

A BILL TO BE ENTITLED

AN ACT

relating to rules adopted and enforced by cemetery organizations on markers, memorials, and effigies; authorizing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 711.031, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) A rule adopted under Subsection (a)(3) may:

(1) specify the style, color, size, and installation requirements of a marker, memorial, or effigy; and

(2) require a marker or memorial to be installed flat or erect.

SECTION 2. Subchapter C, Chapter 711, Health and Safety Code, is amended by adding Section 711.0325 to read as follows:

Sec. 711.0325. PROHIBITED RULES ON MARKERS, MEMORIALS, AND EFFIGIES; CIVIL PENALTY. (a) A cemetery organization may not adopt or enforce a rule imposing a restriction or limitation on a business from which a plot owner may:

(1) purchase a marker, memorial, or effigy; or

(2) contract for the installation of a marker, memorial, or effigy.

(b) A cemetery organization that violates Subsection (a) is liable for a civil penalty of not more than \$5,000 for each violation. Each day a violation continues is considered a separate violation for purposes of assessing the civil penalty.

1        (c) The attorney general may bring suit to recover the civil  
2 penalty authorized by Subsection (b).

3        SECTION 3. The change in law made by this Act applies to a  
4 violation by a cemetery organization that occurs on or after the  
5 effective date of this Act. A violation that occurs before the  
6 effective date of this Act is governed by the law in effect on the  
7 date the violation occurred, and the former law is continued in  
8 effect for that purpose.

9        SECTION 4. This Act takes effect September 1, 2025.