



# Texas Vital Statistics – Death Records

**2 CE Hours**

Funeral Service Academy

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Pewaukee, WI 53072

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**PROVIDER #1107**

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## Final Exam – Texas Vital Statistics – Death Records (2 CE Hours)

1. The attending physician shall complete the medical certification not later than \_\_\_\_\_ after receiving the death certificate.
  - a. Two days
  - b. Four days
  - c. Three days
  - d. Five days
  
2. A \_\_\_\_\_ issued under the law and rules of a place outside of this state in which a death or fetal death occurred authorizes the transportation of the body in this state.
  - a. Burial-transit permit
  - b. Subpoena
  - c. Subpoena duces tecum
  - d. Death certificate
  
3. An authorized entity may enter into a memorandum of understanding with another authorized entity to share suicide data that does not \_\_\_\_\_.
  - a. Include the deceased individual's date of birth, race or national origin, gender, and zip code of residence
  - b. Name a deceased individual
  - c. Identify the suicide method used by the deceased individual
  - d. Specify the date of the deceased individual's death
  
4. Per Section 711.011, "cemetery" means a place that is used or intended to be used for interment, and includes a \_\_\_\_\_, or any other area containing one or more graves.
  - a. Burial park
  - b. Graveyard
  - c. Mausoleum
  - d. All of the above



PROVIDER #1107

5. In cases where a decedent has not left directions in writing for the disposition of the decedent's remains, Section 711.002 Subsection (a) contains a list of persons, in order of \_\_\_\_\_, who 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.

- a. Age
- b. Geographic location
- c. Interest
- d. Priority

6. No human body may be held in any place or be in transit more than \_\_\_\_\_ after death and pending final disposition unless either maintained at a temperature within the range of 34 degrees - 40 degrees Fahrenheit, or is embalmed by a licensed embalmer in a manner approved by the Texas Funeral Service Commission, or by an embalmer licensed to practice in the state where death occurred or is encased in a container which insures against seepage of fluid and the escape of offensive odors.

- a. 48 hours
- b. 36 hours
- c. 24 hours
- d. 12 hours

7. Per Rule 181.21 Refusal To Issue Certified Copies of Records of Birth, Death, or Fetal Death, if the State Registrar proposes to refuse to issue a certified copy, the applicant shall receive \_\_\_\_\_, the reason for the refusal and his or her right to request a hearing before the department to determine if there is evidence to support the State Registrar's proposed action.

- a. An order issued by a court of competent jurisdiction
- b. Written notification of the refusal
- c. A non-certified copy of an original record
- d. Affidavits executed by registrants, parents, attendants, or persons authorized to administer oaths

8. A general death index is public information and available to the public to the extent the index relates to a death record that is public on or after the \_\_\_\_\_ of the date of death as shown on the record.

- a. 25<sup>th</sup> anniversary
- b. 20<sup>th</sup> anniversary
- c. 15<sup>th</sup> anniversary
- d. 10<sup>th</sup> anniversary

9. An amending certificate (medical amendment) may be filed with the appropriate Local Registrar or State Registrar electronically through a Vital Statistics Unit electronic death

registration system to complete or correct medical certification information on a certificate of death that is \_\_\_\_\_.

- a. Incomplete or missing
- b. Inaccurate or missing
- c. Incomplete or inaccurate
- d. Missing

10. When catastrophe is deemed the cause of death, the \_\_\_\_\_ shall prepare and file the certificate of death.

- a. Secretary of State
- b. Executive Director
- c. County Judge
- d. Local Registrar

# CONTINUING EDUCATION

## for Funeral Directors

### Texas Vital Statistics— Death Records

2 Credit Hours

#### COURSE CONTENT:

This course covers the sections of Texas Health and Safety Code Chapter 193 and Texas Administrative Code Chapter 181 that pertain to death records, as well as the sections of Texas Health and Safety Code Chapter 711, Subchapter A that pertain to interment and removal of remains.

These codes can be viewed in their entirety online:

Texas Health and Safety Code Chapter 193

<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.193.htm>

Texas Health and Safety Code Chapter 711

<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.711.htm>

Texas Administrative Code Chapter 181

[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tacview=4&ti=25&pt=1&ch=181](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tacview=4&ti=25&pt=1&ch=181)

#### COURSE OBJECTIVES:

- Refresh your working knowledge of Vital Statistics in Texas.
- Recognize which parts of Texas Health and Safety Code Chapter 193 and Texas Administrative Code Chapter 181 pertain to death records.
- Recall which parts of Texas Health and Safety Code Chapter 711, Subchapter A pertain to interment and removal of remains.

Per the Texas Department of State Health Services, “A death certificate is a permanent legal record of an individual's death and is extremely important to the family of the deceased person. The information recorded on the death certificate is used for application of insurance benefits, settlement of pension claims, and to transfer title of real and personal property. Information recorded on a death certificate provides evidence of the fact of death and can be produced as evidence in a court of law.

“The death certificate provides important information data on mortality that is used in a variety of medical and health-related research efforts. Mortality statistics

identify the causes of death and help evaluate diagnostic and therapeutic techniques. These statistics are used to assess the general health of Texas citizens. Mortality statistics also help identify diseases found among specific groups of people and determines where medical research may have the greatest impact on reducing mortality. Statistical information is also used to allocate medical and nursing services and to follow the course of infectious diseases.

“Because mortality statistics are no more accurate than the information submitted on death certificates, it is very important that all death certificates be completed and filed with accuracy and promptness.”

### BACKGROUND INFORMATION: HANDBOOKS

Handbooks on Death Registration and Fetal Death Registration in Texas are available online. They provide instructions for completing and filing death certificates along with related permits.

<http://www.dshs.state.tx.us/vs/field/Funeral-Home-Resources/>

available to the public and may collect a fee in an amount prescribed under Section 191.0045 for providing that service.

*Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.*

*Amended by Acts 1995, 74th Leg., ch. 502, Sec. 2, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 556, Sec. 73, eff. Sept. 1, 1999; Acts 2011, 82nd Leg., R.S., Ch. 557 (H.B. 2940), Sec. 1, eff. June 17, 2011; Acts 2015, 84th Leg., R.S., Ch. 556 (S.B. 219), Sec. 3, eff. March 26, 2015.*

### Sec. 193.002. PERSON REQUIRED TO FILE.

The person in charge of interment or in charge of removal of a body from a registration district for disposition shall:

- (1) obtain and file the death certificate or fetal death certificate;
- (2) enter on the certificate the information relating to disposition of the body;
- (3) sign the certificate; and
- (4) file the certificate electronically as specified by the state registrar.

*Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.*

*Amended by Acts 2007, 80th Leg., R.S., Ch. 302 (H.B. 1739), Sec. 1, eff. September 1, 2007.*

### Sec. 193.003. TIME AND PLACE FOR FILING DEATH CERTIFICATE.

(a) Not later than the 10th day after the date of a death that occurs in this state, a death certificate shall be filed with the local registrar of the registration district in which:

- (1) the death occurs; or
  - (2) the body is found, if the place of death is not known.
- (b) Subject to department rules, a certificate of a fetal death that occurs in this state shall be filed with the local registrar of the registration district in which:
- (1) the fetal death occurs; or

## TEXAS HEALTH AND SAFETY CODE

### TITLE 3. VITAL STATISTICS

### CHAPTER 193. DEATH RECORDS

#### Sec. 193.001. FORM OF CERTIFICATE.

- (a) The department shall prescribe the form and contents of death certificates and fetal death certificates.
  - (a-1) In prescribing each form under Subsection (a), the department shall ensure that the form instructs the person required to file the death certificate or fetal death certificate to:
    - (1) enter the date in the standard order of “month, day, year”; and
    - (2) spell out the name of the month when entering the date.
  - (b) The social security number shall be recorded on the death certificate and on any other records related to the death.
  - (c) The department shall require death certificates and fetal death certificates to include the name of the place and the specific number of the plot, crypt, lawn crypt, or niche in which a decedent's remains will be interred or, if the remains will not be interred, the place and manner of other disposition.
  - (d) The department and each local registrar shall make the information provided under Subsection (c)

- (2) the body is found, if the place of fetal death is not known.

*Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.*

*Amended by Acts 2015, 84th Leg., R.S., Ch. 557 (S.B. 219), Sec. 3, eff. March 26, 2015.*

#### **Sec. 193.004. PERSONAL AND MEDICAL INFORMATION.**

- (a) The person required to file a death certificate shall obtain the required personal information from a competent person with knowledge of the facts.
- (b) The person required to file a fetal death certificate shall obtain the required personal information from the person best qualified to furnish the information.
- (c) A person required to obtain information under this section shall obtain the information over the signature of the person who furnishes the information.

*Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.*

*Amended by Acts 1997, 75th Leg., ch. 1425, Sec. 1, eff. Sept. 1, 1997.*

#### **BACKGROUND INFORMATION: RELEVANT FORMS**

US Standard Certificate of Death:

<http://www.cdc.gov/nchs/data/dvs/death11-03final-acc.pdf>

US Standard Report of Fetal Death:

<http://www.cdc.gov/nchs/data/dvs/FDEATH11-03finalACC.pdf>

#### **Sec. 193.0041. DISCIPLINARY ACTION PROHIBITED.**

A state agency that licenses a person required to file a death certificate under this chapter may not take disciplinary action against the person for failure to timely file the certificate if the person supplies written documentation that the person has made a good faith effort to file the certificate within the time required by Section 193.003(a) and the failure to timely file the certificate results from circumstances beyond the person's control.

*Added by Acts 2007, 80th Leg., R.S., Ch. 636 (H.B. 755), Sec. 1, eff. September 1, 2007.*

### **exam question...**

1. The attending physician shall complete the medical certification not later than \_\_\_\_\_ after receiving the death certificate.
- Two days
  - Four days
  - Three days
  - Five days

#### **Sec. 193.005. PERSONAL INFORMATION.**

- (a) A person required to file a death certificate or fetal death certificate shall obtain the required medical certification from the decedent's attending physician, or, subject to Subsection (a-1), a physician assistant or advanced practice registered nurse of the decedent, if the death occurred under the care of the person in connection with the treatment of the condition or disease process that contributed to the death.
- (a-1) A physician assistant or advanced practice registered nurse may only complete the medical certification for a death certificate or fetal death certificate under this section if:
- (1) a patient who has executed a written certification of a terminal illness has elected to receive hospice care and is receiving hospice services, as defined under Chapter 142, from a qualified hospice provider; or
  - (2) a patient is receiving palliative care.
- (b) The attending physician shall complete the medical certification not later than five days after receiving the death certificate.
- (c) An associate physician, the chief medical officer of the institution where the death occurred, or the physician who performed an autopsy on the decedent may complete the medical certification if:
- (1) the attending physician is unavailable;
  - (2) the attending physician approves; and
  - (3) the person completing the medical certification has access to the medical history of the case and the death is due to natural causes.
- (d) If a death or fetal death occurs without medical attendance or is otherwise subject to Chapter 49, Code of Criminal Procedure, the person required to file the death or fetal death certificate shall notify the appropriate authority of the death.
- (e) A person conducting an inquest required by Chapter 49, Code of Criminal Procedure, shall:
- (1) complete the medical certification not later than five days after receiving the death or fetal death certificate; and
  - (2) state on the medical certification the disease that caused the death or, if the death was from external causes, the means of death and whether the death was probably accidental, suicidal, or homicidal, and any other information required by the state registrar to properly classify the death.
- (f) If the identity of the decedent is unknown, the person conducting the inquest shall obtain and forward to the Department of Public Safety:
- (1) the decedent's fingerprints;
  - (2) information concerning the decedent's hair color,



eye color, height, weight, deformities, and tattoo marks; and

- (3) other facts required for assistance in identifying the decedent.
- (g) If the medical certification cannot be completed in a timely manner, the person required to complete the medical certification shall give the funeral director or the person acting as funeral director notice of the reason for the delay. Final disposition of the body may not be made unless specifically authorized by the person responsible for completing the medical certification.
- (h) The person completing the medical certification shall submit the information and attest to its validity using an electronic process approved by the state registrar.
- (i) On receipt of autopsy results or other information that would change the information in the medical certification on the death certificate, the appropriate certifier shall immediately report the change in a manner prescribed by the department to amend the death certificate.
- (j) The death certificate of a decedent who was an inmate of the Texas Department of Criminal Justice at the time of death and who was lawfully executed shall classify the manner of death as death caused by judicially ordered execution.

*Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.*

*Amended by Acts 1997, 75th Leg., ch. 1425, Sec. 2, eff. Sept. 1, 1997; Acts 2005, 79th Leg., Ch. 285 (H.B. 93), Sec. 1, eff. September 1, 2005; Acts 2007, 80th Leg., R.S., Ch. 302 (H.B. 1739), Sec. 2, eff. September 1, 2007; Acts 2017, 85th Leg., R.S., Ch. 412 (S.B. 919), Sec. 1, eff. June 1, 2017; Acts 2017, 85th Leg., R.S., Ch. 509 (H.B. 2950), Sec. 1, eff. September 1, 2017.*

#### **Sec. 193.006. INFORMATION RELATING TO VETERANS.**

- (a) This section applies to the death certificate of a person who:
  - (1) served in a war, campaign, or expedition of the United States, the Confederate States of America, or the Republic of Texas;
  - (2) was the wife or widow of a person who served in a war, campaign, or expedition of the United States, the Confederate States of America, or the Republic of Texas; or
  - (3) at the time of death was in the service of the United States.
- (b) The funeral director or the person in charge of the disposition of the body shall supply on the reverse side of the death certificate:
  - (1) the organization in which service was rendered;
  - (2) the serial number on the discharge papers or the adjusted service certificate; and
  - (3) the name and mailing address of the decedent's next of kin or next friend.

- (c) When the death certificate is filed locally, the local registrar shall immediately notify the nearest congressionally chartered veteran organizations.
- (d) When the death certificate is filed with the vital statistics unit, the state registrar shall notify the Texas Veterans Commission.

*Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.*

*Amended by Acts 1991, 72nd Leg., ch. 260, Sec. 3, eff. Sept. 1, 1991; Acts 2015, 84th Leg., R.S., Ch. 558 (S.B. 219), Sec. 3, eff. March 26, 2015.*

#### **Sec. 193.007. DELAYED REGISTRATION OF DEATH.**

- (a) A death that occurred more than 10 days but less than one year before the date of an application for registration of death may be recorded on a death certificate and submitted for filing with the local registrar of the registration district in which the death occurred.
- (b) To file a record of a death that occurred in this state but was not registered within one year of the date of death, a person shall submit a record of the death to the county probate court in the county in which the death occurred.
- (c) The department shall furnish a form for filing records under this section. Records submitted under this section must be on the form furnished by the department. The state registrar may accept a certificate that is verified as provided by this section.
- (d) The certificate must be supported by the affidavit of:
  - (1) the physician last in attendance on the decedent or the funeral director who buried the body; or
  - (2) if the affidavit of the physician or funeral director cannot be obtained:
    - (A) any person who was acquainted with the facts surrounding the death when the death occurred; and
    - (B) another person who was acquainted with the facts surrounding the death but who is not related to the decedent by consanguinity or affinity, as determined under Chapter 573, Government Code.
- (e) For each application under this section, the court shall collect a \$1 fee. The court retains 50 cents of the fee and the remaining 50 cents is allocated to the clerk of the court for recording the certificate.
- (f) Not later than the seventh day after the date on which a certificate is accepted and ordered filed by a court under this section, the clerk of the court shall forward to the vital statistics unit:
  - (1) the certificate; and
  - (2) an order from the court that the state registrar accept the certificate.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by Acts 1991, 72nd Leg., ch. 561, Sec. 29, eff. Aug. 26, 1991; Acts 1995, 74th Leg., ch. 76, Sec. 5.95(27), eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1425, Sec. 3, eff. Sept. 1, 1997; Acts 2015, 84th Leg., R.S., Ch. 559 (S.B. 219), Sec. 3, eff. March 26, 2015.

**Sec. 193.008. BURIAL-TRANSIT PERMIT.**

- (a) A burial-transit permit issued under the law and rules of a place outside of this state in which a death or fetal death occurred authorizes the transportation of the body in this state. A cemetery or crematory shall accept the permit as authorization for burial, cremation, or other disposal of the body in this state.
- (b) The department shall prescribe the form and contents of the burial-transit permit.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

**Sec. 193.009. BURIAL RECORDS.**

- (a) The person in charge of premises on which interments are made shall keep a record of the bodies interred or otherwise disposed of on the premises.
- (b) The records must include for each decedent:
  - (1) the decedent’s name;
  - (2) the place of death;
  - (3) the date of interment or disposal;
  - (4) the name and address of the funeral director; and
  - (5) any other information required by the state registrar.
- (c) The records are open to official inspection at all times.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

**Sec. 193.010. CERTIFICATE OF DEATH BY CATASTROPHE.**

(a) In this section, “catastrophe” means the occurrence of a substantial force that causes widespread or severe damage, injury, or loss of life or property and from which it is not reasonable to assume that a person could survive, including:

- (1) flood, earthquake, tornado, or other natural disaster;
  - (2) explosion, fire, or destruction of a building;
  - (3) the crash of a motor vehicle, train, or airplane involving more than one person; or
  - (4) the overtaking of more than one person by fire, water, earth, or other substance.
- (b) A local registrar shall issue and file a certificate of death by catastrophe for a person if:
- (1) an affidavit is submitted to the registrar stating that:
    - (A) the person was last reasonably believed to be at the scene of a catastrophe;

- (B) at least 10 days have passed since the day of the catastrophe;
- (C) a diligent search has been made by a governmental authority and the authority has concluded the search for the person;
- (D) the catastrophe was not intentionally caused by the person; and
- (E) the affiant:
  - (i) does not know whether the person is alive or dead;
  - (ii) has not received any information about the person’s status since the catastrophe and, barring the person’s death, would have received information about the person’s status;
  - (iii) is not aware of any custody or guardianship issues involving the person, if the person is a minor or a person for whom a guardian has been appointed; and
  - (iv) is not aware of any reasonable motive for the person to disappear or for another person to abduct the person; and
- (2) a written statement signed by an agent of the governmental authority that conducts a search under Subdivision (1)(C) is submitted to the registrar stating that the governmental authority conducted and concluded a search for the person.

- (c) The department may issue a certificate of death by catastrophe for a minor or a person for whom a guardian has been appointed who is the subject of a custody or guardianship dispute only if all parties to the dispute submit an affidavit under Subsection (b).
- (d) An insurer shall accept as proof of death of an insured a certificate of death by catastrophe issued under this section.

Added by Acts 2003, 78th Leg., ch. 1098, Sec. 1, eff. Sept. 1, 2003.

**Sec. 193.011. MEMORANDUM OF UNDERSTANDING ON SUICIDE DATA.**

- (a) In this section, “authorized entity” means a medical examiner, a local registrar, a local health authority, a local mental health authority, a community mental

**exam question...**

2. A \_\_\_\_\_ issued under the law and rules of a place outside of this state in which a death or fetal death occurred authorizes the transportation of the body in this state.
- a. Burial-transit permit
  - b. Subpoena
  - c. Subpoena duces tecum
  - d. Death certificate

health center, a mental health center that acts as a collection agent for the suicide data reported by community mental health centers, or any other political subdivision of this state.

- (b) An authorized entity may enter into a memorandum of understanding with another authorized entity to share suicide data that does not name a deceased individual. The shared data may include:
- (1) the deceased individual's date of birth, race or national origin, gender, and zip code of residence;
  - (2) any school or college the deceased individual was attending at the time of death;
  - (3) the suicide method used by the deceased individual;
  - (4) the deceased individual's status as a veteran or member of the armed services; and
  - (5) the date of the deceased individual's death.
- (c) The suicide data an authorized entity receives or provides under Subsection (b) is not confidential.
- (d) An authorized entity that receives suicide data under a memorandum of understanding authorized by this section may periodically release suicide data that does not name a deceased individual to an agency or organization with recognized expertise in suicide prevention. The agency or organization may use suicide data received by the agency or organization under this subsection only for suicide prevention purposes.
- (e) An authorized entity or an employee or agent of an authorized entity is not civilly or criminally liable for receiving or providing suicide data that does not name a deceased individual and that may be shared under a memorandum of understanding authorized by this section.
- (f) This section does not prohibit the sharing of data as authorized by other law.

*Added by Acts 2009, 81st Leg., R.S., Ch. 100 (H.B. 1067), Sec. 2, eff. May 23, 2009.*

### exam question...

3. An authorized entity may enter into a memorandum of understanding with another authorized entity to share suicide data that does not \_\_\_\_\_.
- a. Include the deceased individual's date of birth, race or national origin, gender, and zip code of residence
  - b. Name a deceased individual
  - c. Identify the suicide method used by the deceased individual
  - d. Specify the date of the deceased individual's death

## BACKGROUND INFORMATION: BY WHAT STANDARDS DOES TEXAS DETERMINE DEATH?

### TEXAS HEALTH AND SAFETY CODE

#### TITLE 8. DEATH AND DISPOSITION OF THE BODY

##### SUBTITLE A. DEATH

#### CHAPTER 671. DETERMINATION OF DEATH AND AUTOPSY REPORTS

##### SUBCHAPTER A. DETERMINATION OF DEATH

###### Sec. 671.001. STANDARD USED IN DETERMINING DEATH.

- (a) A person is dead when, according to ordinary standards of medical practice, there is irreversible cessation of the person's spontaneous respiratory and circulatory functions.
- (b) If artificial means of support preclude a determination that a person's spontaneous respiratory and circulatory functions have ceased, the person is dead when, in the announced opinion of a physician, according to ordinary standards of medical practice, there is irreversible cessation of all spontaneous brain function. Death occurs when the relevant functions cease.
- (c) Death must be pronounced before artificial means of supporting a person's respiratory and circulatory functions are terminated.
- (d) A registered nurse, including an advanced practice registered nurse, or physician assistant may determine and pronounce a person dead in situations other than those described by Subsection (b) if permitted by written policies of a licensed health care facility, institution, or entity providing services to that person. Those policies must include physician assistants who are credentialed or otherwise permitted to practice at the facility, institution, or entity. If the facility, institution, or entity has an organized nursing staff and an organized medical staff or medical consultant, the nursing staff and medical staff or consultant shall jointly develop and approve those policies. The executive commissioner of the Health and Human Services Commission shall adopt rules to govern policies for facilities, institutions, or entities that do not have organized nursing staffs and organized medical staffs or medical consultants.

*(Continued on page 7)*

(Continued from page 6)

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by Acts 1991, 72nd Leg., ch. 201, Sec. 1, eff. Sept. 1, 1991; Acts 1995, 74th Leg., ch. 965, Sec. 8, eff. June 16, 1995; Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 3.1501, eff. April 2, 2015; Acts 2017, 85th Leg., R.S., Ch. 412 (S.B. 919), Sec. 2, eff. June 1, 2017; Acts 2017, 85th Leg., R.S., Ch. 509 (H.B. 2950), Sec. 2, eff. September 1, 2017.

**Sec. 671.002. LIMITATION OF LIABILITY.**

- (a) A physician who determines death in accordance with Section 671.001(b) or a registered nurse, including an advanced practice registered nurse, or physician assistant who determines death in accordance with Section 671.001(d) is not liable for civil damages or subject to criminal prosecution for the physician's, registered nurse's, or physician assistant's actions or the actions of others based on the determination of death.
- (b) A person who acts in good faith in reliance on a physician's, registered nurse's, or physician assistant's determination of death is not liable for civil damages or subject to criminal prosecution for the person's actions.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Amended by Acts 1991, 72nd Leg., ch. 201, Sec. 2, eff. Sept. 1, 1991; Acts 1995, 74th Leg., ch. 965, Sec. 9, eff. June 16, 1995; Acts 2017, 85th Leg., R.S., Ch. 412 (S.B. 919), Sec. 3, eff. June 1, 2017; Acts 2017, 85th Leg., R.S., Ch. 509 (H.B. 2950), Sec. 3, eff. September 1, 2017.

## TEXAS HEALTH AND SAFETY CODE

### TITLE 8. DEATH AND DISPOSITION OF THE BODY

#### SUBTITLE C. CEMETERIES AND CREMATORIES

#### CHAPTER 711. GENERAL PROVISIONS RELATING TO CEMETERIES

#### SUBCHAPTER A. GENERAL PROVISIONS (as applicable)

**Sec. 711.001. DEFINITIONS.**

In this chapter:

- (1) "Abandoned cemetery" means a cemetery, regardless of whether it appears on a map or in deed records, that is not owned or operated by a cemetery organization, does not have another person legally responsible for its care, and is not maintained by any person.
- (2) "Burial park" means a tract of land that is used or intended to be used for interment in graves.
- (3) "Campus" means the area:

- (A) within the boundaries of one or more adjacent tracts, parcels, or lots under common ownership;
  - (B) on which the principal church building and related structures and facilities of an organized religious society or sect are located; and
  - (C) that may be subject to one or more easements for street, utility, or pipeline purposes.
- (4) "Cemetery" means a place that is used or intended to be used for interment, and includes a graveyard, burial park, mausoleum, or any other area containing one or more graves.
  - (5) "Cemetery element" means a grave, memorial, crypt, mausoleum, columbarium, or other item that is associated with the cemetery, including a fence, road, curb, wall, path, gate, or bench and the lighting and landscaping.
  - (6) "Cemetery broker" means a person who sells the exclusive right of sepulture for another person. The term does not include a person who:
    - (A) is an officer, agent, or employee of the cemetery organization in which the plot is located, acting at the direction or under the control of the cemetery organization; or
    - (B) originally purchased the exclusive right of sepulture for personal use.
  - (7) "Cemetery organization" means:
    - (A) an unincorporated association of plot owners not operated for profit that is authorized by its articles of association to conduct a business for cemetery purposes; or
    - (B) a corporation, as defined by Section 712.001(b)(3), that is authorized by its certificate of formation or its registration to conduct a business for cemetery purposes.
  - (8) "Cemetery purpose" means a purpose necessary or incidental to establishing, maintaining, managing, operating, improving, or conducting a cemetery, interring remains, or caring for, preserving, and embellishing cemetery property.
  - (9) "Columbarium" means a durable, fireproof structure, or a room or other space in a durable, fireproof structure, containing niches and used or intended to be used to contain cremated remains.
  - (10) "Cremains receptacle" means a marker, boulder, bench, pedestal, pillar, or other aboveground vessel that contains niches for cremated remains.
  - (11) "Cremated remains" or "cremains" means the bone fragments remaining after the cremation process, which may include the residue of any foreign materials that were cremated with the human remains.



- (12) “Cremation” means the irreversible process of reducing human remains to bone fragments through extreme heat and evaporation, which may include the processing or the pulverization of bone fragments.
- (13) “Crematory” means a structure containing a furnace used or intended to be used for the cremation of human remains.
- (14) “Crematory and columbarium” means a durable, fireproof structure containing both a crematory and columbarium.
- (15) “Crypt” means a chamber in a mausoleum of sufficient size to inter human remains.
- (16) “Directors” means the governing body of a cemetery organization.
- (17) “Entombment” means interment in a crypt.
- (18) “Funeral establishment” means a place of business used in the care and preparation for interment or transportation of human remains, or any place where one or more persons, either as sole owner, in copartnership, or through corporate status, are engaged or represent themselves to be engaged in the business of embalming or funeral directing.
- (19) “Grave” means a space of ground that contains interred human remains or is in a burial park and that is used or intended to be used for interment of human remains in the ground.
- (20) “Human remains” means the body of a decedent.
- (21) “Interment” means the permanent disposition of remains by entombment, burial, or placement in a niche.
- (22) “Interment right” means the right to inter the remains of one decedent in a plot.
- (23) “Inurnment” means the placement of cremated remains in an urn.
- (24) “Lawn crypt” means a subsurface receptacle installed in multiple units for ground burial of human remains.
- (25) “Mausoleum” means a durable, fireproof structure used or intended to be used for entombment.
- (26) “Memorial” means a headstone, tombstone, gravestone, monument, or other marker denoting a grave.
- (27) “Niche” means a space in a columbarium or cremains receptacle used or intended to be used for the placement of cremated remains in an urn or other container.
- (28) “Nonperpetual care cemetery” means a cemetery that is not a perpetual care cemetery.
- (29) “Perpetual care” or “endowment care” means the maintenance, repair, and care of all places in the cemetery.
- (30) “Perpetual care cemetery” or “endowment care cemetery” means a cemetery for the benefit of which a perpetual care trust fund is established as provided by Chapter 712.
- (31) “Plot” means space in a cemetery owned by an individual or organization that is used or intended to be used for interment, including a grave or adjoining graves, a crypt or adjoining crypts, a lawn crypt or adjoining lawn crypts, or a niche or adjoining niches.
- (32) “Plot owner” means a person:
- (A) in whose name a plot is listed in a cemetery organization’s office as the owner of the exclusive right of sepulture; or
  - (B) who holds, from a cemetery organization, a certificate of ownership or other instrument of conveyance of the exclusive right of sepulture in a particular plot in the organization’s cemetery.
- (33) “Prepaid funeral contract” means a written contract providing for prearranged or prepaid funeral services or funeral merchandise.
- (34) “Remains” means either human remains or cremated remains.
- (35) “Unidentified grave” means a grave that is not marked in a manner that provides the identity of the interment.
- (36) “Unknown cemetery” means an abandoned cemetery evidenced by the presence of marked or unmarked graves that does not appear on a map or in deed records.
- (37) “Unmarked grave” means the immediate area where one or more human interments are found that:
- (A) is not in a recognized and maintained cemetery;
  - (B) is not owned or operated by a cemetery organization;
  - (C) is not marked by a tomb, monument, gravestone, or other structure or thing placed or designated as a memorial of the dead; or
  - (D) is located on land designated as agricultural, timber, recreational, park, or scenic land under Chapter 23, Tax Code.

(38) “Unverified cemetery” means a location having some evidence of interment but in which the presence of one or more unmarked graves has not been verified by a person described by Section 711.0105(a) or by the Texas Historical Commission.

*Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.*

*Amended by Acts 1991, 72nd Leg., ch. 14, Sec. 212, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 634, Sec. 1, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1389, Sec. 3, eff. Sept. 1, 1997; Acts 2005, 79th Leg., Ch. 106 (S.B. 350), Sec. 1, eff. September 1, 2005; Acts 2009, 81st Leg., R.S., Ch. 914 (H.B. 2927), Sec. 1, eff. September 1, 2009; Acts 2011, 82nd Leg., R.S., Ch. 532 (H.B. 2495), Sec. 1, eff. September 1, 2011; Acts 2011, 82nd Leg., R.S., Ch. 1336 (S.B. 1167), Sec. 1, eff. September 1, 2011; Acts 2013, 83rd Leg., R.S., Ch. 123 (S.B. 661), Sec. 1, eff. September 1, 2013; Acts 2013, 83rd Leg., R.S., Ch. 220 (H.B. 52), Sec. 1, eff. September 1, 2013; Acts 2017, 85th Leg., R.S., Ch. 110 (S.B. 1630), Sec. 1, eff. September 1, 2017; Acts 2019, 86th Leg., R.S., Ch. 20 (S.B. 614), Sec. 38, eff. September 1, 2019.*

### exam question...

4. Per Section 711.011, “cemetery” means a place that is used or intended to be used for interment, and includes a \_\_\_\_\_, or any other area containing one or more graves.

- a. Burial park
- b. Graveyard
- c. Mausoleum
- d. All of the above

#### Sec. 711.002. DISPOSITION OF REMAINS; DUTY TO INTER.

- (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:
- (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.
- (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:
- (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:
    - (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).
- (a-2) If a United States Department of Defense Record of Emergency Data, DD Form 93, or a successor form, was in effect at the time of death for a decedent who died in a manner described by 10 U.S.C. Sections 1481(a)(1) through (8), the DD Form 93 controls over any other written instrument described by Subsection (a)(1) or (g) with respect to designating a person to control the disposition of the decedent's remains. Notwithstanding Subsections (b) and (c), the form is legally sufficient if it is properly completed, signed by the decedent, and witnessed in the manner required by the form.
- (a-3) A person exercising the right to control the disposition of remains under Subsection (a), other than a duly qualified executor or administrator of the decedent's estate, is liable for the reasonable cost of interment and may seek reimbursement for that cost from the decedent's estate. When an executor or administrator exercises the right to control the disposition of remains under Subsection (a)(6), the decedent's estate is liable for the reasonable cost of interment, and the executor or administrator is not individually liable for that cost.
- (b) The written instrument referred to in Subsection (a)(1) may be in substantially the following form:

## APPOINTMENT FOR DISPOSITION OF REMAINS

I, (your name and address), being of sound mind, willfully and voluntarily make known my desire that, upon my death, the disposition of my remains shall be controlled by (name of agent) in accordance with Section 711.002, Health and Safety Code, and, with respect to that subject only, I hereby appoint such person as my agent (attorney-in-fact).

All decisions made by my agent with respect to the disposition of my remains, including cremation, shall be binding.

### SPECIAL DIRECTIONS:

Set forth below are any special directions limiting the power granted to my agent:

### AGENT:

Name:

Address:

Telephone Number:

### SUCCESSORS:

If my agent or a successor agent dies, becomes legally disabled, resigns, or refuses to act, or if my marriage to my agent or successor agent is dissolved by divorce, annulled, or declared void before my death and this instrument does not state that the agent or successor agent continues to serve after my marriage to that agent or successor agent is dissolved by divorce, annulled, or declared void, I hereby appoint the following persons (each to act alone and successively, in the order named) to serve as my agent (attorney-in-fact) to control the disposition of my remains as authorized by this document:

#### 1. First Successor

Name:

Address:

Telephone Number:

#### 2. Second Successor

Name:

Address:

Telephone Number:

### DURATION:

This appointment becomes effective upon my death.

### PRIOR APPOINTMENTS REVOKED:

I hereby revoke any prior appointment of any person to control the disposition of my remains.

### RELIANCE:

I hereby agree that any cemetery organization, business operating a crematory or columbarium or both, funeral director or embalmer, or funeral establishment who receives a copy of this document may act under it. Any modification or revocation of this document is not effective as to any such party until that party receives actual notice of the modification or revocation. No such party shall be liable because of reliance on a copy of this document.

**ASSUMPTION:**

THE AGENT, AND EACH SUCCESSOR AGENT, BY ACCEPTING THIS APPOINTMENT, ASSUMES THE OBLIGATIONS PROVIDED IN, AND IS BOUND BY THE PROVISIONS OF, SECTION 711.002, HEALTH AND SAFETY CODE.

**SIGNATURES:**

This written instrument and my appointments of an agent and any successor agent in this instrument are valid without the signature of my agent and any successor agents below. Each agent, or a successor agent, acting pursuant to this appointment must indicate acceptance of the appointment by signing below before acting as my agent.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(your signature)

State of \_\_\_\_\_

County of \_\_\_\_\_

This document was acknowledged before me on \_\_\_\_\_ (date) by \_\_\_\_\_ (name of principal).

(Seal, if any, of notary)

\_\_\_\_\_ (signature of notarial officer)

\_\_\_\_\_ (printed name)

My commission expires: \_\_\_\_\_

**ACCEPTANCE AND ASSUMPTION BY AGENT:**

I have no knowledge of or any reason to believe this Appointment for Disposition of Remains has been revoked. I hereby accept the appointment made in this instrument with the understanding that I will be individually liable for the reasonable cost of the decedent’s interment, for which I may seek reimbursement from the decedent’s estate.

Acceptance of Appointment: (signature of agent)

Date of Signature:

Acceptance of Appointment: (signature of first successor)

Date of Signature:

Acceptance of Appointment: (signature of second successor)

Date of Signature:



- (c) A written instrument is legally sufficient under Subsection (a)(1) if the instrument designates a person to control the disposition of the decedent's remains, the instrument is signed by the decedent, the signature of the decedent is acknowledged, and the agent or successor agent signs the instrument before acting as the decedent's agent. Unless the instrument provides otherwise, the designation of the decedent's spouse as an agent or successor agent in the instrument is revoked when the marriage of the decedent and the spouse appointed as an agent or successor agent is dissolved by divorce, annulled, or declared void before the decedent's death. Such written instrument may be modified or revoked only by a subsequent written instrument that complies with this subsection.
- (d) A person listed in Subsection (a) has the right, duty, and liability provided by that subsection only if there is no person in a priority listed before the person.
- (e) If there is no person with the duty to inter under Subsection (a) and:
- (1) an inquest is held, the person conducting the inquest shall inter the remains; and
  - (2) an inquest is not held, the county in which the death occurred shall inter the remains.
- (f) A person who represents that the person knows the identity of a decedent and, in order to procure the disposition, including cremation, of the decedent's remains, signs an order or statement, other than a death certificate, warrants the identity of the decedent and is liable for all damages that result, directly or indirectly, from that warrant.
- (g) A person may 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. A party to the prepaid funeral contract or a written contract providing for all or some of a decedent's funeral arrangements who fails to honor the contract is liable for the additional expenses incurred in the disposition of the decedent's remains as a result of the breach of contract. The directions may govern the inscription to be placed on a grave marker attached to any plot in which the decedent had the right of sepulture at the time of death and in which plot the decedent is subsequently interred. The directions may be modified or revoked only by a subsequent writing signed and acknowledged by such person. The person otherwise entitled to control the disposition of a decedent's remains under this section shall faithfully carry out the directions of the decedent to the extent that the decedent's estate or the person controlling the disposition are financially able to do so.
- (h) If the directions are in a will, they shall be carried out immediately without the necessity of probate. If the will is not probated or is declared invalid for testamentary purposes, the directions are valid to the extent to which they have been acted on in good faith.
- (i) A cemetery organization, a business operating a crematory or columbarium or both, a funeral director or an embalmer, or a funeral establishment shall not be liable for carrying out the written directions of a decedent or the directions of any person who represents that the person is entitled to control the disposition of the decedent's remains.
- (j) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 707, Sec. 3, eff. June 17, 2011.
- (k) Any dispute among any of the persons listed in Subsection (a) concerning their right to control the disposition, including cremation, of a decedent's remains shall be resolved by a court with jurisdiction over probate proceedings for the decedent, regardless of whether a probate proceeding has been initiated. A cemetery organization or funeral establishment shall not be liable for refusing to accept the decedent's remains, or to inter or otherwise dispose of the decedent's remains, until it receives a court order or other suitable confirmation that the dispute has been resolved or settled.
- (l) A person listed in Subsection (a) may not control the disposition of the decedent's remains if, in connection with the decedent's death, an indictment has been filed charging the person with a crime under Chapter 19, Penal Code, that involves family violence against the decedent. A person regulated under Chapter 651, Occupations Code, who knowingly allows the person charged with a crime to control the disposition of the decedent's remains in violation of this subsection commits a prohibited practice under Section 651.460, Occupations Code, and the Texas Funeral Service Commission may take disciplinary action or assess an administrative penalty against the regulated person under that chapter.

*Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.*

*Amended by Acts 1991, 72nd Leg., ch. 14, Sec. 213, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 634, Sec. 2, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 967, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1385, Sec. 1, eff. Aug. 30, 1999; Acts 2011, 82nd Leg., R.S., Ch. 95 (H.B. 74), Sec. 1, eff. May 20, 2011; Acts 2011, 82nd Leg., R.S., Ch. 532 (H.B. 2495), Sec. 2, eff. September 1, 2011; Acts 2011, 82nd Leg., R.S., Ch. 707 (H.B. 549), Sec. 1, eff. June 17, 2011; Acts 2011, 82nd Leg., R.S., Ch. 707 (H.B. 549), Sec. 3, eff. June 17, 2011; Acts 2011, 82nd Leg., R.S., Ch. 1336 (S.B. 1167), Sec. 2, eff. September 1, 2011; Acts 2013, 83rd*

*Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(28), eff. September 1, 2013; Acts 2015, 84th Leg., R.S., Ch. 619 (S.B. 988), Sec. 2, eff. June 16, 2015; Acts 2015, 84th Leg., R.S., Ch. 1103 (H.B. 3070), Sec. 1, eff. September 1, 2015; Acts 2019, 86th Leg., R.S., Ch. 807 (H.B. 2248), Sec. 1, eff. September 1, 2019.*

## exam question...

**5. In cases where a decedent has not left directions in writing for the disposition of the decedent's remains, Section 711.002 Subsection (a) contains a list of persons, in order of \_\_\_\_\_, who have the right to control the disposition, including cremation, of the decedent's remains, and in accordance with Subsection (a-1) are liable for the reasonable cost of interment.**

- a. Age
- b. Geographic location
- c. Interest
- d. Priority

### **Sec. 711.003. RECORDS OF INTERMENT.**

A record shall be kept of each interment in a cemetery. The record must include:

- (1) the date the remains are received;
- (2) the date the remains are interred;
- (3) the name and age of the person interred if those facts can be conveniently obtained; and
- (4) the identity of the plot in which the remains are interred.

*Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.*

*Amended by Acts 1993, 73rd Leg., ch. 634, Sec. 3, eff. Sept. 1, 1993.*

### **Sec. 711.004. REMOVAL OF REMAINS.**

(a) Remains interred in a cemetery may be removed from a plot in the cemetery with the written consent of the cemetery organization operating the cemetery and the written consent of the current plot owner or owners and the following persons, in the priority listed:

- (1) the decedent's surviving spouse;
- (2) the decedent's surviving adult children;
- (3) the decedent's surviving parents;
- (4) the decedent's adult siblings; or
- (5) the adult person in the next degree of kinship in the order named by law to inherit the estate of the decedent.

- (b) A person listed in Subsection (a) may consent to the removal only if there is no person in a priority listed before that person.
- (c) If the consent required by Subsection (a) cannot be obtained, the remains may be removed by permission of a county court of the county in which the cemetery is located. Before the date of application to the court for permission to remove remains under this subsection, notice must be given to:
  - (1) the cemetery organization operating the cemetery in which the remains are interred or if the cemetery organization cannot be located or does not exist, the Texas Historical Commission;
  - (2) each person whose consent is required for removal of the remains under Subsection (a); and
  - (3) any other person or entity that the court subsequently requires to be served.
- (d) For the purposes of Subsection (c) and except as provided by this subsection or Subsection (d-1) or (k), personal notice must be given not later than the 11th day before the date of application to the court for permission to remove the remains, or notice by certified or registered mail must be given not later than the 16th day before the date of application. In an emergency circumstance described by Subsection (l) that necessitates immediate removal of remains from a plot, the court shall hear an application for permission to remove remains under Subsection (c) not later than the first business day after the application is made. In an emergency circumstance described by this subsection, personal notice may be given on the date the application is made.
  - (d-1) If the court subsequently requires an additional person or entity to be served under Subsection (c)(3), that additional service must be performed not later than the 11th day after the date of the judge's order. Service may not be required for any court appointed representative or other court appointed official.
- (e) Subsections (a)-(d) and (k) do not apply to the removal of remains:
  - (1) from one plot to another plot in the same cemetery, if the cemetery:
    - (A) is a family, fraternal, or community cemetery that is not larger than 10 acres;
    - (B) is owned or operated by an unincorporated association of plot owners not operated for profit;
    - (C) is owned or operated by a church, a religious society or denomination,

or an entity solely administering the temporalities of a church or religious society or denomination; or

- (D) is a public cemetery owned by this state, a county, or a municipality;
- (2) by the cemetery organization from a plot for which the purchase price is past due and unpaid, to another suitable place;
- (3) on the order of a court or person who conducts inquests; or
- (4) from a plot in a cemetery owned and operated by the Veterans' Land Board.
- (f) Except as is authorized for a justice of the peace acting as coroner or medical examiner under Chapter 49, Code of Criminal Procedure, remains may not be removed from a cemetery except on the written order of the state registrar or the state registrar's designee. The cemetery organization shall keep a duplicate copy of the order as part of its records. The Texas Funeral Service Commission may adopt rules to implement this subsection.
- (f-1) For unmarked graves contained within an abandoned, unknown, or unverified cemetery, a justice of the peace acting as coroner or medical examiner under Chapter 49, Code of Criminal Procedure, or a person described by Section 711.0105(a) may investigate or remove remains without written order of the state registrar or the state registrar's designee.
- (g) A person who removes remains from a cemetery shall keep a record of the removal that includes:
- (1) the date the remains are removed;
  - (2) the name and age at death of the decedent if those facts can be conveniently obtained;
  - (3) the place to which the remains are removed; and
  - (4) the cemetery and plot from which the remains are removed.
- (h) If the remains are not reinterred, the person who removes the remains shall:
- (1) make and keep a record of the disposition of the remains; and
  - (2) not later than the 30th day after the date the remains are removed, provide notice by certified mail to the Texas Funeral Service Commission and the Department of State Health Services of the person's intent not to reinter the remains and the reason the remains will not be reinterred.
- (i) A person who removes remains from a cemetery shall give the cemetery organization operating the cemetery a copy of the record made as required by Subsections (g) and (h).
- (j) A cemetery organization may remove remains from a plot in the cemetery and transfer the remains to another plot in the same cemetery without the written consent required under Subsection (a) if the cemetery seeks consent by sending written notice by certified mail, return receipt requested, to the last known address of the current owner of the plot from which the remains are to be removed or to the person designated under Subsection (a). The notice must indicate that the remains will be removed, the reason for the removal of the remains, and the proposed location of the reinterment of the remains. The cemetery may transfer the remains to another plot in accordance with this subsection if an objection is not received in response to the notice before the 31st day after the date the notice is sent. A cemetery may not remove remains under this subsection for a fraudulent purpose or to allow the sale of the plot in which the remains are located to another person.
- (k) In an emergency circumstance described by Subsection (l) that necessitates immediate removal of remains before the date on which the court is required to hear an application for permission to remove remains under Subsection (d), a cemetery organization may remove remains from a plot in the cemetery and transfer the remains to another plot in the same cemetery without the court hearing. A cemetery association that removes remains under this subsection shall send written notice of the removal by certified mail, return receipt requested, to the last known address of the person designated under Subsection (a) not later than the fifth day after the date the remains are removed. The notice must indicate that the remains were removed, the reason for the removal of the remains, and the location of the reinterment of the remains.
- (l) For purposes of Subsections (d) and (k), "emergency circumstance" means:
- (1) a natural disaster; or
  - (2) an error in the interment of remains.

*Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.*

*Amended by Acts 1991, 72nd Leg., ch. 14, Sec. 214, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., ch. 488, Sec. 1, eff. Sept. 1, 1991; Acts 1993, 73rd Leg., ch. 634, Sec. 4, eff. Sept. 1, 1993; Acts 2003, 78th Leg., ch. 504, Sec. 1, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 562, Sec. 32, eff. Sept. 1, 2003; Acts 2009, 81st Leg., R.S., Ch. 914 (H.B. 2927), Sec. 2, eff. September 1, 2009; Acts 2017, 85th Leg., R.S., Ch. 110 (S.B. 1630), Sec. 2, eff. September 1, 2017; Acts 2019, 86th Leg., R.S., Ch. 807 (H.B. 2248), Sec. 2, eff. September 1, 2019; Acts 2019, 86th Leg., R.S., Ch. 817 (H.B. 2430), Sec. 1, eff. June 10, 2019.*

**Sec. 711.007. NUISANCE; ABATEMENT AND INJUNCTION.**

N/A

**Sec. 711.008. LOCATION OF CEMETERY.**

N/A

**Sec. 711.009. AUTHORITY OF CEMETERY KEEPER.**

N/A

**Sec. 711.010. ABANDONED, UNKNOWN, OR UNVERIFIED CEMETERY.**

N/A

**Sec. 711.0105. METHOD OF REMOVAL OF REMAINS.**

N/A

**Sec. 711.011. FILING RECORD OF UNKNOWN OR ABANDONED CEMETERY.**

- (a) A person who discovers an unknown or abandoned cemetery shall file notice of the discovery of the cemetery with the county clerk of the county in which the cemetery is located and concurrently mail notice to the landowner on record in the county appraisal district not later than the 10th day after the date of the discovery. The notice must contain a legal description of the land on which the unknown or abandoned cemetery was found and describe the approximate location of the cemetery and the evidence of the cemetery that was discovered.
- (b) A county clerk may not charge a fee for filing notice under this section.
- (c) The county clerk shall send a copy of the notice to the Texas Historical Commission and file the notice in the deed records of the county, with an index entry referencing the land on which the cemetery was discovered.

*Added by Acts 1999, 76th Leg., ch. 703, Sec. 1, eff. June 18, 1999.*

*Amended by Acts 2009, 81st Leg., R.S., Ch. 914 (H.B. 2927), Sec. 7, eff. September 1, 2009; Acts 2017, 85th Leg., R.S., Ch. 110 (S.B. 1630), Sec. 5, eff. September 1, 2017; Acts 2017, 85th Leg., R.S., Ch. 110 (S.B. 1630), Sec. 6, eff. September 1, 2017.*

**Sec. 711.0111. NOTICE OF UNVERIFIED CEMETERY.**

- (a) A person who discovers an unverified cemetery shall file notice and evidence of the discovery with the Texas Historical Commission on a form provided by the Texas Historical Commission, and shall concurrently provide a copy of the notice to the landowner on record in the county appraisal district on whose land the unverified cemetery is located.
- (b) The landowner described by Subsection (a) may send a response or comments to the Texas Historical Commission concerning the notice not later than the 30th day after the date the notice is filed.

- (c) The Texas Historical Commission shall evaluate the notice of the unverified cemetery, the evidence submitted with the notice, and the response of the landowner, if any, and shall determine whether there is sufficient evidence of the existence of a cemetery.
- (d) If the Texas Historical Commission determines sufficient evidence supports the existence of a cemetery, the Texas Historical Commission shall inform the landowner and may file notice of the existence of the cemetery under Section 711.011.
- (e) If the Texas Historical Commission determines sufficient evidence supports a determination that a cemetery does not exist, the Texas Historical Commission shall notify the landowner on record in the appraisal district of its determination, amend the notice to include the commission's determination, and ensure any notice filed with a county clerk under Section 711.011 is corrected.

*Added by Acts 2017, 85th Leg., R.S., Ch. 110 (S.B. 1630), Sec. 7, eff. September 1, 2017.*

**Sec. 711.012. RULES.**

- (a) The Finance Commission of Texas may adopt rules to enforce and administer Sections 711.003, 711.004, 711.007, 711.008, 711.0105, 711.021-711.024, 711.032-711.036, 711.038, 711.0381, 711.040-711.042, 711.052, 711.061, 711.063, and 711.064 relating to perpetual care cemeteries.
- (b) The Texas Funeral Service Commission may adopt rules, establish procedures, and prescribe forms to enforce and administer Section 711.0105.
- (c) The Texas Historical Commission may adopt rules to:
  - (1) enforce and administer Sections 711.010 and 711.011; and
  - (2) enforce and administer Sections 711.004, 711.007, 711.0105, 711.035, and 711.036 relating to cemeteries that are not perpetual care cemeteries.

*Added by Acts 2003, 78th Leg., ch. 562, Sec. 34, eff. Sept. 1, 2003.*

*Amended by Acts 2009, 81st Leg., R.S., Ch. 263 (H.B. 1468), Sec. 4, eff. September 1, 2009; Acts 2009, 81st Leg., R.S., Ch. 914 (H.B. 2927), Sec. 8, eff. September 1, 2009; Acts 2013, 83rd Leg., R.S., Ch. 123 (S.B. 661), Sec. 2, eff. September 1, 2013; Acts 2013, 83rd Leg., R.S., Ch. 220 (H.B. 52), Sec. 2, eff. September 1, 2013; Acts 2019, 86th Leg., R.S., Ch. 20 (S.B. 614), Sec. 39, eff. September 1, 2019; Acts 2019, 86th Leg., R.S., Ch. 124 (H.B. 1540), Sec. 2, eff. September 1, 2019.*



# TEXAS ADMINISTRATIVE CODE

## TITLE 25 HEALTH SERVICES

### PART 1 DEPARTMENT OF STATE HEALTH SERVICES

#### CHAPTER 181 VITAL STATISTICS

##### SUBCHAPTER A MISCELLANEOUS PROVISIONS (as applicable)

###### RULE §181.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Applicant—A person who requests a service pertaining to a record of birth or death, verification of marriage or divorce, or release of personal data. (Also, see definition for properly qualified applicant).
- (2) Birth records—Records governing births filed pursuant to the Texas Vital Statistics Act, the Health and Safety Code, Title 3.
- (3) Certified—A certified statement, form, or letter, of the facts stated on the form or document as filed in the Vital Statistics Unit, certified by the State Registrar or duly appointed designee, over the respective signature and may bear the seal of the Vital Statistics Unit.
- (4) Certified copy—An abstract or photocopy of the original record issued as filed with the Vital Statistics Unit, and issued on a designated form or security paper which shall bear the "state seal," the Texas Department of State Health Services, Vital Statistics Unit or the seal of their office, and the facsimile signature of the State Registrar or the local registration official.
- (5) Dead body—A lifeless human body or such parts of the human body or the bones thereof from the state of which it may be reasonably concluded that death occurred.
- (6) Disinterment—To exhume, unbury, or take out of the grave.
- (7) Death records—Records governing deaths and fetal deaths filed pursuant to the Texas Vital Statistics Act.
- (8) Department—The Texas Department of State Health Services, formerly known as the Texas Department of Health.
- (9) Embalming—The act of disinfecting or preserving a human dead body, entire or in part, by the use of chemical substances, fluids, or gases in the body; or by the introduction of the same into the body by vascular or hypodermic injection; or by direct application into the organs or cavities; or by any other method intended to disinfect or preserve a dead body or restore body tissues and structures.
- (10) Fetal death (stillbirth)—Death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such separation, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.
- (11) Genealogist—An individual who traces the descent of persons or families. He or she may be an individual family member or a person hired by the family to trace a family tree or do family research.
- (12) Identification of applicant—Each applicant must present a current form of government issued photo identification along with his or her application. If the applicant is unable to present a current form of photo identification, two valid supporting forms of identification may be presented, one of which bears the applicant's signature.
- (13) Immediate family member—The registrant, his or her guardian, or the children, spouses, parents, siblings, or grandparents of the registrant.
- (14) Indexes—An index to or listing of birth records, death records, applications for marriage licenses, and reports of divorce or annulment of marriage.
  - (A) Consolidated indexes—These indexes are vital records consisting of more than one event year. Consolidated indexes may be prepared for any vital event at the discretion of the State Registrar in the form prescribed.
  - (B) General birth and death indexes—These indexes are maintained or established by the Vital Statistics Unit or a local registration official which shall be prepared by event year, in alphabetical order by surname of the registrant, followed by any given names or initials, the date of the event, the county of occurrence, the state or local file number, the name of the father, the maiden name of the mother, and sex of the registrant.
  - (C) Summary birth and death index—These indexes are maintained or established by the Vital Statistics Unit or a local registration official which shall be prepared by event year, in alphabetical order by surname of the registrant, followed by any given names or initials, the date of the event, the county of occurrence, and sex of the registrant.
- (15) Interment—Burial or the act of placing in a grave.

- (16) Legal representative (personal representative or agent)—An attorney in fact, a funeral director, or any other person designated by affidavit, contract, or court order acting on behalf and for the benefit of the registrant or his or her immediate family. In order to determine the need for protection for personal property rights when the legal representative is acting on behalf and for the benefit of the registrant or the registrant's immediate family or other entity having a direct and tangible interest in the record, the State Registrar, Local Registrar, or county clerk shall require a designation document or an attested statement to that effect.
- (17) Live birth—The complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, which, after such separation, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached; each product of such a birth is considered live born.
- (18) Local registration official—A county clerk or person authorized by the Vital Statistics Act to maintain a duplicate system of records for each birth, death, or fetal death that occurs in the person's jurisdiction.
- (19) Non-institutional birth—A birth occurring outside a hospital or birthing center licensed by the Texas Department of State Health Services.
- (20) Person in charge of interment—Any person who places or causes to be placed a fetus, dead body or the ashes, after cremation, in a grave, vault, urn, or other receptacle, or otherwise disposes thereof.
- (21) Properly qualified applicant (qualified applicant)—The registrant, or immediate family member either by blood, marriage or adoption, his or her guardian, or his or her legal agent or representative. Local, state and federal law enforcement or governmental agencies and other persons may be designated as properly qualified applicants by demonstrating a direct and tangible interest in the record when the information in the record is necessary to implement a statutory provision or to protect a personal legal property right. A properly qualified applicant may also be a person who has submitted an application for a request to release personal information and has been approved as outlined in §181.11 of this title (relating to Requests for Personal Data).
- (22) Registrant—The individual named on the certificate of birth, death, or fetal death; application for marriage license; or report of divorce or annulment of marriage.
- (23) Registrar—The State Registrar or a Local Registrar as recognized by the Texas Department of State Health Services, Vital Statistics Unit.
- (24) Research copy—A plain paper noncertified reproduction of the complete original document or a portion of the original document.
- (25) Search—The act of examining the files and/or indexes maintained by the Vital Statistics Unit for a specific record or information.
- (26) Signature—The name of a person written with his or her own hand; or by an electronic process approved by the State Registrar.
- (27) State Registrar—The Unit Director of the Vital Statistics Unit, Texas Department of State Health Services.
- (28) Supplemental Birth Certificate—A new birth certificate prepared and filed by the Vital Statistics Unit, which is based upon a paternity determination, or adoption. This new birth certificate replaces the original certificate of birth.
- (29) Birth Verification—A noncertified statement only of the registrant's name, date of birth, and place of birth as it appears on the birth index filed with the Vital Statistics Unit.
- (30) Death Verification—A noncertified statement only of the registrant's name, date of death, and place of death as it appears on the death index filed with the Vital Statistics Unit.
- (31) Fetal Death Verification—A noncertified statement only of the registrant's name, date of delivery, and place of delivery as it appears on the fetal death index filed with the Vital Statistics Unit.
- (32) Marriage Verification—A noncertified statement only of the registrant's name, date of marriage, and place of marriage as it appears on the application for marriage license index filed with the Vital Statistics Unit.
- (33) Report of Divorce or Annulment of Marriage Verification—A noncertified statement only of the registrant's name, date of divorce, and place of divorce as it appears on the report of divorce or annulment of marriage index as it appears on the birth index filed with the Vital Statistics Unit.
- (34) Vital statistics—The registration, preparation, transcription, collection, compilation, distribution and preservation of data pertaining to births, adoptions, paternity determinations, deaths, fetal deaths, suits affecting parent child relationship, court of continuing jurisdiction, marital status, and such other data as deemed necessary by the department.
- (35) Vital Statistics Act—The Health and Safety Code, Title 3.

- (36) Vital Statistics Unit—The office, formally known as the Bureau of Vital Statistics, within the Texas Department of State Health Services, formerly known as the Texas Department of Health, charged with the implementation of the Texas Vital Statistics Act.

*Source Note: The provisions of this §181.1 adopted to be effective January 1, 1976; amended to be effective October 8, 1990, 15 TexReg 5603; amended to be effective November 19, 1991, 16 TexReg 6297; amended to be effective July 17, 1995, 20 TexReg 4687; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936; amended to be effective August 11, 2013, 38 TexReg 4896*

### **RULE §181.2 Assuming Custody of Body**

- (a) The funeral director, or person acting as such, who assumes custody of a dead body or fetus shall obtain an electronically filed report of death through a Vital Statistics Unit system or complete a report of death before transporting the body. The report of death shall within 24 hours be mailed or otherwise transmitted to the Local Registrar of the district in which the death occurred or in which the body was found. A copy of the completed or electronically filed report of death as prescribed by the Vital Statistics Unit shall serve as authority to transport or bury the body or fetus within this state.
- (b) If a dead body or fetus is to be removed from this state, transported by common carrier within this state, or cremated, the funeral director, or person acting as such, shall obtain a burial-transit permit from the Local Registrar where the death certificate is or will be filed, or from the State Registrar electronically through a Vital Statistics Unit electronic death registration system. The registrar shall not issue a burial-transit permit until a certificate of death, completed in so far as possible, has been presented (See §181.6 of this title (relating to Disinterment)).
- (c) The funeral director, or person acting as such, shall furnish the sexton or other person in charge of a cemetery with the information required.

*Source Note: The provisions of this §181.2 adopted to be effective January 1, 1976; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936; amended to be effective August 11, 2013, 38 TexReg 4896*

### **RULE §181.3 Transportation of Dead Bodies**

- (a) Bodies shipped by common carrier.
- (1) Any body shipped by common carrier must be placed in either:
- (A) a sound casket enclosed in a strong outside shipping case; or
- (B) a metal container specifically designed for this purpose.

- (2) If the body is not embalmed or is in a state of decomposition, it may be shipped only after enclosure in an air-tight metal casket encased in a strong outside shipping case or in a sound casket encased in an air-tight metal or metal lined shipping case.
- (3) Shipping containers and requirements for the shipping of dead bodies must meet or exceed any requirement imposed by the shipping company, the receiving state or foreign country.
- (4) When any body is to be transported by common carrier, the burial-transit permit shall be enclosed in a strong envelope and attached to the shipping case. No separate transit permit shall be required.
- (b) Bodies transported by means other than common carrier.
- (1) Any body transported by means other than a common carrier must be encased in a container which insures against seepage of fluid and the escape of offensive odors, provided, however, that bodies transported by a licensed funeral director in a vehicle used for such purpose need not be so encased.
- (2) If a dead body is to be transported by means other than a common carrier and for a purpose other than preparation or storage, the report of death form shall be enclosed in a strong envelope and attached to the container in which the body is enclosed.
- (c) Duties of transportation companies. No transportation company shall accept any body for shipment until it has been ascertained that a properly completed burial-transit permit accompanies the body.

*Source Note: The provisions of this §181.3 adopted to be effective January 1, 1976; amended to be effective October 8, 1990, 15 TexReg 5603; amended to be effective July 3, 2003, 28 TexReg 4904*

### **RULE §181.4 Preservation of Bodies**

No human body may be held in any place or be in transit more than 24 hours after death and pending final disposition unless either maintained at a temperature within the range of 34 degrees - 40 degrees Fahrenheit, or is embalmed by a licensed embalmer in a manner approved by the Texas Funeral Service Commission, or by an embalmer licensed to practice in the state where death occurred or is encased in a container which insures against seepage of fluid and the escape of offensive odors.

*Source Note: The provisions of this §181.4 adopted to be effective January 1, 1976; amended to be effective October 8, 1990, 15 TexReg 5603; amended to be effective July 3, 2003, 28 TexReg 4904*

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6. No human body may be held in any place or be in transit more than \_\_\_\_\_ after death and pending final disposition unless either maintained at a temperature within the range of 34 degrees - 40 degrees Fahrenheit, or is embalmed by a licensed embalmer in a manner approved by the Texas Funeral Service Commission, or by an embalmer licensed to practice in the state where death occurred or is encased in a container which insures against seepage of fluid and the escape of offensive odors.
- 48 hours
  - 36 hours
  - 24 hours
  - 12 hours

### RULE §181.5 Embalming and Standards of the Funeral Industry

- The department adopts by reference the rules of the Texas Funeral Service Commission in 22 TAC §203.16, covering minimum standards for embalming.
- The rules adopted by reference in subsection (a) of this section shall not require or infer a requirement for the embalming of a dead body prior to burial or cremation.

*Source Note: The provisions of this §181.5 adopted to be effective January 1, 1976; amended to be effective October 8, 1990, 15 TexReg 5603; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936*

### RULE §181.6 Disinterment

- Except as is authorized for a justice of the peace acting as coroner or medical examiner under the Code of Criminal Procedure, Chapter 49, remains may not be removed from a cemetery except on written order of the State Registrar or the State Registrar's designee.
- The licensed funeral director or professional archeologist to whom the disinterment permit is issued shall be responsible for the proper conduct of the disinterment and removal.
- The State Registrar shall issue a disinterment permit so as to provide a copy for the State Registrar, a copy retained by the funeral director or professional archeologist to whom issued, a copy filed with the sexton or person in charge of the cemetery in which the disinterment is to be made, and a copy for the Local Registrar of the district in which the death occurred. The State Registrar and the Local Registrar shall file the disinterment permit as an amendment to the death certificate and consider it part of the death certificate. The State Registrar and the Local Registrar shall include

a copy of the disinterment permit with any future certified copies of the death certificate that are issued.

- A disinterment permit shall not be required if a body is to be disinterred and reinterred in the same cemetery.
- A disinterment permit shall not be required to remove cremains.
- Cremation is considered to be a final disposition of remains.
- A disinterred body must be transported in a container which insures against the seepage of fluid or the escape of offensive odors. When shipped by common carrier, a disinterred body must be enclosed in an airtight metal casket encased in a strong outside shipping case, or in a sound casket encased in an airtight metal or metal-lined shipping case. This requirement shall not apply if the disinterred remains involve no soft parts.
- The disinterment permit issued by the State Registrar shall serve as the authority to disinter, transport by means other than a common carrier, and re-inter a body within this state. (See §181.2 of this title (relating to Assuming Custody of Body).)
- A body kept in a receiving vault shall not be regarded as a disinterred body until after the expiration of 30 days.
- All disinterred remains kept in receiving vaults shall be thoroughly embalmed in a manner approved by the Texas Funeral Service Commission and shall be enclosed in a permanently sealed casket.
- The licensed funeral director or embalmer requesting a disinterment permit shall be responsible for obtaining a written consent of the cemetery, the owner of the plot, and the decedent's next-of-kin.
- The licensed funeral director or embalmer requesting a disinterment permit shall be responsible for obtaining a written consent order from the county judge to disinter a body from a grave when the cemetery, plot owner, and the decedent's next-of-kin are unknown.

*Source Note: The provisions of this §181.6 adopted to be effective January 1, 1976; amended to be effective November 19, 1991, 16 TexReg 6297; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936; amended to be effective August 11, 2013, 38 TexReg 4896*

### RULE §181.7 Fetal Death (Stillbirth)

- A certificate of fetal death shall be filed for any fetus weighing 350 grams or more, or if the weight is unknown, a fetus aged 20 weeks or more as calculated from the start date of the last normal menstrual period to the date of delivery.



- (b) A certificate of fetal death shall be considered properly filed:
- (1) when all of the items thereon have been satisfactorily and definitely answered; and
  - (2) when the certificate has been presented for filing to the local registrar of the registration district in which the fetal death (stillbirth) occurred or the fetus was found. A certificate of fetal death (stillbirth) shall be filed with the local registrar within five days after the date of fetal death (stillbirth).

*Source Note: The provisions of this §181.7 adopted to be effective January 1, 1976; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936*

**RULE §181.8 Supplemental Birth Certificates**

N/A

**RULE §181.9 Access to Paternity Files**

N/A

**RULE §181.10 Availability of Birth Records to Ensure Confidentiality of Adoption Placement**

N/A

**RULE §181.11 Requests for Personal Data**

- (a) The purpose of this section is to describe the criteria that the Committee on Requests for Personal Data will use in reviewing and recommending disposition when an application for personal data is received.
- (b) The Commissioner and/or his designee shall appoint a Committee on Requests for Personal Data (Committee) that serves in an advisory capacity. The committee reviews and makes recommendations regarding requests for personal data to be used for research purposes or for the official use of governmental agencies.
- (c) Procedures.
  - (1) If the department receives a request for personal data, the release of which has been determined to be legally discretionary, and there is a question as to whether the data should be released, the request shall be referred to the committee for its review and recommendation. The committee will review the request and make a recommendation regarding release to the commissioner or his designee.
  - (2) The committee will require each applicant for personal data to complete the application form as prescribed by the committee.
  - (3) If the personal data is released, a copy of the final project report, any publication,

or presentation must be furnished to the committee. The department will be given credit as the source of the data.

- (4) It is department policy to disapprove applications involving contact with any person, institution, or agency identified on the record unless the committee determines that there are substantial overriding reasons for the contact.
- (5) It is department policy to disapprove applications involving research that does not serve a valid scientific or public health purpose.
- (6) The Vital Statistics Unit shall charge the statutory fee for each vital record research copy as provided in the Health and Safety Code, §191.0045.
- (7) Personal data application requests need to be submitted to the department’s Institutional Review Committee if any of the following apply to the requested research:
  - (A) sponsored by the department;
  - (B) conducted by or under the direction of department employees or agents;
  - (C) conducted by or under the direction of department employees or agents using department property of facilities, or;
  - (D) involves the use of department nonpublic information to identify or contact human research subjects or prospective subjects.

*Source Note: The provisions of this §181.11 adopted to be effective May 10, 1988, 13 TexReg 2032; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective August 11, 2013, 38 TexReg 4896*

**RULE §181.13 Birth Certificate Form and Content**

N/A

**RULE §181.14 Death and Fetal Death Certificate Form and Content**

- (a) The State Registrar shall determine the items of information to be contained on certificates of death and fetal death. The format of the items will be designated in forms entitled “Certificate of Death” and “Certificate of Fetal Death”.
- (b) Funeral directors or other persons in charge of disposition or in charge of removal of a body from a registration district for disposition may prepare and file the Certificate of Death and the Certificate of Fetal Death.

*Source Note: The provisions of this §181.14 adopted to be effective August 19, 1999, 24 TexReg 630; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936*

## SUBCHAPTER B VITAL RECORDS (as applicable)

### RULE §181.21 Refusal To Issue Certified Copies of Records of Birth, Death, or Fetal Death

- (a) Purpose. The purpose of this section is to describe:
- (1) the criteria that the State Registrar will use in refusing to issue a certified copy of a record of birth, death, or fetal death when information is received that may contradict the information shown in such record; and
  - (2) the hearing procedures the department will use when the applicant wants to appeal the State Registrar's proposed refusal.
- (b) Criteria for refusal. The criteria for refusal to issue a certified copy of a record is based on information the State Registrar receives that contradicts the information shown in the record, such as:
- (1) an order issued by a court of competent jurisdiction finding that the information shown in a record is false;
  - (2) a copy of an original record showing that the event in question occurred in a jurisdiction other than the State of Texas;
  - (3) affidavits executed by registrants, parents, attendants, or persons authorized to administer oaths attesting to the falsification of information in a record.
- (c) Hearing procedures.
- (1) If the State Registrar proposes to refuse to issue a certified copy, the applicant shall receive written notification of the refusal, the reason for the refusal and his or her right to request a hearing before the department to determine if there is evidence to support the State Registrar's proposed action.
  - (2) If the applicant wants a hearing, he or she shall submit a written request for a hearing to the State Registrar within 20 days after receiving the notice of proposed refusal.
  - (3) The State Registrar, upon receiving the written request for hearing, shall request the department's Office of General Counsel to initiate a hearing procedure in accordance with the department's hearing procedures, contained in §§1.51-1.55 of this title.
  - (4) The State Registrar shall notify the applicant in writing when the hearing request has been sent to the Office of General Counsel. The notice shall include a copy of the department's hearing procedures.

*Source Note: The provisions of this §181.21 adopted to be effective February 1, 1984, 8 TexReg 5406; amended to be effective March 16, 2000, 25 TexReg 2068; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective August 11, 2013, 38 TexReg 4896*

### RULE §181.22 Fees Charged for Vital Records Services

- (a) The fee for a certified or research copy of a birth record shall be \$10.00. Additional copies shall be \$10.00 for each copy requested.
- (b) The fee for a certified or research copy of a death certificate shall be \$10.00 for the first or only copy requested, and \$3.00 for each additional copy of the same record requested in the same request.
- (c) A surcharge of \$2.00 shall be added to the fee for searching and issuing each certified copy of a certificate of birth, or conducting a search for a certificate of birth, as mandated by the Health and Safety Code, §191.0045.
- (d) The fee for issuing each heirloom birth certificate, or gift certificate for such, shall be \$50.00. If a record is not found, \$38.00 of the fee shall be returned to the applicant.
- (e) The fee for issuing each wedding anniversary certificate or gift certificate for such shall be \$50.00.
- (f) The fee to search for any record or information on file within the Vital Statistics Unit shall be \$10.00, regardless of whether a certified copy is issued or not.
- (g) The fee for a search to verify the existence of a birth or death record shall be \$10.00.
- (h) The fee for a search to verify a marriage or divorce record shall be \$10.00.
- (i) The fee for a search and identification of the court that granted an adoption shall be \$10.00.
- (j) The fee for filing an amendment to an existing certificate of birth or death on file with the Vital Statistics Unit shall be \$15.00. An amendment to a certificate includes adding information to a record to make it complete and changing information

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7. Per Rule 181.21 Refusal To Issue Certified Copies of Records of Birth, Death, or Fetal Death, if the State Registrar proposes to refuse to issue a certified copy, the applicant shall receive \_\_\_\_\_, the reason for the refusal and his or her right to request a hearing before the department to determine if there is evidence to support the State Registrar's proposed action.
- a. An order issued by a court of competent jurisdiction
  - b. Written notification of the refusal
  - c. A non-certified copy of an original record
  - d. Affidavits executed by registrants, parents, attendants, or persons authorized to administer oaths

on a record to make it correct. An additional fee is required to issue a certified copy of the amended record.

- (k) The fee for filing an amendment based on a court ordered name change shall be \$15.00.
- (l) The fee for a new birth record based upon adoption or parentage determination shall be \$25.00.
- (m) The fee for filing a delayed record of birth shall be \$25.00.
- (n) The fee for a search of the Paternity Registry shall be \$10.00. The fee includes a certification stating whether or not the requested information is located in the Registry.
- (o) The fee for a search of the Acknowledgment of Paternity Registry shall be \$10.00. The fee includes a certified copy of the Acknowledgement of Paternity, if found.
- (p) Each person applying to the Central Adoption Registry shall pay a registration fee of \$30.00, which includes the \$5.00 fee for determining if an agency that operates its own registry was involved in the adoption. (Also see §181.44 of this title (relating to the Inquiry Through the Central Index).)
- (q) The fee charged for an expedited service shall be \$5.00 per request in addition to any other fee required. Expedited service is any service requested via fax or overnight mail service. The expedited fee is nonrefundable if a record or the information requested is not found.
- (r) The fee for the processing and issuance of a disinterment permit shall be \$25.00. The fee is to be paid by the applicant for the permit, and must be submitted with the application.
- (s) A Texas Online fee of \$10.00 shall be added to all requests for birth, death, marriage, and divorce record searches and document production.
- (t) Except as provided in subsection (c) of this section, the fee for a certified record that otherwise is required under this section is waived for an applicant who appears in person to obtain a certified copy from the department or a local registrar and represents that the certified record is required for the purpose of obtaining an election identification certificate issued pursuant to Transportation Code, Chapter 521A.

*Source Note: The provisions of this §181.22 adopted to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936; amended to be effective December 1, 2005, 30 TexReg 7876; amended to be effective August 11, 2013, 38 TexReg 4896; amended to be effective October 21, 2013, 38 TexReg 7307*

### **RULE §181.23 Indexes for Vital Records**

- (a) The State Registrar shall establish and maintain

an index of all vital records filed within the Vital Statistics Unit. Local registration officials shall establish and maintain an index of all vital records filed within their local registration area.

- (b) Birth indexes.
  - (1) General birth indexes maintained or established by the Vital Statistics Unit or a local registration official shall be prepared by event year, in alphabetical order by surname of the registrant, followed by any given names or initials, the date of the event, the county of occurrence, the state or local file number, the name of the father, the maiden name of the mother, and sex of the registrant.
  - (2) A general birth index is public information and available to the public to the extent the index relates to a birth record that is public on or after the 75th anniversary of the date of birth as shown on the record unless the fact of an adoption or paternity determination can be revealed or broken or if the index contains specific identifying information relating to the parents of the child who is the subject of an adoption placement. The Vital Statistics Unit and local registration officials shall expunge or delete any state or local file numbers included in any general birth index made available to the public because such file numbers may be used to discover information concerning specific adoptions, paternity determinations, or the identity of the parents of children who are the subjects of adoption placements.
  - (3) A summary birth index maintained or established by the Vital Statistics Unit or a local registration official shall be prepared by event year, in alphabetical order by surname of the registrant, followed by any given names or initials, the date of the event, the county of occurrence, and sex of the registrant. A summary birth index or any listings of birth records are not available to the public for searching or inspection if the fact of adoption or paternity determination can be revealed from specific identifying information.

- (c) Death indexes.

- (1) A general death index maintained or established by the Vital Statistics Unit or a local registration official shall be prepared by event year, in alphabetical order by surname of the registrant, followed by any given names or initials; the date of the event; the county of occurrence; the registrant's social security number, sex, and marital status; the name of the registrant's spouse, if applicable; and the state or local file number.
- (2) A general death index is public information and available to the public to the extent the

index relates to a death record that is public on or after the 25th anniversary of the date of death as shown on the record.

- (3) A summary death index maintained or established by the Vital Statistics Unit or a local registration official shall be prepared by event year, in alphabetical order by surname of the registrant, followed by any given names or initials, the date of the event, the county of occurrence, and sex of the registrant.
- (d) Indexes to marriage and divorce records shall be cross-referenced by the names of the husband and wife and include the date of the event and county of occurrence.
- (e) Consolidated indexes are indexes of vital records consisting of more than one event year. Consolidated indexes may be prepared for any vital event at the discretion of the State Registrar in the form prescribed.

*Source Note: The provisions of this §181.23 adopted to be effective November 19, 1991, 16 TexReg 6297; amended to be effective March 16, 2000, 25 TexReg 2068; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936; amended to be effective August 11, 2013, 38 TexReg 4896*

#### **RULE §181.24 Abused, Misused, or Flagged Records**

- (a) Abused birth record.
  - (1) Any birth record that has had 10 certifications issued since the original date of filing shall be considered as an abused record. Such a notation shall be made on the birth record.
  - (2) Local Registrars shall notify the Vital Statistics Unit of any abused record. Requests for additional certifications shall be made to the Vital Statistics Unit.
  - (3) When the State Registrar receives a request for an abused birth record, he/she shall refuse to issue any additional certifications until the registrant, minor registrant's parent who is not excluded by law, or registrant's guardian has satisfactorily explained, the reason for the additional request(s).
- (b) Misused record.

- (1) A misused record is any birth or death record that has been used by any person for any fraudulent or illegal purpose.
- (2) Upon notification or determination that a record has been misused, the State Registrar shall attach a flag or notice to the record.
- (c) Flagged record.
  - (1) A flagged record is any record with a notation that a request was received to not issue the record or to which an addendum, based on evidence of contradictory birth facts, has been attached. The registrant, minor registrant's parent who is not excluded by law, or registrant's guardian can request that no further copies of the record be released. After such request, the State Registrar may place a flag on the record.
  - (2) The Vital Statistics Unit will flag the record of any missing child who is under the age of eleven, when notified by a law enforcement agency or the Missing Persons Clearinghouse.
  - (3) When a record has a notation, or addendum, the State and Local Registrar shall refuse to issue such a record until the conditions as stated on the notation, or addendum have been satisfied and the registrant or the requesting party has been notified.
- (d) A hearing may be requested as provided in §181.21 of this title (relating to Refusal to Issue Certified Copies of Records of Birth, Death, or Fetal Death) to determine if flagged, abused, misused or records with an addendum or notation should be issued.

*Source Note: The provisions of this §181.24 adopted to be effective November 19, 1991, 16 TexReg 6298; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936; amended to be effective August 11, 2013, 38 TexReg 4896*

#### **RULE §181.25 Application for Marriage License and Affidavit of Correction to Marriage License** N/A

#### **RULE §181.26 Filing of Birth Certificates for Infants Born Outside of a Licensed Institution** N/A

#### **RULE §181.27 Memorandum of Understanding with the Texas Funeral Service Commission**

- (a) The purpose of this section is to implement Texas Occupations Code, Chapter 651, and Health and Safety Code, Chapters 193 and 195. In an effort to better protect the public health, safety and welfare, it is the legislative intent of the laws for the Texas Department of State Health Services (department) and the Texas Funeral Service Commission (TFSC) to adopt by rule a memorandum of understanding to facilitate cooperation between the agencies by establishing joint procedures and describing the actual duties

### **exam question...**

8. A general death index is public information and available to the public to the extent the index relates to a death record that is public on or after the \_\_\_\_\_ of the date of death as shown on the record.
- a. 25th anniversary
  - b. 20th anniversary
  - c. 15th anniversary
  - d. 10th anniversary



of each agency for the referral, investigation, and resolution of complaints affecting the administration and enforcement of state laws relating to vital statistics and the licensing of funeral directors and funeral establishments.

- (b) The department adopts by reference 22 TAC §201.16 of the TFSC rules.

*Source Note: The provisions of this §181.27 adopted to be effective July 3, 2003, 28 TexReg 4904; amended to be effective August 11, 2013, 38 TexReg 4896*

**RULE §181.28 Instructions and Requirements for Issuance of Certified Copies of Vital Records by the State Registrar, Local Registrar, or County Clerk**

- (a) Birth certificates.

- (1) The State Registrar, Local Registrar, or county clerk shall issue only two types of certified copies:

- (A) a full reproduction of the legal portion of the original record as filed in their office with any addendum(s); or
- (B) an abstract of birth facts, taken from the original record. Probate records and delayed records may not be abstracted. An abstract shall be issued in one of three styles:
- (i) a standard certified abstract;
  - (ii) an electronic or computer generated certified abstract prepared in accordance with Health and Safety Code, §192.005 or §192.011, or when the condition of the original record does not permit full reproduction; or
  - (iii) an heirloom style certified abstract which may only be issued by the State Registrar.

- (2) Each certified copy of a record, or abstract of birth facts, shall be issued over the signature or facsimile thereof of the officer to whom the record is entrusted, and shall bear the seal of their office, and a statement of certification:

- (A) either as a part of the custodian's files; or
- (B) as authorized to be issued from the State Registrar's file.

- (3) All certified copies of birth records shall include the following information, if known:

- (A) state or local file number;
- (B) given name(s);
- (C) surname;
- (D) date of birth;
- (E) state, and city or county of birth;
- (F) sex;

- (G) father's name;
- (H) mother's maiden name;
- (I) date of filing;
- (J) date certified copy issued;
- (K) certification statement;
- (L) signature or facsimile signature of the custodian; and
- (M) the seal of their office.

- (b) Death certificates.

- (1) The State Registrar, Local Registrar, or county clerk shall issue only two types of certified copies:

- (A) a full reproduction of the original record and any addenda as filed in their office; or
- (B) a certified abstract of death facts, taken from the original record.

- (2) All certified copies of death records shall include:

- (A) state or local file number;
- (B) given name(s);
- (C) surname;
- (D) date of death;
- (E) date of birth;
- (F) state, city or county of death;
- (G) sex;
- (H) date of filing;
- (I) date certified copy issued;
- (J) certification statement;
- (K) signature or facsimile signature of the custodian; and
- (L) the seal of their office.

- (c) Security features. No certified copy or abstract shall be issued unless the issuing office provides security features in the paper used for issuance. Each sheet or document shall be made on paper which contains as a minimum the following security features in accordance with the security standards adopted by the State Registrar:

- (1) consecutive numbers - documents that contain sequential numbers for control purposes;
- (2) background security features - a repetitious design consisting of a pattern that hinders counterfeiting efforts;
- (3) security thread - micro printed polyester thread that is introduced into the paper during the forming process so that the thread is embedded and is an integral part of the paper;

- (4) an engraved border - a border that is produced from engraved artwork containing images from fine lines to very complex patterns;
  - (5) microline printing or security thread - a line of small alpha characters in capitol letters that requires a magnifying glass to read;
  - (6) sensitized security paper - paper that is reactive to chemicals commonly used to alter documents;
  - (7) prismatic printing - a rainbow printing that is used as a deterrent to color copying;
  - (8) erasable fluorescent printing - fluoresces under ultraviolet light and reacts to any attempt to erase in such a manner as to be immediately detectable;
  - (9) non-optical brighteners - paper without added optical paper brighteners that will not fluoresce under ultraviolet light;
  - (10) complex colors - colors that are developed by using a mixture of two or more of the primary colors (red, yellow and blue) and black is required;
  - (11) intaglio printing - the printing process in which the paper is firmly pressed into the inked engraved plate. Once the paper is removed, the ink sticks to the top of the paper, creating a texture that can be felt with your fingers;
  - (12) latent image - designs in the engraved border that contains hidden images that appear only when viewed from a prescribed angle to a light source. The intaglio process can print these images;
  - (13) watermark - a three-dimensional graphic element molded into the paper in a continuous pattern during the paper manufacturing process.
- (d) Other permitted security features. Other security features such as, but not limited to the following, may also be incorporated in the paper used:
- (1) security laminate - a plastic laminate is placed over printed information as to reveal any attempts to alter the printed material; or
  - (2) a copy void pantograph - the word void appears when the document is photocopied.
- (e) Record retention. An electronic record or paper application that includes the date issued, document control number, name, address and signature, and a photocopy or facsimile of the form of identification to whom the record was issued shall be made and maintained for a period of three years from the date issued.
- (f) The Vital Statistics Unit will develop standards for procurement parameters regarding the purchase and distribution of the issuing medium for birth certificates, including paper.
- (g) The Vital Statistics Unit will explore options regarding establishment of a central database for the issuance of certified copies and abstracts of birth certificates by State and Local Registrars.
- (h) The Vital Statistics Unit will develop standards to limit access to archived paper birth certificates and set standards for the paper used to print certified copies and abstracts of birth.
- (i) Properly Qualified Applicant Acceptable Documentation.
- (1) In accordance with Health and Safety Code, §191.051, "Certified Copies," all lobby and mail-in applications submitted to obtain certified documents must meet the guidelines set out in this rule.
  - (2) All applicants for certified documents must present proof of identity acceptable to the State Registrar.
  - (3) All requests for certified documents must be submitted on a state-approved application or in a format that is acceptable to the State Registrar.
  - (4) All lobby and mail-in applications submitted to obtain certified documents must contain the applicant's signature.
  - (5) All applicants must sufficiently identify the vital record that is of interest at the time of request.
  - (6) All primary identification documents must have a United States issuance origin.
  - (7) All identification documents must be verifiable by the source that issued the document.
  - (8) The Vital Statistics Unit shall retain a photocopy of all documents submitted and accepted as proof of identification in accordance with the retention period in subsection (e) of this section.
  - (9) All applicants must present identification consistent with the following identification requirements:
    - (A) primary identification outlined in paragraph (10) of this subsection; or
    - (B) secondary identification reflected in paragraph (11) of this subsection; and
    - (C) supporting documentation stated in paragraph (12) of this subsection.
- (10) Primary Identification.
- (A) Primary Identification documents do not require supporting instruments, unless otherwise specified.
  - (B) All acceptable Primary Identification documents must be current and valid.
  - (C) The applicant's identification must contain

the applicant's name and photograph that establishes the applicant's identity.

Acceptable Supporting Identification of different types.

(D) Acceptable forms of Primary Identification:

- (i) Driver's License;
- (ii) Federal or State Identification card;
- (iii) Federal, State or City law enforcement employment identification card, or employment badge accompanied by employment identification card;
- (iv) Offender Identification card issued by the Department of Criminal Justice correctional facility or institution;
- (v) Military Identification card;
- (vi) Department of Homeland Security, United States Citizenship and Immigration Services (USCIS) issued:
  - (I) Employment Authorization Document (EAD);
  - (II) Permanent Resident Card (green card);
  - (III) Travel Documents:
    - (-a-) Re-entry Permit;
    - (-b-) Refugee Travel Permit; or
    - (-c-) Advance Parole.
  - (IV) SENTRI Card; or
  - (V) U.S. Citizen Identification Card.
- (vii) United States Department of State issued:
  - (I) Border Crossing Card (B1 for business or pleasure or B2 medical purposes); or
  - (II) Visa.
- (viii) Concealed Handgun License;
- (ix) Pilot's license; or
- (x) United States Passport.

(11) Secondary identification.

- (A) In the absence of a form of primary identification, applicants are permitted to submit secondary forms of identification to establish proof of their identity.
- (B) When submitting secondary forms of identification, applicants are required to produce:
  - (i) two forms of Acceptable Secondary Identification, of different types; or
  - (ii) one form of Acceptable Secondary Identification, plus two forms of

(C) When submitting secondary forms of identification, the documents combined must confirm the identity of the applicant. At least one of the documents must contain the applicant's name, signature, or identifiable photo of the applicant.

(D) Acceptable forms secondary identification:

- (i) Current student identification;
  - (ii) Any Primary Identification that is expired;
  - (iii) Signed Social Security card, or Numident;
  - (iv) DD Form 214 Certificate of Release;
  - (v) Medicaid card;
  - (vi) Medicare card;
  - (vii) Veterans Affairs card;
  - (viii) Medical insurance card;
  - (ix) Foreign Passport accompanied by a Visa issued by the United States Department of State;
  - (x) Foreign Passport in accordance with the United States Department of State, Visa Waiver Program;
  - (xi) Certified birth certificate from the Department of State (FS-240, DS-1350 or FS-545);
  - (xii) Private Company Employment Identification card;
  - (xiii) Form I-94 - accompanied by the applicant's Visa or Passport;
  - (xiv) Mexican voter registration card; or
  - (xv) Foreign Identification with identifiable photo of applicant.
- (12) Supporting Identification--Other records or documents that verify the applicant's identity. The Vital Statistics Unit refers to their policy for acceptable supporting identification. The examining or supervisory personnel may determine that a supporting identification document may meet the department's requirements in establishing identity.

*Source Note: The provisions of this §181.28 adopted to be effective March 16, 1995, 20 TexReg 1559; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936; amended to be effective August 11, 2013, 38 TexReg 4896*

**RULE §181.29 Filing of Birth Certificates for Infants Born Outside of a Licensed Institution**

N/A

**RULE §181.30 Instructions and Requirements for Filing of Amendments to Medical Certification of Certificate of Death with a Local Registrar**

- (a) An amending certificate (medical amendment) may be filed with the appropriate Local Registrar or State Registrar electronically through a Vital Statistics Unit electronic death registration system to complete or correct medical certification information on a certificate of death that is incomplete or inaccurate. The medical amendment must be in a format as prescribed by the department.
- (b) A certificate described in subsection (a) of this section shall only be filed upon completion by the individual responsible for the certification of the original death certificate. If the original was certified by a physician, and a justice of the peace (JP) or medical examiner's office (ME) has subsequently conducted an inquest as authorized by the Code of Criminal Procedure, Chapter 49, the medical amendment may be filed by the JP or ME that conducted the inquest.
- (c) The registrar shall carefully examine each medical amendment when presented for registration to determine if it is complete as required by the State Registrar's instructions.
- (d) If the medical amendment is incomplete or unsatisfactory, the registrar shall call attention to the error and/or omission in the return.
- (e) The registrar shall number the medical amendment with the same file number assigned to the original death certificate. The Local Registrar shall sign each medical amendment to attest to the date the amendment is filed in the Local Registrar's office. The signature may be either electronic, handwritten or a facsimile stamp. The medical amendment shall be attached to and become a part of the legal record of the death if the amendment is accepted for filing.
- (f) The registrar shall duplicate the medical amendment as authorized by the Local Government Code, Chapters 201 or 204. The duplicate shall be permanently preserved in the local registrar's office as the local record, in the manner directed by the state registrar.
- (g) The registrar shall forward all original non-electronic, medical amendments to the state registrar within 10 days of filing.

*Source Note: The provisions of this §181.30 adopted to be effective August 9, 1998, 23 TexReg 7810; amended to be effective July 3, 2003, 28 TexReg 4904; amended to be effective July 22, 2004, 29 TexReg 6936; amended to be effective August 11, 2013, 38 TexReg 4896*

**RULE §181.31 Minimum Requirements for Adoption Reporting**

N/A

**RULE §181.32 Maintenance of Out-of-Business Child-Placing Agency Records and Health, Social, Educational and Genetic History Reports**

N/A

**RULE §181.33 Instructions and Requirements for Registering a Certificate of Death by Catastrophe**

- (a) Catastrophe is defined in the Health and Safety Code, §193.010.
- (b) When catastrophe is deemed the cause of death, the Local Registrar shall prepare and file the certificate of death.
- (c) The Local Registrar shall only prepare and file a certificate of death caused by catastrophe if:
  - (1) the body has not been found; and
  - (2) an affidavit has been submitted to the Local Registrar according to the guidelines set forth in the Health and Safety Code, §193.010(b), and the affiant has followed the specific criteria laid out in Health and Safety Code, §193.010(b).
- (d) The Vital Statistics Unit may prepare and file a certificate of death by catastrophe for a minor or a person for whom a guardian has been appointed who is the subject of a custody or guardianship dispute only if all parties to the dispute submit an affidavit under the Health and Safety Code, §193.010(b).
- (e) A registrar completing a certificate of death that is a death by catastrophe shall complete the cause of death information as follows.
  - (1) Type the words, "Death by Catastrophe" in item number 33, Part 1a.
  - (2) Do not complete the rest of item 33.
  - (3) Complete items 36 through 39 if known.
  - (4) Items 40a through 40f and 41 must be completed on all certificates of death by catastrophe.

*Source Note: The provisions of this §181.33 adopted to be effective July 22, 2004, 29 TexReg 6936; amended to be effective August 11, 2013, 38 TexReg 4896*

**RULE §181.34 Instructions and Requirements for Reporting Assisted Reproduction Procedures Performed by a Health Care Facility Under a Gestational Agreement**

N/A

**RULE §181.35 Parental Consent of Underage Applicants to Marriage**

N/A



## exam questions...

9. An amending certificate (medical amendment) may be filed with the appropriate Local Registrar or State Registrar electronically through a Vital Statistics Unit electronic death registration system to complete or correct medical certification information on a certificate of death that is \_\_\_\_\_.  
a. Incomplete or missing  
b. Inaccurate or missing  
c. Incomplete or inaccurate  
d. Missing
10. When catastrophe is deemed the cause of death, the \_\_\_\_\_ shall prepare and file the certificate of death.  
a. Secretary of State  
b. Executive Director  
c. County Judge  
d. Local Registrar

### SUPPLEMENTAL INFORMATION: AUTOPSY REPORTS

#### TEXAS HEALTH AND SAFETY CODE

#### TITLE 8. DEATH AND DISPOSITION OF THE BODY

#### SUBTITLE A. DEATH

#### CHAPTER 671. DETERMINATION OF DEATH AND AUTOPSY REPORTS

#### SUBCHAPTER B. AUTOPSY REPORTS

##### Sec. 671.011. DEFINITION.

- (a) In this subchapter, "autopsy report" includes:
- (1) the report of the postmortem examination of the body of a person, including x-rays and photographs taken during the actual postmortem examination; and
  - (2) the toxicology report, if any, and other reports that involve an examination of the internal organs and structures of the body after dissection.
- (b) An autopsy report does not include investigative reports and other documents that the physician performing the autopsy may review to assist in determining the cause of death.

*Added by Acts 1999, 76th Leg., ch. 607, Sec. 1, eff. Sept. 1, 1999.*

##### Sec. 671.012. FILING AUTOPSY REPORT.

A designated physician who performs an autopsy provided for by state law shall file an autopsy report with the office designated by the autopsy order not later than the 30th day after the date of request for the autopsy unless:

- (1) a required test cannot be completed within that time; and
- (2) the physician certifies when the autopsy report is filed that a required test could not be completed within the 30-day limit.

*Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.*

*Renumbered from Health & Safety Code Sec. 671.011 by Acts 1999, 76th Leg., ch. 607, Sec. 1, eff. Sept. 1, 1999.*

##### Sec. 671.013. RELEASE OF REPORTS; FEES.

- (a) An autopsy report shall be released on request to an authorized person in connection with the determination of the cause of death in relation to a workers' compensation or insurance claim.
- (b) A person who receives information under Subsection (a) may disclose the information to others only to the extent consistent with the authorized purposes for which the information was obtained.
- (c) The commissioners court of the county having custody of an autopsy report shall establish a fee to be charged for a copy of the autopsy report as follows:
- (1) for written portions of the report, an amount reasonably necessary to recover the cost of providing the copy, not to exceed \$25; and
  - (2) for x-rays and photographs, the actual cost of reproduction, including the reasonable cost of overhead.
- (d) Except as provided by Subsection (e), an autopsy report released in connection with the determination of the cause of death in relation to a workers' compensation claim under Subsection (a) shall be released not later than the 15th business day after the date the request is received from the authorized person.
- (e) If the report has not been filed as provided by Section 671.012, a representative of the office designated by the autopsy order shall, not later than the 10th business day after the date of the request, notify the requesting person that the report has not been filed and of the date, to the best of the knowledge of the representative, that the requesting person may anticipate receiving the report.

*Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.*

*Renumbered from Health & Safety Code Sec. 671.012 and amended by Acts 1999, 76th Leg., ch. 607, Sec. 1, eff. Sept. 1, 1999.*

*Amended by: Acts 2005, 79th Leg., Ch. 1190 (H.B. 251), Sec. 2, eff. June 18, 2005.*

# Funeral Service Academy

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## Texas Vital Statistics—Death Records (2 Credit Hours)

### COURSE EVALUATION

*We'd love your feedback!*

*Evaluations can be submitted by mail or email (contact information above).*

Learner Name: \_\_\_\_\_

	Low			High		
Orientation was thorough and clear	1	2	3	4	5	
Course objectives were clearly stated	1	2	3	4	5	
Content was organized	1	2	3	4	5	
Content was what I expected	1	2	3	4	5	
Program met my needs	1	2	3	4	5	
Satisfied with my learning experience	1	2	3	4	5	
Satisfied with customer service, if applicable	1	2	3	4	5	n/a

What suggestions do you have to improve this program, if any?

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What educational needs do you currently have?

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What other courses or topics are of interest to you?

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