

BILL ANALYSIS

C.S.H.B. 2181
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There is inconsistency in the Health and Safety Code related to consent to removal of a decedent's remains. The individuals authorized to consent to the removal of remains are different than those authorized to control the initial disposition of the remains. C.S.H.B. 2181 seeks to harmonize the order and identity of the persons who must consent to removal of the decedent's remains with the order and identity of the persons who have the right to control the initial disposition of the remains.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2181 amends the Health and Safety Code to revise the order and list of persons who, in addition to the cemetery organization operating the cemetery, must consent to removal of a decedent's remains from a plot in a cemetery. The order of priority is as follows:

- the person designated in a written instrument 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 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.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2181 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions revising the form of the written instrument for the appointment for disposition of remains.