

BILL ANALYSIS

Senate Research Center

S.B. 1764
By: Deuell
Health & Human Services
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Enrolled

DIGEST AND PURPOSE

Currently, the Texas Department of Mental Health and Mental Retardation (TDMHMR) is not authorized to place certain information on grave markers in TDMHMR cemeteries. S.B. 1764 authorizes certain individuals to disclose the name and birth and death dates of mental health facility patients for inscription on a grave marker.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter (a), Chapter 576, Health and Safety Code, by adding Section 576.0055, as follows:

Sec. 576.0055. DISCLOSURE OF NAME AND BIRTH AND DEATH DATES FOR CERTAIN PURPOSES. (a) Defines “ cemetery organization” and “funeral establishment.”

(b) Requires the administrator of a mental health facility, notwithstanding any other law, on request by a representative of a cemetery organization or funeral establishment, to release to the representative certain personal information of a person who was a patient at a facility when the person died, unless certain conditions apply. Authorizes a representative of a cemetery organization or a funeral establishment to use a name or date released under this subsection only for the purpose of inscribing the name or date on the grave marker.

SECTION 2. Amends Chapter 595, Health and Safety Code, by adding Section 595.0055, as follows:

Sec. 595.0055. DISCLOSURE OF NAME AND BIRTH AND DEATH DATES FOR CERTAIN PURPOSES. (a) Defines “ cemetery organization” and “funeral establishment.”

(b) Requires the superintendent of a residential care facility, notwithstanding any other law, on request by a representative of a cemetery organization or funeral establishment, to release to the representative certain personal information of a person who was a patient at a facility when the person died, unless certain conditions apply. Authorizes a representative of a cemetery organization or a funeral establishment to use a name or date released under this subsection only for the purpose of inscribing the name or date on the grave marker.

SECTION 3. Effective date: upon passage or September 1, 2003.