

By: Gonzales

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; 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 embalmer's license, an applicant must:

- 1 (1) be at least 18 years of age;
- 2 (2) have graduated from an accredited high school or
3 passed an examination prescribed by the Texas Education Agency;
- 4 (3) have graduated from an accredited school or
5 college of mortuary science;
- 6 (4) unless the applicant holds a reciprocal embalmer's
7 license, have served as a provisional license holder for not less
8 than one year under the [~~personal~~] supervision and instruction of a
9 funeral director or embalmer, as applicable; and
- 10 (5) have successfully completed the applicable
11 written examination described by Section 651.255 or 651.256.

12 SECTION 4. Section 651.301, Occupations Code, is amended to
13 read as follows:

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

19 SECTION 5. Section 651.302, Occupations Code, is amended to
20 read as follows:

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

- 24 (1) is at least 18 years of age;
- 25 (2) either:
 - 26 (A) has completed the educational requirements
27 of Section 651.253 or is enrolled in an accredited school or college

1 of mortuary science; or

2 (B) [~~(3)~~] is employed by a funeral director to
3 learn funeral directing or embalming under the instruction and
4 supervision of the funeral director;

5 (3) [~~(4)~~] files an application for a provisional
6 license on a form provided by the commission and verified under oath
7 by the applicant; and

8 (4) [~~(5)~~] pays any required application or license
9 fee.

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

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

13 (2) either:

14 (A) has completed the educational requirements
15 of Section 651.253 or is enrolled in an accredited school or college
16 of mortuary science; or

17 (B) is employed by an embalmer to learn embalming
18 under the instruction and supervision of the embalmer;

19 (3) files an application for a provisional license;

20 (4) pays any required application or license fee; and

21 (5) complies with the requirements of this chapter and
22 of the commission.

23 SECTION 6. Sections 651.303(b) and (c), Occupations Code,
24 are amended to read as follows:

25 (b) The commission by rule shall define the terms of
26 employment of a provisional license holder. The terms of
27 employment must include service by the provisional license holder

1 under actual working conditions and under the [~~personal~~]
2 supervision of a funeral director or embalmer.

3 (c) The term of the provisional license program must be at
4 least 12 consecutive months but not more than 36 [~~24~~] consecutive
5 months.

6 SECTION 7. Sections 651.305(d) and (e), Occupations Code,
7 are amended to read as follows:

8 (d) If the renewal fee and penalty are not paid before the
9 91st day after the date of the notice of suspension, the commission
10 shall cancel the license. [~~If the license is canceled under this~~
11 ~~subsection, the provisional license holder may apply for~~
12 ~~reinstatement not later than 18 months after the date of~~
13 ~~cancellation. The commission may reinstate the canceled license~~
14 ~~if:~~

15 [~~(1) all other commission requirements are satisfied,~~
16 ~~and~~

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

20 (e) A provisional license may be renewed after the third
21 [~~second~~] anniversary of the date of its issuance only if the person
22 requests and receives from the commission an extension based on
23 hardship.

24 SECTION 8. Section 651.306, Occupations Code, is amended to
25 read as follows:

26 Sec. 651.306. [~~PERSONAL~~] SUPERVISION OF PROVISIONAL
27 LICENSE HOLDER. (a) Except as provided by Subsection (b), a

1 provisional license holder may practice only under the personal
2 supervision of a funeral director or embalmer. For the purposes of
3 this chapter, personal supervision requires the physical presence
4 of a funeral director or embalmer at the specified place and time a
5 funeral service is provided.

6 (b) After a provisional license holder has practiced under
7 the personal supervision of a funeral director or embalmer for at
8 least six months, the funeral director or embalmer under whom the
9 provisional license holder is training may submit to the commission
10 an affidavit of proficiency for the provisional license holder. If
11 the commission approves the affidavit of proficiency, the
12 provisional license holder may practice under the general
13 supervision of a funeral director or embalmer. The funeral
14 director or embalmer supervising the provisional license holder
15 shall determine the appropriate manner of providing general
16 supervision of the provisional license holder.

17 SECTION 9. Section 651.060(b), Occupations Code, is
18 repealed.

19 SECTION 10. Section 651.302, Occupations Code, as amended
20 by this Act, applies only to a person who files an application for a
21 provisional license on or after the effective date of this Act. A
22 person who files an application before the effective date of this
23 Act is governed by the law in effect on the date the application is
24 filed, and the former law is continued in effect for that purpose.

25 SECTION 11. This Act takes effect September 1, 2013.