

SUBJECT: Disposition of bodies of deceased paupers

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 8 ayes — R. Lewis, Kamel, Bonnen, Chisum, Christian, Denny, Flores, G. Lewis

0 nays

0 absent

1 present not voting — Gutierrez

WITNESSES: For — Jim Allison, County Judges and Commissioners Association of Texas; Roshunda Farmer, Texas Association of Counties; Marsha Watson, Wichita County Commissioners Court

Against — None

On — Curtiss Brown

BACKGROUND : The Health and Safety Code allows counties to either bury or cremate the body of a deceased pauper, but prohibits cremation if a relative or friend expresses objection to this procedure. Other sections of the code authorize individuals to leave written instructions for the disposition of their remains and gives the Texas Anatomical Board the right to remove the bodies of paupers for purposes of medical science.

DIGEST: HB 1860 would amend the Health and Safety Code to require that counties provide for the disposition of deceased paupers. It would delete reference to internment and cremation as well as the provision prohibiting cremation upon objection by a relative or friend.

This bill would take effect on September 1, 1997.

SUPPORTERS SAY: HB 1860 would give counties more flexibility to provide for the disposition of the bodies of paupers. By removing reference to internment and cremation, the bill would allow for other possibilities and resolve conflicts with other sections of the Health and Safety Code that allow (1) the Anatomical Board to remove bodies for medical science purposes and (2) individuals to leave written instructions for the disposition of their remains. HB 1860 would prevent relatives from vetoing cremation even if this method of disposition were specified in the deceased's will.

Currently, counties may not cremate the bodies of paupers if relatives or friends object, even if these individuals are not willing or able to pay for burial. Funeral homes that contract with counties for disposition of deceased paupers are reluctant to use cremation out of fear of legal action. In these cases, the county has to cover the burial costs, which generally are much higher than cremation.

HB 1860 would allow counties to pursue all options for disposition of deceased paupers, including making the body available for scientific research through the Anatomical Board.

OPPONENTS SAY: No apparent opposition.

NOTES: A related bill, HB 2078 by Naishtat, which would include cremation as an option that could be specified in an individual's written directions for disposition of remains, has been referred to the Public Health Committee.