

By: Allen

H.B. No. 456

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the enforcement of regulations governing cemetery
3 organizations, cemetery corporations, cemeteries, and crematories;
4 imposing penalties.

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

6 SECTION 1. The heading to Section 711.032, Health and
7 Safety Code, is amended to read as follows:

8 Sec. 711.032. DISCRIMINATION BY RACE, COLOR, OR NATIONAL
9 ORIGIN PROHIBITED; CIVIL PENALTY.

10 SECTION 2. Section 711.032, Health and Safety Code, is
11 amended by adding Subsections (c), (d), and (e) to read as follows:

12 (c) On receiving information or evidence that gives the
13 Texas Funeral Service Commission reason to believe that a cemetery
14 organization may have violated or may be violating this section,
15 the commission shall:

16 (1) notify the attorney general of the potential
17 violation; and

18 (2) as appropriate, request the attorney general to
19 bring an action for injunctive relief under Section 711.0515 or an
20 action to collect a civil penalty under Subsection (d).

21 (d) A person who violates this section is liable for a civil
22 penalty of not less than \$50 or more than \$25,000 for each
23 violation. Each day of a continuing violation constitutes a
24 separate violation. On request of the Texas Funeral Service

1 Commission, the attorney general may institute an action to collect
2 a civil penalty under this subsection.

3 (e) The attorney general may bring the action for injunctive
4 relief or for a civil penalty in Travis County or in the county in
5 which the violation of this section is alleged to have occurred.

6 SECTION 3. Section 711.0515, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 711.0515. ENFORCEMENT BY ATTORNEY GENERAL; INJUNCTIVE
9 RELIEF. In addition to bringing an action under Section 711.051,
10 the attorney general at the request of the Texas Funeral Service
11 Commission or on the attorney general's own initiative may bring an
12 action for injunctive relief to enforce this chapter or a rule or
13 order adopted by the commission under this chapter.

14 SECTION 4. (a) Sections 711.032(c) and (d), Health and
15 Safety Code, as added by this Act, apply only to a violation that
16 occurs on or after the effective date of this Act. A violation that
17 occurs before the effective date of this Act is governed by the law
18 in effect on the date the violation was committed, and the former
19 law is continued in effect for that purpose.

20 (b) Section 711.032(e), Health and Safety Code, as added by
21 this Act, and Section 711.0515, Health and Safety Code, as amended
22 by this Act, apply to an action brought on or after the effective
23 date of this Act, regardless of whether the violation giving rise to
24 that action occurred on, before, or after that date.

25 SECTION 5. This Act takes effect September 1, 2019.