

SUBJECT: Revising authorized individuals for removal of a decedent's remains

COMMITTEE: Judiciary & Civil Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Leach, Julie Johnson, Davis, Flores, Moody, Murr, Schofield, Vasut

0 nays

1 absent — Slawson

SENATE VOTE: On final passage (March 23) — 31 - 0

WITNESSES: None

BACKGROUND: Health and Safety Code sec. 711.002(a) lists individuals authorized to control the disposition of a decedent's remains in the following priority order:

- the person designated in a written statement signed by the decedent;
- the decedent's surviving spouse;
- any one of the decedent's surviving adult children;
- either one of the decedent's surviving parents;
- any one of the decedent's surviving adult siblings;
- any one or more of the duly qualified executors or administrators of the decedent's estate; or
- any adult person in the next degree of kinship in the order named by law to inherit the estate of the decedent.

Some have suggested that the individuals authorized to provide consent to the initial disposition of a decedent's remains should be the same individuals authorized to provide consent to removal of the remains to resolve inconsistency under current provisions.

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DIGEST: SB 1300 would revise and make additions to the prioritized list of individuals with the right to consent to the removal of a decedent's remains from a plot in a cemetery to align this list with the prioritized list of individuals who had the right to control the disposition of such remains under Health and Safety Code sec. 711.002(a).

The bill would take effect September 1, 2023 and would apply only to the validity of a written instrument executed on or after that date.