

By: Farabee

H.B. No. 2197

Substitute the following for H.B. No. 2197:

By: McReynolds

C.S.H.B. No. 2197

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the disclosure of certain information to a cemetery
3 organization or funeral establishment for the purpose of marking a
4 grave.

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

6 SECTION 1. Subchapter A, Chapter 576, Health and Safety
7 Code, is amended by adding Section 576.0055 to read as follows:

8 Sec. 576.0055. DISCLOSURE OF NAME AND BIRTH AND DEATH DATES
9 FOR CERTAIN PURPOSES. (a) In this section, "cemetery
10 organization" and "funeral establishment" have the meanings
11 assigned by Section 711.001.

12 (b) Notwithstanding any other law, on request by a
13 representative of a cemetery organization or funeral
14 establishment, the administrator of a mental health facility shall
15 release to the representative the name, date of birth, or date of
16 death of a person who was a patient at the facility when the person
17 died, unless the person or the person's guardian provided written
18 instructions to the facility not to release the person's name or
19 dates of birth and death. A representative of a cemetery
20 organization or a funeral establishment may use a name or date
21 released under this subsection only for the purpose of inscribing
22 the name or date on a grave marker.

23 SECTION 2. Chapter 595, Health and Safety Code, is amended
24 by adding Section 595.0055 to read as follows:

1 Sec. 595.0055. DISCLOSURE OF NAME AND BIRTH AND DEATH DATES
2 FOR CERTAIN PURPOSES. (a) In this section, "cemetery
3 organization" and "funeral establishment" have the meanings
4 assigned by Section 711.001.

5 (b) Notwithstanding any other law, on request by a
6 representative of a cemetery organization or funeral
7 establishment, the superintendent of a residential care facility
8 shall release to the representative the name, date of birth, or date
9 of death of a person who was a resident at the facility when the
10 person died, unless the person or the person's guardian provided
11 written instructions to the facility not to release the person's
12 name or dates of birth and death. A representative of a cemetery
13 organization or a funeral establishment may use a name or date
14 released under this subsection only for the purpose of inscribing
15 the name or date on a grave marker.

16 SECTION 3. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2003.