

SUBJECT: Requiring a cremation waiting period waiver policy

COMMITTEE: Public Health — favorable, without amendment

VOTE: 7 ayes — Kolkhorst, Naishtat, Cortez, S. Davis, Guerra, J.D. Sheffield, Zedler

2 nays — Collier, S. King

2 absent — Coleman, Laubenberg

SENATE VOTE: On final passage, March 13 — 31-0, on the Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify:* Jim Bates, Funeral Consumers Alliance of Texas; Bill Haley, Texas Funeral Directors Association)

Against — None

On — Kevin Heyburn, Texas Funeral Service Commission

BACKGROUND: Health and Safety Code, sec. 716.004 prohibits a crematory from cremating human remains within 48 hours of the time of death unless the waiting period is waived in writing by a justice of the peace or medical examiner in the county in which the death occurred, or by a court order.

DIGEST: SB 68 would require that the county medical examiner or, in a county without one, the justice of the peace, develop and maintain a written policy for requesting a written waiver of the 48-hour waiting period before cremation. The county medical examiner or justice of the peace would consider how a person could make a request, the availability to make a request on weekends or holidays, and other issues relevant to processing a request as quickly as possible.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.