

Cremation Issue Chart

TEXAS



| ISSUE: IDENTIFICATION OF DECEASED | | | |
|--|---|--|------------------------------|
| Law/Regulation | Is ID Required? | Information Required for ID | Any Restrictions/Limitations |
| Sec. 716.103. IDENTIFICATION RESPONSIBILITY OF CREMATORY. | Yes | (a) A crematory establishment shall place on the exterior of a cremation container a label with the deceased person's name as provided by the authorizing agent unless the crematory establishment knows the name is incorrect. (b) A crematory establishment shall place, with the cremated remains, in the temporary container, urn, or other permanent container, a permanent metal identification disc, bracelet, or other item that can be used to identify the deceased person. | |
| ISSUE: ALTERNATIVE CONTAINER FOR CREMATION | | | |
| Law/Regulation | Is It Required? | Definition of Alternative Container | |
| N/A | | | |
| ISSUE: URN | | | |
| Law/Regulation | Any requirements for Urn/ Temporary Container | Definition of Urn/Temporary Container | |
| TX Statutes Sec. 716.001. DEFINITIONS Sec. 716.155. TEMPORARY CONTAINER OR URN. | | (14) "Temporary container" means a receptacle composed of cardboard, plastic, or similar material designed to temporarily store cremated remains until the remains are placed in an urn or other permanent container. (15) "Urn" means a container designed to permanently store cremated remains. | |

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| ISSUE: AUTHORIZING AGENT | |
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| Law/Regulation | Legal Order of Authorizing Agent |
| TX Health & Safety Code 711.002. Disposition of Remains; Duty to Inter | <p>(a) Except as provided by Subsection (l), unless a decedent has left directions in writing for the disposition of the decedent's remains as provided in Subsection (g), the following persons, in the priority listed, have the right to control the disposition, including cremation, of the decedent's remains, shall inter the remains, and in accordance with Subsection (a-1) are liable for the reasonable cost of interment:</p> <ol style="list-style-type: none"> (1) the person designated in a written instrument signed by the decedent; (2) the decedent's surviving spouse; (3) any one of the decedent's surviving adult children; (4) either one of the decedent's surviving parents; (5) any one of the decedent's surviving adult siblings; (6) any one or more of the duly qualified executors or administrators of the decedent's estate; or (7) any adult person in the next degree of kinship in the order named by law to inherit the estate of the decedent. <p>(a-1) If the person with the right to control the disposition of the decedent's remains fails to make final arrangements or appoint another person to make final arrangements for the disposition before the earlier of the 6th day after the date the person received notice of the decedent's death or the 10th day after the date the decedent died, the person is presumed to be unable or unwilling to control the disposition, and:</p> <ol style="list-style-type: none"> (1) the person's right to control the disposition is terminated; and (2) the right to control the disposition is passed to the following persons in the following priority: <ol style="list-style-type: none"> (A) any other person in the same priority class under Subsection (a) as the person whose right was terminated; or (B) a person in a different priority class, in the priority listed in Subsection (a). |

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| ISSUE: FINAL DISPOSITION | |
|---|--|
| Law/Regulation | Any Guidelines or Requirements of Disposition of Cremated Remains Including Mailing Requirements |
| Sec. 716.302. DISPOSITION OF CREMATED REMAINS | <p>(a) An authorizing agent shall provide to a crematory establishment a signed written statement disclosing the final disposition of the cremated remains, if known. The crematory establishment shall retain a copy of the statement in the crematory establishment's records.</p> <p>(b) The authorizing agent is responsible for disposing of cremated remains.</p> <p>(c) Not earlier than the 121st day following the date of cremation, if the authorizing agent or the agent's representative has not specified the final disposition of or claimed the cremated remains, the crematory establishment or funeral establishment, if the cremated remains have been released to an employee of the funeral establishment in accordance with the authorization form, may dispose of the cremated remains in accordance with this subchapter. The crematory establishment or funeral establishment, as applicable, shall retain a record of the disposition in the establishment's records.</p> <p>(d) An authorizing agent is responsible for all reasonable expenses incurred in disposing of the cremated remains under Subsection (c).</p> <p>(e) A person may dispose of cremated remains only:</p> <ol style="list-style-type: none"> (1) in a crypt, niche, grave, or scattering area of a dedicated cemetery; (2) by scattering the remains over uninhabited public land, sea, or other public waterways in accordance with Section 716.304; or (3) on private property as directed by the authorizing agent with the written consent of the property owner in accordance with Section 716.304. |
| Sec. 716.155. TEMPORARY CONTAINER OR URN. | <p>(e) A crematory establishment may ship cremated remains only by a method with an internal tracking system that provides a receipt signed by the person accepting delivery. The outside of the container in which the cremated remains are placed for shipment must display a label that includes:</p> <ol style="list-style-type: none"> (1) the deceased person's name; (2) the name of the crematory establishment; and (3) a warning that the container is temporary, if a temporary container is used. |