

BILL ANALYSIS

Senate Research Center
84R1578 AJZ-F

S.B. 292
By: Nelson
Health and Human Services
2/4/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of this bill is to accommodate the religious beliefs of grieving families who wish to cremate loved ones as swiftly as possible. Specifically, the bill requires medical examiners or justices of the peace to develop a written policy under which a person may apply for a waiver of the 48-hour waiting period for cremation.

As proposed, S.B. 292 amends current law relating to a request for a waiver of the waiting period before human remains may be cremated.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 716.004, Health and Safety Code, by adding Subsection (b), as follows:

(b) Requires a justice of the peace or medical examiner's office authorized to grant a waiver under Subsection (a) (relating to prohibiting a crematory establishment from cremating human remains within 48 hours of the time of death indicated on a death certificate unless the waiting period is waved in writing) to adopt a written policy for requesting a waiver under Subsection (a). Requires the justice of the peace or medical examiner's office, in adopting the written policy, to consider how a person makes a request, and how the justice of the peace or medical examiner may process the request as quickly as possible. Requires that the written policy outline the process of making a request for a waiver under Subsection (a) during regular business hours and outside of regular business hours, including on a weekend day or holiday.

SECTION 2. Effective date: upon passage or September 1, 2015.