

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 18, 2005

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB385 by Carona (Relating to the regulation of funeral homes, cemeteries, and crematories.),
As Introduced

No significant fiscal implication to the State is anticipated.

The bill would amend Chapters 711 and 716 of the Health & Safety Code, and Chapter 651 of the Occupations Code. The bill would amend the Texas Health & Safety Code relating to circumstances under which a cemetery may sell sepulture rights and a crematory establishment may accept human remains for cremation. The bill would amend the Texas Occupations Code relating to the duties of the Texas Funeral Service Commission (commission) in regulating funeral directors, embalmers, and crematories. Currently, Section 651.506 of the Occupations Code requires the commission to use the services of the State Office of Administrative Hearings (SOAH) in cases involving denial of licenses, suspension or revocation of a license, issuance of a reprimand, or the imposition of an administrative penalty. The bill would amend Section 651.507(a) of the Occupations Code by requiring a SOAH administrative law judge to determine whether a license holder has previously violated the same provision of the statute, and, if so, to recommend the imposition of a disciplinary action. The bill would also add requirements to the manner in which funeral homes must offer services to the public and would create legal defenses to violations concerning whether a person has authority to make funeral arrangements for the deceased.

According to SOAH, the bill would not add a significant number of cases and would have negligible fiscal impact and the commission estimates there would be no significant fiscal impact.

The bill would take effect September 1, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 360 State Office of Administrative Hearings, 451 Department of Banking, 513 Funeral Service Commission

LBB Staff: JOB, CL, MW, RR