authorizing agent has  
 2-29 arranged for a viewing of the deceased person or service with the  
 2-30 deceased person present before cremation and the date and time of  
 2-31 the viewing or service; ~~and~~  
 2-32 (11) include a space for the authorizing agent to  
 2-33 request that a deceased person who is a veteran be cremated with the  
 2-34 United States flag or state flag; and  
 2-35 (12) include the signature of the authorizing agent  
 2-36 attesting to the accuracy of all representations contained on the  
 2-37 cremation authorization form.  
 2-38 SECTION 4. Subchapter D, Chapter 716, Health and Safety  
 2-39 Code, is amended by adding Section 716.157 to read as follows:  
 2-40 Sec. 716.157. INCINERATION OF UNITED STATES FLAG OR STATE  
 2-41 FLAG THROUGH CREMATION PROCESS. (a) A crematory establishment may  
 2-42 incinerate through the cremation process and separately from human  
 2-43 remains one or more United States flags or state flags at the  
 2-44 request of any person. A crematory establishment may only  
 2-45 incinerate a flag during the week preceding and the week after the  
 2-46 following national holidays:  
 2-47 (1) Memorial Day;  
 2-48 (2) Flag Day; and  
 2-49 (3) Independence Day.  
 2-50 (b) The commission shall adopt rules necessary to implement  
 2-51 this section. The rules must:  
 2-52 (1) establish guidelines on:  
 2-53 (A) crematory sanitation;  
 2-54 (B) the release of ashes from an incinerated  
 2-55 United States flag or state flag to the person who requested  
 2-56 incineration of the flag; and  
 2-57 (C) the disposal of ashes from an incinerated  
 2-58 flag; and  
 2-59 (2) ensure that incineration of the flag is in  
 2-60 accordance with 4 U.S.C. Section 8 and Chapter 3100, Government  
 2-61 Code, as applicable.  
 2-62 SECTION 5. As soon as practicable after the effective date  
 2-63 of this Act, the Texas Funeral Service Commission shall adopt rules  
 2-64 necessary to implement the changes in law made by this Act.  
 2-65 SECTION 6. This Act takes effect September 1, 2023.

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