

By: Huberty

H.B. No. 2608

A BILL TO BE ENTITLED

AN ACT

relating to an exemption from certain requirements for certain funeral establishments that do not perform embalming services.

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

SECTION 1. Sections 651.351(g) and (h), Occupations Code, are amended to read as follows:

(g) A ~~[The commission may exempt a]~~ funeral establishment is exempt from the requirements of Subsections (d)(3), (4), and (5) ~~[Subsection (d)(5)]~~ if ~~[+~~

~~[(1)]~~ the majority owner or designated agent of record of a funeral establishment submits a written notice of the exemption ~~[petition]~~ to the commission ~~[requesting an exemption and]~~ stating:

(1) ~~[(A)]~~ the establishment's name and address;

(2) ~~[(B)]~~ that the establishment is located within 75 ~~[50]~~ miles of a facility owned by the establishment, operating under the same name as the establishment, ~~[requesting the exemption]~~ and at which embalming services may be performed; and

(3) ~~[(C)]~~ that no embalming services will be performed at the establishment ~~[, and~~

~~[(2) the commission determines that the criteria in Subdivision (1) have been met].~~

(h) An ~~[The executive director shall notify the petitioner of the commission's decision. The]~~ exemption under Subsection (g)

1 remains in effect until:

2 (1) the establishment no longer meets the requirements
3 of Subsection (g)(2) [is no longer located within 50 miles of a
4 facility owned by the exempt establishment or at which embalming
5 services may be performed]; or

6 (2) an embalming service has been performed at the
7 establishment.

8 SECTION 2. The changes in law made by this Act apply only to
9 a funeral establishment that submits a notice under Section
10 651.351(g), Occupations Code, as amended by this Act, on or after
11 the effective date of this Act. A funeral establishment that
12 submitted a petition or was granted an exemption under Section
13 651.351(g), Occupations Code, before the effective date of this Act
14 is governed by the law in effect immediately before the effective
15 date of this Act, and the former law is continued in effect for the
16 handling of the petition and for the exemption provided by that
17 section. A funeral establishment that submitted a petition or was
18 granted an exemption under Section 651.351(g), Occupations Code,
19 before the effective date of this Act may submit a notice under
20 Section 651.351(g), Occupations Code, as amended by this Act, in
21 which case the funeral establishment is governed by the law in
22 effect on the date the notice is submitted.

23 SECTION 3. This Act takes effect September 1, 2013.