

BILL ANALYSIS

Senate Research Center
87R16300 SCL-F

H.B. 1011
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Health & Human Services
5/3/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1011 would authorize a person to submit a written request to expedite the completion of a death certificate if the requestor demonstrates the following: the expedited completion is necessary for religious purposes; the decedent's remains will be interred, entombed, buried, cremated, or otherwise laid to rest in a foreign country; and the requestor is authorized to obtain a copy of the death certificate.

H.B. 1011 amends current law relating to expedited death certificates for religious purposes in certain counties.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 193.0025, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 193, Health and Safety Code, by adding Section 193.0025, as follows:

Sec. 193.0025. EXPEDITED DEATH CERTIFICATES FOR RELIGIOUS PURPOSES IN CERTAIN COUNTIES. (a) Provides that this section applies only to a county:

(1) with an office of medical examiner established in accordance with Section 1 (Office Authorized), Article 49.25 (Medical Examiners), Code of Criminal Procedure; and

(2) for which the commissioners court of the county by resolution elects for this section to apply.

(b) Provides that this section does not apply to a county that entered into an agreement with another county to create a medical examiners district under Section 1-a (Multi-County District; Joint Office), Article 49.25, Code of Criminal Procedure, unless:

(1) the office of medical examiner is located in the county and the county has adopted a resolution described by Subsection (a)(2); or

(2) notwithstanding Subsection (a), the county elects for this section to apply in the agreement creating the district.

(c) Authorizes an individual to submit to the person required to file a death certificate under Section 193.002 (Person Required to File) a written request for the person to expedite the completion of a decedent's death certificate if the requestor demonstrates that:

(1) the expedited completion is necessary for religious purposes;

(2) the decedent's remains will be interred, entombed, buried, cremated, or otherwise laid to rest in a foreign country; and

(3) the requestor is authorized to obtain a copy of the death certificate.

(d) Requires a person who receives a request under Subsection (c) to issue a copy of the decedent's death certificate to the requestor not later than 48 hours after the time the person receives the request unless an inquest will be conducted for the decedent.

(e) Authorizes a medical examiner, for purposes of completing an expedited death certificate under this section, to:

(1) perform a medical examination; and

(2) complete the medical certification, provided:

(A) the medical examiner has access to the decedent's medical history relevant to the death;

(B) the decedent's death is due to natural causes; and

(C) the medical examiner serves as medical examiner of the county in which the death occurred.

(f) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) to adopt rules necessary to implement this section.

SECTION 2. Requires the executive commissioner, as soon as practicable after the effective date of this Act, to adopt rules necessary to implement Section 193.0025, Health and Safety Code, as added by this Act.

SECTION 3. Effective date: September 1, 2021.