

BILL ANALYSIS

Senate Research Center
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S.B. 105
By: Johnson
Business & Commerce
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Alkaline hydrolysis uses water, alkaline chemicals, heat, and sometimes pressure and agitation, to accelerate natural decomposition, leaving bone fragments and a neutral liquid called effluent. The decomposition that occurs in alkaline hydrolysis is the same as that which occurs during burial, just sped up dramatically by the chemicals. The effluent liquid is sterile, and contains salts, sugars, amino acids, and peptides. There is no tissue or DNA left after the process completes. The effluent is discharged with all other wastewater and is a welcome addition to the water systems. Alkaline hydrolysis has been in use for nearly 100 years and is currently legal in 28 states.

Alkaline hydrolysis is sometimes referred to as AH, flameless cremation, water cremation, green cremation, chemical cremation, liquid cremation, aquamation, biocremation, or resomation.

Interested parties contend that making the alkaline hydrolysis method of treating a body currently used in medical schools available for funeral purposes would provide a more environmentally friendly and economical service for both funeral providers and clients. The process uses significantly less fuel and has an overall lower carbon footprint than both traditional cremation and burial.

This bill seeks to provide the use of alkaline hydrolysis in the cremation process.

Key Provisions:

- Amends the Health and Safety Code to authorize the Texas Funeral Service Commission to modify cremation procedures and requirements to the extent necessary to allow cremation through alkaline hydrolysis.
- Amends the Occupations Code to make conforming changes.

Support:

- Green Cremation Texas
- Earth Funeral

As proposed, S.B. 105 amends current law relating to the cremation of human remains by alkaline hydrolysis.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Funeral Service Commission is modified in SECTION 3 (Section 716.002, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to the Texas Funeral Service Commission in SECTION 4 (Section 716.1525, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 711.001(11), (12), and (13), Health and Safety Code, to redefine "cremated remains," "cremains," "cremation," and "crematory."

SECTION 2. Amends Section 716.001(5), Health and Safety Code, to redefine "cremation."

SECTION 3. Amends Section 716.002, Health and Safety Code, as follows:

Sec. 716.002. CREMATION RULES. (a) Creates this subsection from existing text.

(b) Authorizes the Texas Funeral Service Commission (TFSC), notwithstanding the provisions of Chapter 716 (Crematories) and Chapter 651 (Crematory Services, Funeral Directing, and Embalming), Occupations Code, to modify cremation procedures and requirements under Subchapter D (Cremation Procedures) to the extent necessary to allow cremation through alkaline hydrolysis.

SECTION 4. Amends Subchapter D, Chapter 716, Health and Safety Code, by adding Section 716.1525, as follows:

Sec. 716.1525. ALKALINE HYDROLYSIS CREMATION. Requires TFSC by rule, notwithstanding Sections 716.151 (Cremation Containers) and 716.152 (Cremation Process), to establish the requirements for cremation through alkaline hydrolysis, including rules for the cremation process and for containers used in the process.

SECTION 5. Amends Section 651.003(3), Occupations Code, to redefine "crematory."

SECTION 6. Amends Section 651.651(1), Occupations Code, to redefine "cremation."

SECTION 7. Requires TFSC, not later than December 1, 2023, to adopt rules to implement the changes in law made by this Act.

SECTION 8. Effective date: upon passage or September 1, 2023.