

SUBJECT: Penalties for cemetery failure to provide information on location of remains

COMMITTEE: Public Health — committee substitute recommended

VOTE: 7 ayes — Berlanga, Hirschi, Coleman, Delisi, Glaze, Maxey, McDonald
0 nays
2 absent — Janek, Rodriguez

WITNESSES: For — Chris Inabnett, Restland Memorial Park
Against — None

BACKGROUND: Cemetery organizations are required to keep a record of each interment at the cemetery, including identification of the plot in which remains are interred. Failure to keep these records can result in forfeiture of a cemetery corporation's charter by the attorney general and may constitute a Class A misdemeanor, punishable by one year in jail and a \$4,000 fine. Cemetery organizations must make maps or plats of cemeteries, mausoleums and other repositories for cremated remains.

Health and Safety Code sec. 193.002 requires funeral directors to obtain and file death and fetal death certificates that include information relating to disposition of the remains.

DIGEST: CSHB 1366 would require that a cemetery organization designate each plot, crypt, lawn crypt or niche available for interment purposes with its own specific number identifier and amend the map or plat when a change occurs affecting any specific number. CSHB 1366 would provide civil penalties of up to \$1,000 for each map or plat that fails to comply with its provisions.

CSHB 1366 would authorize the Department of Health to require that death and fetal death certificates include the name of the place and specific number identifier in which the decedent's remains will be interred or otherwise disposed of. The Bureau of Vital Statistics and each local

registrar would be required to make this information available to the public for a fee.

CSHB 1366 would take effect on September 1, 1995, except the sections relating to designating plots, crypts, lawn crypts or niches with their own specific number would take effect on October 1, 1995

**SUPPORTERS
SAY:**

CSHB 1366 would ensure that individuals are able to locate the remains of loved ones. Often small cemeteries, particularly those in rural areas, do not keep records of where decedents' remains are located. Great distress can arise when a family is unable to locate a loved one's remains because of lax recordkeeping or changes in cemetery arrangements.

Requiring cemeteries to give each plot or crypt a specific and unique identifying number and placing that number on a decedent's death certificate would create a permanent record of where decedents' remains are kept.

**OPPONENTS
SAY:**

CSHB 1366 would duplicate provisions already in law. Health and Safety Code sec. 711.003 already requires cemeteries to identify the place where decedents are buried. There are also criminal and civil penalties available against cemeteries that fail to record this type of information. Creating additional provisions while failing to specify how they are to be enforced would do little to improve conditions.

NOTES:

HB 1366 as introduced would have required a cemetery association to file interment records with the county clerk. The committee substitute would instead require specific unique numbers for each plot, crypt or niche. The substitute would set civil penalties rather than Class B misdemeanor penalties as in the original bill and add language relative to dissemination of records.