

BILL ANALYSIS

Senate Research Center
89R18479 EAS-F

H.B. 3803
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current provisions in the Health and Safety Code governing the Texas Department of Banking's regulation of perpetual care cemeteries do not include a confidentiality provision specifically for the financial information of these cemeteries. Provisions in the Finance Code that govern prepaid funeral services, however, require the department to regulate prepaid funeral contracts and ensure that certain financial information related to the sellers of these contracts remains confidential.

H.B. 3803 would remove a potential conflict by adding confidentiality provisions to the Health and Safety Code that mirror the Finance Code confidentiality provisions. H.B. 3803 would specifically add a confidentiality provision to perpetual care cemeteries which mirrors the confidentiality provision for prepaid funeral contracts to remove the any potential conflict for the Department of Banking.

H.B. 3803 amends current law relating to the confidentiality and disclosure of certain financial information of perpetual care cemeteries and perpetual care trust funds.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 712, Health and Safety Code, by adding Section 712.010, as follows:

Sec. 712.010. CONFIDENTIALITY AND DISCLOSURE OF CERTAIN INFORMATION. (a) Provides that information relating to the financial condition of a perpetual care cemetery or fund the Banking Department of Texas (TDB) obtains directly or indirectly, through examination or otherwise, other than a published statement, is confidential.

(b) Provides that a TDB file or record relating to the financial condition of a perpetual care cemetery or fund is confidential.

(c) Authorizes the banking commissioner of Texas (commissioner) to disclose information described by Subsection (a) or (b) to an agency, department, or instrumentality of this or another state or the United States if the commissioner determines disclosure is in the best interest of the public and necessary or proper to enforce the laws of this or another state or the United States.

SECTION 2. Effective date: upon passage or September 1, 2025.