

## **BILL ANALYSIS**

Senate Research Center

H.B. 2078  
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Health & Human Services  
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Engrossed

### **DIGEST**

Currently, the Health and Safety Code is ambiguous as to whether a person can provide written directions for the disposition of his or her body, including cremation, prior to death. It is clear that a person can designate another individual to make decisions concerning the disposition of the body, including cremation, but those instructions may be misinterpreted. Funeral homes are uncertain as to whether or not they may follow a deceased person's instructions for the disposition of his or her remains, and are left to rely on survivors to determine how to care for the body. S.B. 2078 will allow individuals to provide written directions for disposition of their bodies, which may include cremation.

### **PURPOSE**

As proposed, H.B. 2078 provides for the disposition of a person's remains.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 711.002(g), Health and Safety Code, to authorize a person to provide written directions for the disposition, including cremation, of the person's remains in a will, a prepaid funeral contract, or a written instrument signed and acknowledged by such person.

SECTION 2. Emergency clause.  
Effective date: upon passage.