

1-1 By: Thompson of Harris, et al. H.B. No. 1540  
 1-2 (Senate Sponsor - Hall)  
 1-3 (In the Senate - Received from the House April 23, 2019;  
 1-4 April 24, 2019, read first time and referred to Committee on  
 1-5 Business & Commerce; May 7, 2019, reported favorably by the  
 1-6 following vote: Yeas 8, Nays 0; May 7, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 A BILL TO BE ENTITLED  
 1-19 AN ACT

1-20 relating to the continuation and functions of the Texas Funeral  
 1-21 Service Commission; authorizing fees.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 711.007(b), Health and Safety Code, is  
 1-24 amended to read as follows:

1-25 (b) The proceeding may be brought by:

1-26 (1) the attorney general;

1-27 (2) the Banking Commissioner of Texas;

1-28 (3) the governing body of a municipality with a  
 1-29 population of more than 25,000, if the cemetery is located in the  
 1-30 municipality or not farther than five miles from the municipality;

1-31 (4) the district attorney of the county, if the  
 1-32 cemetery is located in an area of the county not described by  
 1-33 Subdivision (3);

1-34 (5) the owner of a residence:

1-35 (A) in or near the municipality in which the  
 1-36 cemetery is located; or

1-37 (B) in the area proscribed for the location of a  
 1-38 cemetery by Section 711.008; or

1-39 (6) ~~[the Texas Funeral Service Commission; or~~  
 1-40 ~~[(7)]~~ the owner of a plot in the cemetery.

1-41 SECTION 2. Section 711.012(b), Health and Safety Code, is  
 1-42 amended to read as follows:

1-43 (b) The Texas Funeral Service Commission may adopt rules,  
 1-44 establish procedures, and prescribe forms to enforce and administer  
 1-45 Section ~~[Sections 711.003, 711.008,]~~ 711.0105~~[, 711.021-711.034,~~  
 1-46 ~~711.038, 711.0395, 711.041, 711.042, 711.052, 711.061, 711.063,~~  
 1-47 ~~and 711.064 relating to cemeteries that are not perpetual care~~  
 1-48 ~~cemeteries].~~

1-49 SECTION 3. Section 711.0515, Health and Safety Code, is  
 1-50 amended to read as follows:

1-51 Sec. 711.0515. ENFORCEMENT BY ATTORNEY GENERAL; INJUNCTIVE  
 1-52 RELIEF. In addition to bringing an action under Section 711.051,  
 1-53 the attorney general ~~[at the request of the Texas Funeral Service~~  
 1-54 ~~Commission]~~ may bring an action for injunctive relief to enforce  
 1-55 this chapter or a rule or order adopted by the Texas Funeral Service  
 1-56 Commission ~~[commission]~~ under this chapter.

1-57 SECTION 4. Section 715.003, Health and Safety Code, is  
 1-58 amended to read as follows:

1-59 Sec. 715.003. PARTIES TO ACTION. An action commenced under  
 1-60 this chapter shall be brought by the incorporators of the nonprofit  
 1-61 corporation on behalf of the nonprofit corporation. The necessary  
 1-62 parties to the action on which citation shall be served under  
 1-63 Section 715.006 are:

2-1 (1) the record owners of the real property comprising  
 2-2 the historic cemetery;

2-3 (2) the owners of plots in the cemetery, who may be  
 2-4 designated as a class in the petition; and

2-5 (3) the Texas Historical Commission[ ~~and~~  
 2-6 [~~4) the Texas Funeral Service Commission~~].

2-7 SECTION 5. Section 715.006(a), Health and Safety Code, is  
 2-8 amended to read as follows:

2-9 (a) Before the 31st day after the date an action is  
 2-10 commenced by a nonprofit corporation under this chapter, the  
 2-11 nonprofit corporation shall cause citation to be issued and served  
 2-12 by certified mail, return receipt requested, on:

2-13 (1) the record owners of the real property comprising  
 2-14 the cemetery at their last known addresses;

2-15 (2) the owners of plots in the cemetery at their last  
 2-16 known addresses;

2-17 (3) the Texas Historical Commission at its office in  
 2-18 Austin, Texas; and

2-19 (4) [~~the Texas Funeral Service Commission; and~~  
 2-20 [~~5) the county auditor of the county in which the~~  
 2-21 cemetery is located.

2-22 SECTION 6. The heading to Subtitle L, Title 3, Occupations  
 2-23 Code, is amended to read as follows:

2-24 SUBTITLE L. [~~CEMETERY AND~~] CREMATORY SERVICES, FUNERAL DIRECTING,  
 2-25 AND EMBALMING

2-26 SECTION 7. The heading to Chapter 651, Occupations Code, is  
 2-27 amended to read as follows:

2-28 CHAPTER 651. [~~CEMETERY AND~~] CREMATORY SERVICES, FUNERAL DIRECTING,  
 2-29 AND EMBALMING

2-30 SECTION 8. Section 651.002, Occupations Code, is amended to  
 2-31 read as follows:

2-32 Sec. 651.002. APPLICATION OF SUNSET ACT. The Texas Funeral  
 2-33 Service Commission is subject to Chapter 325, Government Code  
 2-34 (Texas Sunset Act). Unless continued in existence as provided by  
 2-35 that chapter, the commission is abolished and this chapter expires  
 2-36 September 1, 2031 [~~2019~~].

2-37 SECTION 9. Section 651.004, Occupations Code, is amended to  
 2-38 read as follows:

2-39 Sec. 651.004. REGULATION OF [~~CEMETERY AND~~] CREMATORY  
 2-40 SERVICES. (a) The commission shall regulate [~~cemetery and~~]  
 2-41 crematory services as provided by this chapter and Chapter 716,  
 2-42 Health and Safety Code.

2-43 (b) The commission may not regulate [~~cemetery or~~] crematory  
 2-44 services that occur after burial or inurnment unless the services  
 2-45 relate to the care and treatment of the remains in an urn, casket,  
 2-46 or outer enclosure.

2-47 SECTION 10. Section 651.051(a), Occupations Code, is  
 2-48 amended to read as follows:

2-49 (a) The Texas Funeral Service Commission consists of seven  
 2-50 members appointed by the governor, with the advice and consent of  
 2-51 the senate as follows:

2-52 (1) two members who are licensed as both an embalmer  
 2-53 and a funeral director for at least the five years preceding  
 2-54 appointment to the commission;

2-55 (2) one member who is a crematory [~~registered~~  
 2-56 ~~cemetery~~] owner or operator; and

2-57 (3) four members who represent the public and who:

2-58 (A) are not regulated under this chapter; and

2-59 (B) have consistently shown an interest in  
 2-60 supporting consumer protection.

2-61 SECTION 11. Section 651.0511, Occupations Code, is amended  
 2-62 by amending Subsection (b) and adding Subsection (d) to read as  
 2-63 follows:

2-64 (b) The training program must provide the person with  
 2-65 information regarding:

2-66 (1) the law governing commission operations [~~this~~  
 2-67 ~~chapter~~];

2-68 (2) the programs, functions, rules, and budget of  
 2-69 [~~operated by~~] the commission;

2-70 (3) the scope of and limitations on the rulemaking  
 2-71 authority [~~the role and functions~~] of the commission;

3-1 (4) ~~the rules of the commission, with an emphasis on~~  
3-2 ~~the rules that relate to disciplinary and investigatory authority,~~  
3-3 ~~[(5) the current budget for the commission,~~  
3-4 ~~[(6)] the results of the most recent formal audit of~~  
3-5 the commission;  
3-6 (5) ~~[(7)]~~ the requirements of:  
3-7 (A) laws relating to ~~the~~ open meetings ~~[law],~~  
3-8 ~~[Chapter 551, Government Code,~~  
3-9 ~~[(B) the] public information [law], [Chapter~~  
3-10 ~~552, Government Code,~~  
3-11 ~~[(C) the] administrative procedure [law], and~~  
3-12 disclosing conflicts of interest [Chapter 2001, Government Code];  
3-13 and  
3-14 (B) ~~[(D)]~~ other laws applicable to members of a  
3-15 state policymaking body in performing their duties ~~[relating to~~  
3-16 ~~public officials, including conflict-of-interest laws];~~ and  
3-17 (6) ~~[(8)]~~ any applicable ethics policies adopted by  
3-18 the commission or the Texas Ethics Commission.  
3-19 (d) The executive director of the commission shall create a  
3-20 training manual that includes the information required by  
3-21 Subsection (b). The executive director shall distribute a copy of  
3-22 the training manual annually to each member of the commission. Each  
3-23 member of the commission shall sign and submit to the executive  
3-24 director a statement acknowledging that the member received and has  
3-25 reviewed the training manual.  
3-26 SECTION 12. Section 651.151, Occupations Code, is amended  
3-27 by adding Subsection (d) to read as follows:  
3-28 (d) The commission may appoint advisory committees to  
3-29 perform the advisory functions assigned to the committees by the  
3-30 commission. An advisory committee appointed under this subsection  
3-31 is subject to Chapter 2110, Government Code.  
3-32 SECTION 13. Section 651.1525(a), Occupations Code, is  
3-33 amended to read as follows:  
3-34 (a) Before publishing a proposed rule for public comment,  
3-35 the commission shall seek advice and opinions from persons who will  
3-36 be most affected by the rule. At a minimum, those persons must  
3-37 include consumer groups and trade associations that represent  
3-38 persons from each group regulated by the commission, including  
3-39 funeral directors and ~~cemetery and~~ crematory operators.  
3-40 SECTION 14. Section 651.154(a), Occupations Code, is  
3-41 amended to read as follows:  
3-42 (a) The commission by rule shall establish ~~[set the~~  
3-43 ~~following]~~ fees in amounts reasonable and necessary to cover the  
3-44 costs of administering ~~administer~~ this chapter~~+~~  
3-45 ~~[(1) the funeral director's and embalmer's application~~  
3-46 ~~fee, license fee, duplicate license fee, and reciprocal license~~  
3-47 ~~fee, and~~  
3-48 ~~[(2) the cemetery, crematory, or funeral~~  
3-49 ~~establishment license fee, renewal fee, and late renewal penalty].~~  
3-50 SECTION 15. The heading to Section 651.157, Occupations  
3-51 Code, is amended to read as follows:  
3-52 Sec. 651.157. INSPECTION OF ~~[CEMETERY]~~ CREMATORY~~[ ]~~ OR  
3-53 FUNERAL ESTABLISHMENT.  
3-54 SECTION 16. Sections 651.157(a), (b), (d), and (f),  
3-55 Occupations Code, are amended to read as follows:  
3-56 (a) Except as provided by Subsection (b), a licensed  
3-57 ~~[cemetery]~~ crematory~~[ ]~~ or funeral establishment shall be  
3-58 inspected at least once every three ~~two~~ years by an agent of the  
3-59 commission or by an agent of the state or a political subdivision  
3-60 authorized by the commission to make inspections on its behalf.  
3-61 (b) If the commission finds a violation of this chapter or  
3-62 of Chapter 193, 361, 711, 714, 715, or 716, Health and Safety Code,  
3-63 the commission shall inspect the ~~[cemetery]~~ crematory~~[ ]~~ or  
3-64 funeral establishment annually until the commission determines  
3-65 that the establishment is free of violations.  
3-66 (d) The commission by rule shall establish:  
3-67 (1) procedures for the inspection of a ~~[cemetery]~~  
3-68 crematory~~[ ]~~ or funeral establishment required by this section; and  
3-69 (2) criteria, including consideration of the  
3-70 establishment's inspection and complaint history, regarding when  
3-71 the commission should inspect an establishment based on the risk of

4-1 a violation at an establishment.

4-2 (f) Before a commission agent inspects a [~~cemetery,~~  
4-3 crematory~~]~~ or funeral establishment, the agent shall review the  
4-4 inspection reports filed with the commission on the establishment.  
4-5 During the inspection, the agent shall determine whether previously  
4-6 identified problems have been corrected and whether a pattern of  
4-7 violations exists. The commission shall consider the information  
4-8 from the inspection reports in determining whether a penalty should  
4-9 be imposed against an establishment.

4-10 SECTION 17. Section 651.162, Occupations Code, is amended  
4-11 to read as follows:

4-12 Sec. 651.162. ANNUAL [~~BIENNIAL~~] REPORT. (a) The  
4-13 commission shall prepare [~~file biennially with the governor~~] a  
4-14 written annual report describing [~~description of~~] the activities of  
4-15 the commission during the [~~two~~] preceding fiscal year [~~years~~]. The  
4-16 report must include information regarding:

4-17 (1) licensing, inspection, and enforcement  
4-18 activities;

4-19 (2) changes to commission policies; and

4-20 (3) complaint information.

4-21 (b) The commission shall post the report on the commission's  
4-22 Internet website.

4-23 SECTION 18. Section 651.164, Occupations Code, is amended  
4-24 to read as follows:

4-25 Sec. 651.164. LICENSE EXPIRATION; TERM. (a) A license  
4-26 issued under this chapter, other than a provisional license, is  
4-27 valid for a term of one or two years as provided by commission rule.

4-28 (b) The commission by rule shall [~~may~~] adopt a system under  
4-29 which licenses expire on various dates during the year. For a [~~the~~  
4-30 ~~year in which the~~] license that is issued for less than a full term  
4-31 [~~expiration date is changed~~], the commission shall prorate license  
4-32 fees on a monthly basis so that the [~~each~~] license holder pays only  
4-33 that portion of the license fee that is allocable to the number of  
4-34 months during which the license is valid. On renewal of the license  
4-35 on the new expiration date, the total license renewal fee is  
4-36 payable.

4-37 SECTION 19. Subchapter E, Chapter 651, Occupations Code, is  
4-38 amended by adding Section 651.2035 to read as follows:

4-39 Sec. 651.2035. CONFIDENTIALITY OF COMPLAINT INFORMATION.

4-40 (a) Except as provided by Subsection (b), a complaint and  
4-41 investigation and all information and materials compiled by the  
4-42 commission in connection with the complaint and investigation are  
4-43 not subject to:

4-44 (1) disclosure under Chapter 552, Government Code; or

4-45 (2) disclosure, discovery, subpoena, or other means of  
4-46 legal compulsion for release of information to any person.

4-47 (b) A complaint or investigation subject to Subsection (a)  
4-48 and all information and materials compiled by the commission in  
4-49 connection with the complaint may be disclosed to:

4-50 (1) the commission and commission employees or agents  
4-51 involved in license holder discipline;

4-52 (2) a party to a disciplinary action against the  
4-53 license holder or that party's designated representative;

4-54 (3) a law enforcement agency; or

4-55 (4) a governmental agency, if the disclosure is  
4-56 required or permitted by law.

4-57 (c) The commission is not required under Subsection (b) to  
4-58 release the identity of a complainant who will not testify at the  
4-59 hearing.

4-60 (d) Notwithstanding Subsection (a), on the dismissal or  
4-61 final resolution of a complaint or investigation, a final order of  
4-62 the commission is subject to disclosure under Chapter 552,  
4-63 Government Code.

4-64 SECTION 20. Section 651.259(e), Occupations Code, is  
4-65 amended to read as follows:

4-66 (e) The commission shall conduct a criminal background  
4-67 check on each applicant. [An applicant is not eligible for a  
4-68 license under this section if the applicant has, in the 10 years  
4-69 preceding the date of the application, been finally convicted of a  
4-70 misdemeanor involving moral turpitude or a felony.]

4-71 SECTION 21. Sections 651.260(a) and (b), Occupations Code,



5-1 are amended to read as follows:

5-2 (a) ~~A [If a license issued under this chapter is lost or~~  
 5-3 ~~destroyed, the]~~ license holder may apply to the commission for a  
 5-4 duplicate license:

5-5 (1) if a license issued under this chapter is lost or  
 5-6 destroyed; or

5-7 (2) as needed to comply with Section 651.261.

5-8 (b) The license holder must submit the application on a form  
 5-9 prescribed by the commission and must submit with the application  
 5-10 an affidavit verifying:

5-11 (1) for an applicant under Subsection (a)(1), the loss  
 5-12 or destruction of the license;

5-13 (2) that the license holder is the person to whom the  
 5-14 license was issued; and

5-15 (3) for an applicant under Subsection (a)(1), any  
 5-16 other information concerning the loss or destruction of the license  
 5-17 the commission requires.

5-18 SECTION 22. The heading to Subchapter H, Chapter 651,  
 5-19 Occupations Code, is amended to read as follows:

5-20 SUBCHAPTER H. LICENSE REQUIREMENTS: ~~[CEMETERY,]~~ FUNERAL~~[,]~~ AND  
 5-21 COMMERCIAL EMBALMER ESTABLISHMENTS

5-22 SECTION 23. Section 651.351(g), Occupations Code, is  
 5-23 amended to read as follows:

5-24 (g) The commission may exempt a funeral establishment from  
 5-25 the requirements of Subsection (d)(5) if the establishment meets  
 5-26 the requirements for the exemption provided by commission rule~~[+~~

5-27 ~~[(1) the majority owner or designated agent of record~~  
 5-28 ~~of a funeral establishment submits a written petition to the~~  
 5-29 ~~commission requesting an exemption and stating:~~

5-30 ~~[(A) the establishment's name and address;~~

5-31 ~~[(B) that the establishment is located within 50~~  
 5-32 ~~miles of a facility owned by the establishment requesting the~~  
 5-33 ~~exemption and at which embalming services may be performed; and~~

5-34 ~~[(C) that no embalming services will be performed~~  
 5-35 ~~at the establishment; and~~

5-36 ~~[(2) the commission determines that the criteria in~~  
 5-37 ~~Subdivision (1) have been met].~~

5-38 SECTION 24. Section 651.354, Occupations Code, is amended  
 5-39 to read as follows:

5-40 Sec. 651.354. RENEWAL OF ~~[CEMETERY OR]~~ FUNERAL  
 5-41 ESTABLISHMENT LICENSE. (a) The commission shall mail written  
 5-42 notice to a ~~[cemetery or]~~ funeral establishment of the impending  
 5-43 expiration of the establishment's license not later than the 30th  
 5-44 day before the expiration date of the license. The notice must  
 5-45 state that:

5-46 (1) to renew the license, the ~~[cemetery or]~~ funeral  
 5-47 establishment must pay the renewal fee in an amount provided by rule  
 5-48 not later than the license expiration date; and

5-49 (2) the license is automatically renewed on receipt of  
 5-50 the renewal fee.

5-51 (b) A ~~[cemetery or]~~ funeral establishment that fails to pay  
 5-52 the license renewal fee by the due date is subject to a late payment  
 5-53 penalty in an amount determined by rule ~~[equal to the amount charged~~  
 5-54 ~~for the license renewal fee].~~

5-55 (c) If the license is expired for longer than 30 days, the  
 5-56 ~~[cemetery or]~~ funeral establishment may not operate as a ~~[cemetery~~  
 5-57 ~~or]~~ funeral establishment until the renewal fee and the late  
 5-58 payment penalty are paid.

5-59 ~~[(d) This section does not apply to a perpetual care~~  
 5-60 ~~cemetery.]~~

5-61 SECTION 25. Section 651.401, Occupations Code, is amended  
 5-62 to read as follows:

5-63 Sec. 651.401. FIRST CALL; REMOVAL OF BODY. (a) First call  
 5-64 occurs at the beginning of a relationship between a funeral  
 5-65 director and a person authorized by Section 711.002, Health and  
 5-66 Safety Code, to control the disposition of the decedent's remains.

5-67 (b) Notwithstanding Subsection (c), a [A] funeral director  
 5-68 [or embalmer] must direct [and personally supervise] the pickup of  
 5-69 a dead human body under this chapter [on first call].

5-70 (c) ~~[(b)]~~ A dead human body may be transferred without a  
 5-71 funeral director directing [personally making] the transfer at the

6-1 direction of a justice of the peace or other law enforcement  
 6-2 official[-  
 6-3 [~~(1) from one funeral establishment to another;~~  
 6-4 [~~(2) from a funeral establishment to and from a morgue~~  
 6-5 ~~in which an autopsy is performed;~~  
 6-6 [~~(3) to and from an airport, crematory, or both; or~~  
 6-7 [~~(4) in circumstances in which there is no reasonable~~  
 6-8 ~~probability that an unlicensed person will encounter a family~~  
 6-9 ~~member or other person with whom funeral arrangements are normally~~  
 6-10 ~~made by a funeral director or embalmer].~~

6-11 (d) A funeral director may direct an unlicensed person, a  
 6-12 provisional license holder, or an embalmer in the removal of a dead  
 6-13 human body. A funeral director who directs the removal of a dead  
 6-14 human body by an unlicensed person is strictly accountable for  
 6-15 compliance with the requirements of this chapter. [~~(c)~~] If an  
 6-16 unlicensed person, a provisional license holder, or an embalmer  
 6-17 inadvertently encounters a family member or other person with whom  
 6-18 funeral arrangements are normally made, the [~~unlicensed~~] person  
 6-19 shall restrict communication with the family member or other person  
 6-20 to:

- 6-21 (1) identifying the [~~unlicensed~~] person's employer;
- 6-22 and
- 6-23 (2) [~~arranging an appointment with the unlicensed~~  
 6-24 ~~person's employer for a family member or other person who indicates~~  
 6-25 ~~a desire to make funeral arrangements for the deceased; and~~  
 6-26 [~~(3)~~] making any disclosure to the family member or  
 6-27 other person that is required by federal or state law or regulation.

6-28 [~~(d) A funeral director or embalmer who directs the removal~~  
 6-29 ~~or transfer of a dead human body without personally supervising the~~  
 6-30 ~~transfer is strictly accountable for compliance with the~~  
 6-31 ~~requirements of first call as provided by this section.]~~

6-32 SECTION 26. The heading to Section 651.4055, Occupations  
 6-33 Code, is amended to read as follows:

6-34 Sec. 651.4055. RETAIL PRICE LIST; [~~CEMETERY OR~~] CREMATORY.

6-35 SECTION 27. Sections 651.4055(a) and (b), Occupations Code,  
 6-36 are amended to read as follows:

6-37 (a) In this section, "retail price list" means a printed or  
 6-38 typewritten list of the retail price of items or services provided  
 6-39 by a [~~cemetery or~~] crematory.

6-40 (b) A retail price list must contain:

- 6-41 (1) the name, address, and telephone number of the  
 6-42 [~~cemetery or~~] crematory;
- 6-43 (2) the effective date for the stated prices;
- 6-44 (3) notice required by Subsection (c); and
- 6-45 (4) any other items that the commission may by rule  
 6-46 require.

6-47 SECTION 28. The heading to Section 651.4065, Occupations  
 6-48 Code, is amended to read as follows:

6-49 Sec. 651.4065. PURCHASE AGREEMENT; [~~CEMETERY OR~~]  
 6-50 CREMATORY.

6-51 SECTION 29. Section 651.4065(a), Occupations Code, is  
 6-52 amended to read as follows:

6-53 (a) A purchase agreement must state:

- 6-54 (1) the name, address, and telephone number of the  
 6-55 [~~cemetery or~~] crematory;
- 6-56 (2) the amount paid or owed to another person by the  
 6-57 [~~cemetery or~~] crematory on behalf of the customer and each fee  
 6-58 charged the customer for the cost of advancing funds or becoming  
 6-59 indebted to another person on behalf of the customer;
- 6-60 (3) the printed notice required by Subsection (b);
- 6-61 (4) the name, mailing address, and telephone number of  
 6-62 the commission;
- 6-63 (5) a statement that complaints may be directed to the  
 6-64 commission; and
- 6-65 (6) any other items that the commission may by rule  
 6-66 require.

6-67 SECTION 30. Section 651.460, Occupations Code, is amended  
 6-68 by amending Subsection (b) and adding Subsection (c) to read as  
 6-69 follows:

6-70 (b) A funeral establishment violates this chapter if:

- 6-71 (1) the funeral establishment fails to substantially

7-1 comply with Section 651.351;

7-2 (2) the funeral establishment or a person acting on  
7-3 behalf of the funeral establishment violates Chapter 193 or 361,  
7-4 Health and Safety Code; ~~[or]~~

7-5 (3) the funeral establishment, a person acting on  
7-6 behalf of the funeral establishment, or a person directly or  
7-7 indirectly connected with the funeral establishment violates  
7-8 Chapter 154, Finance Code, or a rule adopted under that chapter; or

7-9 (4) the funeral establishment or a person acting on  
7-10 behalf of a funeral establishment allows or assists an unlicensed  
7-11 person to engage in an activity for which a person is required to  
7-12 hold a license under this chapter.

7-13 (c) A crematory violates this chapter if the crematory or a  
7-14 person acting on behalf of the crematory allows or assists an  
7-15 unlicensed person to engage in an activity for which a person is  
7-16 required to hold a license under this chapter.

7-17 SECTION 31. Section 651.501(a), Occupations Code, is  
7-18 amended to read as follows:

7-19 (a) After a hearing as provided by this subchapter, the  
7-20 commission may issue a reprimand, assess an administrative penalty,  
7-21 revoke, suspend, or probate the suspension of a license or  
7-22 provisional license, order a license holder to pay a refund under  
7-23 Section 651.603, or impose any combination of those penalties for a  
7-24 violation of this chapter or a rule adopted under this chapter.

7-25 SECTION 32. Section 651.601, Occupations Code, is amended  
7-26 by adding Subsection (a-2) to read as follows:

7-27 (a-2) The commission may bring an action for appropriate  
7-28 injunctive relief against a person who is not licensed under this  
7-29 chapter to enjoin a violation of this chapter or a rule adopted  
7-30 under this chapter.

7-31 SECTION 33. Subchapter M, Chapter 651, Occupations Code, is  
7-32 amended by adding Section 651.603 to read as follows:

7-33 Sec. 651.603. REFUND. (a) The commission may order a  
7-34 license holder to pay a refund to a person harmed by the license  
7-35 holder's violation of this chapter or failure to fulfill the terms  
7-36 of a purchase agreement with the person.

7-37 (b) The amount of a refund ordered under this section may  
7-38 not exceed the actual amount paid by the person to the license  
7-39 holder.

7-40 SECTION 34. Section 651.657, Occupations Code, is amended  
7-41 by adding Subsection (d) to read as follows:

7-42 (d) The application form for renewal of a license as a  
7-43 crematory establishment must allow the applicant to provide a  
7-44 written statement that the information previously provided to the  
7-45 commission under Subsection (b) has not changed, if applicable.

7-46 SECTION 35. Section 651.658, Occupations Code, is amended  
7-47 by amending Subsections (a) and (f) and adding Subsection (a-1) to  
7-48 read as follows:

7-49 (a) ~~A [To renew a crematory establishment license, the]~~  
7-50 ~~crematory establishment must annually~~~~[+~~

7-51 ~~[(1)]~~ file a report with the commission that lists the  
7-52 number of cremations performed at the crematory during the previous  
7-53 year.

7-54 (a-1) An applicant for renewal of a crematory establishment  
7-55 license shall apply to the commission and~~[+~~

7-56 ~~[(2)]~~ pay the required ~~[license renewal]~~ fee~~;~~ and

7-57 ~~[(3)]~~ provide the information required by Section  
7-58 ~~651.657~~ or a written statement that the information has not changed  
7-59 ~~since previously provided].~~

7-60 (f) The commission shall impose a ~~[\$100]~~ late fee in an  
7-61 amount provided by rule for each day a crematory establishment  
7-62 fails to submit the annual report required by this section if an  
7-63 extension has not been granted.

7-64 SECTION 36. The following provisions of the Occupations  
7-65 Code are repealed:

7-66 (1) Sections 651.154(b) and (c);

7-67 (2) Section 651.1571;

7-68 (3) Section 651.203(b);

7-69 (4) Section 651.2595;

7-70 (5) Section 651.353;

7-71 (6) Section 651.355; and

8-1 (7) Section 651.4065(c).

8-2 SECTION 37. The change in law made by this Act to Section  
8-3 651.051(a), Occupations Code, does not affect the entitlement of a  
8-4 member serving on the Texas Funeral Service Commission immediately  
8-5 before the effective date of this Act to continue to serve for the  
8-6 remainder of the member's term. As the terms of commission members  
8-7 expire, the governor shall appoint or reappoint members who have  
8-8 the qualifications required for members under Section 651.051(a),  
8-9 Occupations Code, as amended by this Act.

8-10 SECTION 38. (a) Except as provided by Subsection (b) of  
8-11 this section, Section 651.0511, Occupations Code, as amended by  
8-12 this Act, applies to a member of the Texas Funeral Service  
8-13 Commission appointed before, on, or after the effective date of  
8-14 this Act.

8-15 (b) A member of the Texas Funeral Service Commission who,  
8-16 before the effective date of this Act, completed the training  
8-17 program required by Section 651.0511, Occupations Code, as that law  
8-18 existed before the effective date of this Act, is required to  
8-19 complete additional training only on subjects added by this Act to  
8-20 the training program as required by Section 651.0511, Occupations  
8-21 Code, as amended by this Act. A member of the commission described  
8-22 by this subsection may not vote, deliberate, or be counted as a  
8-23 member in attendance at a meeting of the commission held on or after  
8-24 December 1, 2019, until the member completes the additional  
8-25 training.

8-26 SECTION 39. Section 651.259(e), Occupations Code, as  
8-27 amended by this Act, applies only to an application for a license  
8-28 submitted on or after the effective date of this Act. An  
8-29 application for a license submitted before that date is governed by  
8-30 the law in effect immediately before the effective date of this Act,  
8-31 and the former law is continued in effect for that purpose.

8-32 SECTION 40. Section 651.351(g), Occupations Code, as  
8-33 amended by this Act, applies only to an exemption requested by a  
8-34 funeral establishment on or after the date the Texas Funeral  
8-35 Service Commission adopts rules providing for the requirements for  
8-36 an exemption under that subsection. A request made before that date  
8-37 is governed by the law in effect immediately before the effective  
8-38 date of this Act, and the former law is continued in effect for that  
8-39 purpose.

8-40 SECTION 41. Sections 651.460(b) and 651.501(a),  
8-41 Occupations Code, as amended by this Act, and Sections 651.460(c),  
8-42 651.601(a-2), and 651.603, Occupations Code, as added by this Act,  
8-43 apply only to conduct that occurs on or after the effective date of  
8-44 this Act. Conduct that occurs before that date is governed by the  
8-45 law in effect on the date the conduct occurred, and the former law  
8-46 is continued in effect for that purpose.

8-47 SECTION 42. The changes made by this Act to Chapter 651,  
8-48 Occupations Code, relating to fees under that chapter apply only to  
8-49 a fee that becomes due on or after the effective date of this Act. A  
8-50 fee that became due before that date is governed by the law in  
8-51 effect on the date the fee became due, and the former law is  
8-52 continued in effect for that purpose.

8-53 SECTION 43. (a) Except as provided by Subsection (b) of  
8-54 this section, this Act takes effect September 1, 2019.

8-55 (b) Section 651.162, Occupations Code, as amended by this  
8-56 Act, takes effect September 1, 2020.

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