

HEALTH AND SAFETY CODE

TITLE 8. DEATH AND DISPOSITION OF THE BODY

SUBTITLE A. DEATH

CHAPTER 672A. PROHIBITED PUBLICATION OF CERTAIN PHOTOGRAPHS OF
HUMAN REMAINS

Sec. 672A.001. DEFINITIONS. In this chapter:

(1) "Human remains" has the meaning assigned by Section 711.001.

(2) "Publish" means to display, present, or release a photograph to an unauthorized person, or to cause a photograph to be displayed, presented, or released to an unauthorized person.

Added by Acts 2023, 88th Leg., R.S., Ch. 1151 (S.B. 997), Sec. 2, eff. September 1, 2023.

Sec. 672A.002. PROHIBITED PUBLICATION OF CERTAIN PHOTOGRAPHS DEPICTING HUMAN REMAINS. (a) An individual may not publish a photograph of human remains that the individual obtained while acting within the course and scope of the individual's duties as an officer or employee of this state or a political subdivision of this state.

(b) For purposes of Subsection (a), a photograph is considered to have been published if the photograph is:

- (1) displayed to an unauthorized person;
- (2) released to an unauthorized person by any delivery method, including text message, e-mail, or facsimile;
- (3) posted on a social media platform; or
- (4) sold to a news publication.

Added by Acts 2023, 88th Leg., R.S., Ch. 1151 (S.B. 997), Sec. 2, eff. September 1, 2023.

Sec. 672A.003. CIVIL PENALTY. (a) An individual who violates Section 672A.002 is liable for a civil penalty in an amount not to exceed \$10,000 for each violation.

(b) The attorney general or the appropriate county or district attorney may sue to collect the civil penalty provided by Subsection (a) and may recover attorney's fees and costs incurred

in obtaining relief under this section.

(c) It is a defense to liability for a civil penalty under this section that:

(1) the individual published the photograph of human remains for an official law enforcement, scientific, educational, research, or medical purpose, or as part of a civil proceeding; or

(2) the photograph was published in a documentary film or television show with the approval of the chief medical examiner, coroner, or commissioners court, as applicable, and the remains are unidentifiable.

(d) A defendant may not assert official immunity as a defense in an action brought under this section.

Added by Acts 2023, 88th Leg., R.S., Ch. 1151 (S.B. [997](#)), Sec. 2, eff. September 1, 2023.