

By: Gonzales, King of Taylor

H.B. No. 1893

Substitute the following for H.B. No. 1893:

By: Collier

C.S.H.B. No. 1893

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Funeral Service Commission and the regulation of funeral directing and embalming.

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

SECTION 1. Section 651.001(14), Occupations Code, is amended to read as follows:

(14) "Provisional license holder" means a person who:

(A) is engaged in learning the practice of funeral directing or embalming under the instruction, direction, and ~~personal~~ supervision of a funeral director or embalmer as provided by Section 651.306; and

(B) holds a provisional license issued by the commission under this chapter.

SECTION 2. Section 651.054(a), Occupations Code, is amended to read as follows:

(a) Members of the commission serve staggered six-year terms, with the terms of one-third of the members expiring in each odd-numbered year. ~~[A member may not be appointed for more than one full term, except that a member appointed to fill an unexpired term with less than three years remaining in the unexpired term may be reappointed to the commission for one full term.]~~

SECTION 3. Section 651.253(a), Occupations Code, is amended to read as follows:

(a) To be eligible for a funeral director's license or an

1 embalmer's license, an applicant must:

2 (1) be at least 18 years of age;

3 (2) have graduated from an accredited high school or
4 passed an examination prescribed by the Texas Education Agency;

5 (3) have graduated from an accredited school or
6 college of mortuary science;

7 (4) unless the applicant holds a reciprocal embalmer's
8 license, have served as a provisional license holder for not less
9 than one year under the [~~personal~~] supervision and instruction of a
10 funeral director or embalmer, as applicable, as provided by Section
11 651.306; and

12 (5) have successfully completed the applicable
13 written examination described by Section 651.255 or 651.256.

14 SECTION 4. Section 651.301, Occupations Code, is amended to
15 read as follows:

16 Sec. 651.301. PROVISIONAL LICENSE REQUIRED. A person must
17 obtain a provisional license before the person may engage in
18 learning the practice of funeral directing or embalming under the
19 instruction, direction, and [~~personal~~] supervision in this state of
20 a licensed funeral director or embalmer as provided by Section
21 651.306.

22 SECTION 5. Section 651.302, Occupations Code, is amended to
23 read as follows:

24 Sec. 651.302. APPLICATION; ISSUANCE OF PROVISIONAL
25 LICENSE. (a) The commission shall issue a provisional license to
26 practice funeral directing to an applicant who:

27 (1) is at least 18 years of age;

- 1 (2) either:
2 (A) has completed the educational requirements
3 of Section 651.253 or is enrolled in an accredited school or college
4 of mortuary science; or
5 (B) [~~(3)~~] is employed by a funeral director to
6 learn funeral directing [~~or embalming~~] under the instruction and
7 supervision of the funeral director as provided by Section 651.306;
8 (3) [~~(4)~~] files an application for a provisional
9 license on a form provided by the commission and verified under oath
10 by the applicant; and
11 (4) [~~(5)~~] pays any required application or license
12 fee.

13 (b) The commission shall issue a provisional license to
14 practice embalming to an applicant who:

- 15 (1) is at least 18 years of age;
16 (2) either:
17 (A) has completed the educational requirements
18 of Section 651.253 or is enrolled in an accredited school or college
19 of mortuary science; or
20 (B) is employed by an embalmer to learn embalming
21 under the instruction and supervision of the embalmer as provided
22 by Section 651.306;
23 (3) files an application for a provisional license;
24 (4) pays any required application or license fee; and
25 (5) complies with the requirements of this chapter and
26 of the commission.

27 SECTION 6. Sections 651.303(b) and (c), Occupations Code,

1 are amended to read as follows:

2 (b) The commission by rule shall define the terms of
3 employment of a provisional license holder. The terms of
4 employment must include service by the provisional license holder
5 under actual working conditions and under the ~~[personal]~~
6 supervision of a funeral director or embalmer as provided by
7 Section 651.306.

8 (c) The term of the provisional license program must be at
9 least 12 consecutive months but not more than 24 consecutive
10 months. The commission may extend the term of the provisional
11 license program for not more than 12 additional months for a
12 provisional license holder who requests and receives an extension
13 based on hardship under Section 651.305(e).

14 SECTION 7. Section 651.305(d), Occupations Code, is amended
15 to read as follows:

16 (d) If the renewal fee and penalty are not paid before the
17 91st day after the date of the notice of suspension, the commission
18 shall cancel the license. ~~[If the license is canceled under this~~
19 ~~subsection, the provisional license holder may apply for~~
20 ~~reinstatement not later than 18 months after the date of~~
21 ~~cancellation. The commission may reinstate the canceled license~~
22 ~~if:~~

23 ~~[(1) all other commission requirements are satisfied,~~
24 ~~and~~

25 ~~[(2) the license fee and a late payment penalty equal~~
26 ~~to the amount of the license fee for the period of the cancellation~~
27 ~~are paid.]~~

1 SECTION 8. Section 651.306, Occupations Code, is amended to
2 read as follows:

3 Sec. 651.306. [~~PERSONAL~~] SUPERVISION OF PROVISIONAL
4 LICENSE HOLDER. (a) Except as provided by Subsection (b), a
5 provisional license holder may practice only under the personal
6 supervision of a funeral director or embalmer. For the purposes of
7 this chapter, personal supervision requires the physical presence
8 of a funeral director or embalmer at the specified place and time a
9 funeral service is provided.

10 (b) After a provisional license holder has practiced under
11 the personal supervision of a funeral director or embalmer for at
12 least six months and has attained a score of at least 75 percent on
13 the Texas laws examination given by the commission, the funeral
14 director or embalmer under whom the provisional license holder is
15 training may submit to the commission an affidavit of proficiency
16 for the provisional license holder. If the commission approves the
17 affidavit of proficiency, the provisional license holder may
18 practice under the general supervision of a funeral director or
19 embalmer. For purposes of this chapter, general supervision
20 requires a funeral director or embalmer to be present on the
21 premises where a funeral service is provided.

22 SECTION 9. Section 651.302, Occupations Code, as amended by
23 this Act, applies only to a person who files an application for a
24 provisional license on or after the effective date of this Act. A
25 person who files an application before the effective date of this
26 Act is governed by the law in effect on the date the application was
27 filed, and the former law is continued in effect for that purpose.

1 SECTION 10. This Act takes effect September 1, 2013.