

AN ACT

relating to the regulation of funeral establishments, including requirements for a retail price list of services provided by such establishments.

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

SECTION 1. Subsections (b) and (c), Section 651.303, Occupations Code, are amended to read as follows:

(b) The commission by rule shall define the terms of employment of a provisional license holder. The terms of employment[+]

[~~(1)~~] must include service by the provisional license holder[+]

[~~(A)~~ of at least 17 hours a week or 73 hours a month, and

[~~(B)~~] under actual working conditions and under the personal supervision of a funeral director or embalmer[+, and

[~~(2)~~ may not require more than 17 hours a week or 73 hours a month].

(c) The term of the provisional license program must be at least 12 consecutive months but not more than 24 consecutive months.

SECTION 2. Subsection (a), Section 651.405, Occupations Code, is amended to read as follows:

(a) "Retail price list" means a printed or typewritten list

1 of the retail price of items or services provided by a funeral
2 establishment and must include the retail price of:

3 (1) transferring a deceased person to the funeral
4 establishment;

5 (2) embalming;

6 (3) using a funeral establishment facility for viewing
7 the deceased;

8 (4) using a funeral establishment facility for funeral
9 services;

10 (5) using a hearse;

11 (6) using a limousine;

12 (7) caskets;

13 (8) outer enclosures; ~~and~~

14 (9) filing a claim seeking life insurance proceeds on
15 behalf of the beneficiaries; and

16 (10) other itemized services provided by the funeral
17 establishment staff.

18 SECTION 3. Subchapter K, Chapter 651, Occupations Code, is
19 amended by adding Section 651.5011 to read as follows:

20 Sec. 651.5011. CHARGING FUNERAL DIRECTOR IN CHARGE WITH
21 VIOLATION. In determining whether to charge a funeral director in
22 charge with a violation based on conduct for which a licensed
23 employee of the funeral establishment was directly responsible, the
24 commission may consider:

25 (1) the nature and seriousness of the violation;

26 (2) the extent to which the licensed employee of the
27 funeral establishment whose conduct is the basis of the violation

1 was under the direct supervision of the funeral director in charge
2 or another person at the time the licensed employee engaged in the
3 conduct; and

4 (3) the causal connection between the supervision of
5 the licensed employee of the funeral establishment by the funeral
6 director in charge and the conduct engaged in by the licensed
7 employee that is the basis of the violation.

8 SECTION 4. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 864 passed the Senate on March 28, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 23, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 864 passed the House, with amendment, on May 20, 2011, by the following vote: Yeas 146, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor