

BILL ANALYSIS

Senate Research Center

S.B. 1300
By: Hughes
State Affairs
5/24/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law sets forth a different order and identity of persons who have the right to control the initial disposition of a decedent's remains from the order of those persons who must consent for the removal of a decedent's remains. S.B. 1300 simply aligns the order of persons who can consent to remove a decedent's remains to be the same as the order of those who can initially dispose of a decedent's remains.

S.B. 1300 amends current law relating to the disposition and removal of a decedent's remains.

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 711.004(a), Health and Safety Code, as follows:

(a) Authorizes remains interred in a cemetery to be removed from a plot in the cemetery with the written consent of the cemetery organization operating the cemetery and the written consent of the current plot owner or owners and the following persons, in the priority listed:

- (1) the person designated in a written instrument signed by the decedent, as described by Section 711.002(a)(1) (relating to providing that the person designated in a written instrument signed by the decedent has certain rights and obligations);
- (2) creates this subdivision from existing text;
- (3) any one of the decedent's surviving adult children, rather than the decedent's surviving adult children;
- (4) either one of the decedent's surviving parents, rather than the decedent's surviving parents;
- (5) any one of the decedent's surviving adult siblings, rather than the decedent's adult siblings;
- (6) any one of the duly qualified executors or administrators of the decedent's estate; or
- (7) any adult person, rather than the adult person, in the next degree of kinship in the order named by law to inherit the estate of the decedent.

Makes nonsubstantive changes.

SECTION 2. Amends Section 711.002(b), Health and Safety Code, to make conforming changes.

SECTION 3. Makes application of Section 711.002, Health and Safety Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2023.