

Chapter 124

H.B. No. 1540

1 AN ACT  
2 relating to the continuation and functions of the Texas Funeral  
3 Service Commission; authorizing fees.

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

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

7 (b) The proceeding may be brought by:

8 (1) the attorney general;

9 (2) the Banking Commissioner of Texas;

10 (3) the governing body of a municipality with a  
11 population of more than 25,000, if the cemetery is located in the  
12 municipality or not farther than five miles from the municipality;

13 (4) the district attorney of the county, if the  
14 cemetery is located in an area of the county not described by  
15 Subdivision (3);

16 (5) the owner of a residence:

17 (A) in or near the municipality in which the  
18 cemetery is located; or

19 (B) in the area proscribed for the location of a  
20 cemetery by Section 711.008; or

21 (6) [~~the Texas Funeral Service Commission; or~~

22 [~~7~~] the owner of a plot in the cemetery.

23 SECTION 2. Section 711.012(b), Health and Safety Code, is  
24 amended to read as follows:

1 (b) The Texas Funeral Service Commission may adopt rules,  
2 establish procedures, and prescribe forms to enforce and administer  
3 Section [~~Sections 711.003, 711.008,~~] 711.0105[~~, 711.021-711.034,~~  
4 ~~711.038, 711.0395, 711.041, 711.042, 711.052, 711.061, 711.063,~~  
5 ~~and 711.064 relating to cemeteries that are not perpetual care~~  
6 ~~cemeteries~~].

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

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

15 SECTION 4. Section 715.003, Health and Safety Code, is  
16 amended to read as follows:

17 Sec. 715.003. PARTIES TO ACTION. An action commenced under  
18 this chapter shall be brought by the incorporators of the nonprofit  
19 corporation on behalf of the nonprofit corporation. The necessary  
20 parties to the action on which citation shall be served under  
21 Section 715.006 are:

22 (1) the record owners of the real property comprising  
23 the historic cemetery;

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

26 (3) the Texas Historical Commission[~~, and~~

27 [~~(4) the Texas Funeral Service Commission~~].

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

3 (a) Before the 31st day after the date an action is  
4 commenced by a nonprofit corporation under this chapter, the  
5 nonprofit corporation shall cause citation to be issued and served  
6 by certified mail, return receipt requested, on:

7 (1) the record owners of the real property comprising  
8 the cemetery at their last known addresses;

9 (2) the owners of plots in the cemetery at their last  
10 known addresses;

11 (3) the Texas Historical Commission at its office in  
12 Austin, Texas; and

13 (4) [~~the Texas Funeral Service Commission, and~~

14 [~~(5)~~] the county auditor of the county in which the  
15 cemetery is located.

16 SECTION 6. The heading to Subtitle L, Title 3, Occupations  
17 Code, is amended to read as follows:

18 SUBTITLE L. [~~CEMETERY AND~~] CREMATORY SERVICES, FUNERAL DIRECTING,  
19 AND EMBALMING

20 SECTION 7. The heading to Chapter 651, Occupations Code, is  
21 amended to read as follows:

22 CHAPTER 651. [~~CEMETERY AND~~] CREMATORY SERVICES, FUNERAL DIRECTING,  
23 AND EMBALMING

24 SECTION 8. Section 651.002, Occupations Code, is amended to  
25 read as follows:

26 Sec. 651.002. APPLICATION OF SUNSET ACT. The Texas Funeral  
27 Service Commission is subject to Chapter 325, Government Code

1 (Texas Sunset Act). Unless continued in existence as provided by  
2 that chapter, the commission is abolished and this chapter expires  
3 September 1, 2031 [~~2019~~].

4 SECTION 9. Section 651.004, Occupations Code, is amended to  
5 read as follows:

6 Sec. 651.004. REGULATION OF [~~CEMETERY—AND~~] CREMATORY  
7 SERVICES. (a) The commission shall regulate [~~cemetery and~~]  
8 crematory services as provided by this chapter and Chapter 716,  
9 Health and Safety Code.

10 (b) The commission may not regulate [~~cemetery or~~] crematory  
11 services that occur after burial or inurnment unless the services  
12 relate to the care and treatment of the remains in an urn, casket,  
13 or outer enclosure.

14 SECTION 10. Section 651.051(a), Occupations Code, is  
15 amended to read as follows:

16 (a) The Texas Funeral Service Commission consists of seven  
17 members appointed by the governor, with the advice and consent of  
18 the senate as follows:

19 (1) two members who are licensed as both an embalmer  
20 and a funeral director for at least the five years preceding  
21 appointment to the commission;

22 (2) one member who is a crematory [~~registered~~  
23 ~~cemetery~~] owner or operator; and

24 (3) four members who represent the public and who:

25 (A) are not regulated under this chapter; and

26 (B) have consistently shown an interest in  
27 supporting consumer protection.

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

4 (b) The training program must provide the person with  
5 information regarding:

6 (1) the law governing commission operations [~~this~~  
7 ~~chapter~~];

8 (2) the programs, functions, rules, and budget of  
9 ~~[operated by]~~ the commission;

10 (3) the scope of and limitations on the rulemaking  
11 authority [~~the role and functions~~] of the commission;

12 (4) [~~the rules of the commission, with an emphasis on~~  
13 ~~the rules that relate to disciplinary and investigatory authority,~~

14 [~~(5) the current budget for the commission,~~

15 [~~(6)~~] the results of the most recent formal audit of  
16 the commission;

17 (5) [~~(7)~~] the requirements of:

18 (A) laws relating to [~~the~~] open meetings [~~law~~],  
19 [~~Chapter 551, Government Code,~~

20 [~~(B) the~~] public information [~~law~~], [~~Chapter~~  
21 ~~552, Government Code,~~

22 [~~(C) the~~] administrative procedure [~~law~~], and  
23 disclosing conflicts of interest [~~Chapter 2001, Government Code~~];

24 and

25 (B) [~~(D)~~] other laws applicable to members of a  
26 state policymaking body in performing their duties [~~relating to~~  
27 ~~public officials, including conflict-of-interest laws~~]; and

1           (6) [~~(8)~~] any applicable ethics policies adopted by  
2 the commission or the Texas Ethics Commission.

3           (d) The executive director of the commission shall create a  
4 training manual that includes the information required by  
5 Subsection (b). The executive director shall distribute a copy of  
6 the training manual annually to each member of the commission. Each  
7 member of the commission shall sign and submit to the executive  
8 director a statement acknowledging that the member received and has  
9 reviewed the training manual.

10           SECTION 12. Section 651.151, Occupations Code, is amended  
11 by adding Subsection (d) to read as follows:

12           (d) The commission may appoint advisory committees to  
13 perform the advisory functions assigned to the committees by the  
14 commission. An advisory committee appointed under this subsection  
15 is subject to Chapter 2110, Government Code.

16           SECTION 13. Section 651.1525(a), Occupations Code, is  
17 amended to read as follows:

18           (a) Before publishing a proposed rule for public comment,  
19 the commission shall seek advice and opinions from persons who will  
20 be most affected by the rule. At a minimum, those persons must  
21 include consumer groups and trade associations that represent  
22 persons from each group regulated by the commission, including  
23 funeral directors and [~~cemetery and~~] crematory operators.

24           SECTION 14. Section 651.154(a), Occupations Code, is  
25 amended to read as follows:

26           (a) The commission by rule shall establish [~~set the~~  
27 ~~following~~] fees in amounts reasonable and necessary to cover the

1 costs of administering [~~administer~~] this chapter [+

2 [~~(1) the funeral director's and embalmer's application~~  
3 ~~fee, license fee, duplicate license fee, and reciprocal license~~  
4 ~~fee, and~~

5 [~~(2) the cemetery, crematory, or funeral~~  
6 ~~establishment license fee, renewal fee, and late renewal penalty~~].

7 SECTION 15. The heading to Section 651.157, Occupations  
8 Code, is amended to read as follows:

9 Sec. 651.157. INSPECTION OF [~~CEMETERY,~~] CREMATORY[~~,~~] OR  
10 FUNERAL ESTABLISHMENT.

11 SECTION 16. Sections 651.157(a), (b), (d), and (f),  
12 Occupations Code, are amended to read as follows:

13 (a) Except as provided by Subsection (b), a licensed  
14 [~~cemetery,~~] crematory[~~,~~] or funeral establishment shall be  
15 inspected at least once every three [~~two~~] years by an agent of the  
16 commission or by an agent of the state or a political subdivision  
17 authorized by the commission to make inspections on its behalf.

18 (b) If the commission finds a violation of this chapter or  
19 of Chapter 193, 361, 711, 714, 715, or 716, Health and Safety Code,  
20 the commission shall inspect the [~~cemetery,~~] crematory[~~,~~] or  
21 funeral establishment annually until the commission determines  
22 that the establishment is free of violations.

23 (d) The commission by rule shall establish:

24 (1) procedures for the inspection of a [~~cemetery,~~]  
25 crematory[~~,~~] or funeral establishment required by this section; and

26 (2) criteria, including consideration of the  
27 establishment's inspection and complaint history, regarding when

1 the commission should inspect an establishment based on the risk of  
2 a violation at an establishment.

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

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

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

18 (1) licensing, inspection, and enforcement  
19 activities;

20 (2) changes to commission policies; and

21 (3) complaint information.

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

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

26 Sec. 651.164. LICENSE EXPIRATION; TERM. (a) A license  
27 issued under this chapter, other than a provisional license, is



1 valid for a term of one or two years as provided by commission rule.

2       (b) The commission by rule shall [~~may~~] adopt a system under  
3 which licenses expire on various dates during the year. For a [~~the~~  
4 ~~year in which the~~] license that is issued for less than a full term  
5 [~~expiration date is changed~~], the commission shall prorate license  
6 fees on a monthly basis so that the [~~each~~] license holder pays only  
7 that portion of the license fee that is allocable to the number of  
8 months during which the license is valid. On renewal of the license  
9 on the new expiration date, the total license renewal fee is  
10 payable.

11       SECTION 19. Subchapter E, Chapter 651, Occupations Code, is  
12 amended by adding Section 651.2035 to read as follows:

13       Sec. 651.2035. CONFIDENTIALITY OF COMPLAINT INFORMATION.

14 (a) Except as provided by Subsection (b), a complaint and  
15 investigation and all information and materials compiled by the  
16 commission in connection with the complaint and investigation are  
17 not subject to:

- 18               (1) disclosure under Chapter 552, Government Code; or  
19               (2) disclosure, discovery, subpoena, or other means of  
20 legal compulsion for release of information to any person.

21       (b) A complaint or investigation subject to Subsection (a)  
22 and all information and materials compiled by the commission in  
23 connection with the complaint may be disclosed to:

- 24               (1) the commission and commission employees or agents  
25 involved in license holder discipline;  
26               (2) a party to a disciplinary action against the  
27 license holder or that party's designated representative;

1           (3) a law enforcement agency; or

2           (4) a governmental agency, if the disclosure is  
3 required or permitted by law.

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

7           (d) Notwithstanding Subsection (a), on the dismissal or  
8 final resolution of a complaint or investigation, a final order of  
9 the commission is subject to disclosure under Chapter 552,  
10 Government Code.

11           SECTION 20. Section 651.259(e), Occupations Code, is  
12 amended to read as follows:

13           (e) The commission shall conduct a criminal background  
14 check on each applicant. [~~An applicant is not eligible for a~~  
15 ~~license under this section if the applicant has, in the 10 years~~  
16 ~~preceding the date of the application, been finally convicted of a~~  
17 ~~misdemeanor involving moral turpitude or a felony.]~~

18           SECTION 21. Sections 651.260(a) and (b), Occupations Code,  
19 are amended to read as follows:

20           (a) A [~~If a license issued under this chapter is lost or~~  
21 ~~destroyed, the~~] license holder may apply to the commission for a  
22 duplicate license:

23           (1) if a license issued under this chapter is lost or  
24 destroyed; or

25           (2) as needed to comply with Section 651.261.

26           (b) The license holder must submit the application on a form  
27 prescribed by the commission and must submit with the application

1 an affidavit verifying:

2 (1) for an applicant under Subsection (a)(1), the loss  
3 or destruction of the license;

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

6 (3) for an applicant under Subsection (a)(1), any  
7 other information concerning the loss or destruction of the license  
8 the commission requires.

9 SECTION 22. The heading to Subchapter H, Chapter 651,  
10 Occupations Code, is amended to read as follows:

11 SUBCHAPTER H. LICENSE REQUIREMENTS: [~~CEMETERY,~~] FUNERAL[~~,~~] AND  
12 COMMERCIAL EMBALMER ESTABLISHMENTS

13 SECTION 23. Section 651.351(g), Occupations Code, is  
14 amended to read as follows:

15 (g) The commission may exempt a funeral establishment from  
16 the requirements of Subsection (d)(5) if the establishment meets  
17 the requirements for the exemption provided by commission rule[+]

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

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

22 [~~(B) that the establishment is located within 50~~  
23 ~~miles of a facility owned by the establishment requesting the~~  
24 ~~exemption and at which embalming services may be performed; and~~

25 [~~(C) that no embalming services will be performed~~  
26 ~~at the establishment; and~~

27 [~~(2) the commission determines that the criteria in~~

1 ~~Subdivision (1) have been met].~~

2 SECTION 24. Section 651.354, Occupations Code, is amended  
3 to read as follows:

4 Sec. 651.354. RENEWAL OF [~~CEMETERY~~ OR] FUNERAL  
5 ESTABLISHMENT LICENSE. (a) The commission shall mail written  
6 notice to a [~~ceemetery or~~] funeral establishment of the impending  
7 expiration of the establishment's license not later than the 30th  
8 day before the expiration date of the license. The notice must  
9 state that:

10 (1) to renew the license, the [~~ceemetery or~~] funeral  
11 establishment must pay the renewal fee in an amount provided by rule  
12 not later than the license expiration date; and

13 (2) the license is automatically renewed on receipt of  
14 the renewal fee.

15 (b) A [~~ceemetery or~~] funeral establishment that fails to pay  
16 the license renewal fee by the due date is subject to a late payment  
17 penalty in an amount determined by rule [~~equal to the amount charged~~  
18 ~~for the license renewal fee~~].

19 (c) If the license is expired for longer than 30 days, the  
20 [~~ceemetery or~~] funeral establishment may not operate as a [~~ceemetery~~  
21 ~~or~~] funeral establishment until the renewal fee and the late  
22 payment penalty are paid.

23 [~~(d) This section does not apply to a perpetual care~~  
24 ~~ceemetery.~~]

25 SECTION 25. Section 651.401, Occupations Code, is amended  
26 to read as follows:

27 Sec. 651.401. FIRST CALL; REMOVAL OF BODY. (a) First call

1 occurs at the beginning of a relationship between a funeral  
2 director and a person authorized by Section 711.002, Health and  
3 Safety Code, to control the disposition of the decedent's remains.

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

7 (c) [~~(b)~~] A dead human body may be transferred without a  
8 funeral director directing [~~personally making~~] the transfer at the  
9 direction of a justice of the peace or other law enforcement  
10 official[+]

11 [~~(1) from one funeral establishment to another,~~  
12 [~~(2) from a funeral establishment to and from a morgue~~  
13 ~~in which an autopsy is performed,~~  
14 [~~(3) to and from an airport, crematory, or both, or~~  
15 [~~(4) in circumstances in which there is no reasonable~~  
16 probability that an unlicensed person will encounter a family  
17 member or other person with whom funeral arrangements are normally  
18 made by a funeral director or embalmer].

19 (d) A funeral director may direct an unlicensed person, a  
20 provisional license holder, or an embalmer in the removal of a dead  
21 human body. A funeral director who directs the removal of a dead  
22 human body by an unlicensed person is strictly accountable for  
23 compliance with the requirements of this chapter. [~~(c)~~] If an  
24 unlicensed person, a provisional license holder, or an embalmer  
25 inadvertently encounters a family member or other person with whom  
26 funeral arrangements are normally made, the [~~unlicensed~~] person  
27 shall restrict communication with the family member or other person

1 to:

2 (1) identifying the [~~unlicensed~~] person's employer;

3 and

4 (2) [~~arranging an appointment with the unlicensed~~  
5 ~~person's employer for a family member or other person who indicates~~  
6 ~~a desire to make funeral arrangements for the deceased; and~~

7 [~~3~~] making any disclosure to the family member or  
8 other person that is required by federal or state law or regulation.

9 [~~(d) A funeral director or embalmer who directs the removal~~  
10 ~~or transfer of a dead human body without personally supervising the~~  
11 ~~transfer is strictly accountable for compliance with the~~  
12 ~~requirements of first call as provided by this section.]~~

13 SECTION 26. The heading to Section 651.4055, Occupations  
14 Code, is amended to read as follows:

15 Sec. 651.4055. RETAIL PRICE LIST; [~~CEMETERY OR~~] CREMATORY.

16 SECTION 27. Sections 651.4055(a) and (b), Occupations Code,  
17 are amended to read as follows:

18 (a) In this section, "retail price list" means a printed or  
19 typewritten list of the retail price of items or services provided  
20 by a [~~ceemetery or~~] crematory.

21 (b) A retail price list must contain:

22 (1) the name, address, and telephone number of the  
23 [~~ceemetery or~~] crematory;

24 (2) the effective date for the stated prices;

25 (3) notice required by Subsection (c); and

26 (4) any other items that the commission may by rule  
27 require.

1 SECTION 28. The heading to Section 651.4065, Occupations  
2 Code, is amended to read as follows:

3 Sec. 651.4065. PURCHASE AGREEMENT; [~~CEMETERY~~ OR]  
4 CREMATORY.

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

7 (a) A purchase agreement must state:

8 (1) the name, address, and telephone number of the  
9 [~~cemetery or~~] crematory;

10 (2) the amount paid or owed to another person by the  
11 [~~cemetery or~~] crematory on behalf of the customer and each fee  
12 charged the customer for the cost of advancing funds or becoming  
13 indebted to another person on behalf of the customer;

14 (3) the printed notice required by Subsection (b);

15 (4) the name, mailing address, and telephone number of  
16 the commission;

17 (5) a statement that complaints may be directed to the  
18 commission; and

19 (6) any other items that the commission may by rule  
20 require.

21 SECTION 30. Section 651.460, Occupations Code, is amended  
22 by amending Subsection (b) and adding Subsection (c) to read as  
23 follows:

24 (b) A funeral establishment violates this chapter if:

25 (1) the funeral establishment fails to substantially  
26 comply with Section 651.351;

27 (2) the funeral establishment or a person acting on

1 behalf of the funeral establishment violates Chapter 193 or 361,  
2 Health and Safety Code; [~~or~~]

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

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

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

15 SECTION 31. Section 651.501(a), Occupations Code, is  
16 amended to read as follows:

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

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

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



1 under this chapter.

2 SECTION 33. Subchapter M, Chapter 651, Occupations Code, is  
3 amended by adding Section 651.603 to read as follows:

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

8 (b) The amount of a refund ordered under this section may  
9 not exceed the actual amount paid by the person to the license  
10 holder.

11 SECTION 34. Section 651.657, Occupations Code, is amended  
12 by adding Subsection (d) to read as follows:

13 (d) The application form for renewal of a license as a  
14 crematory establishment must allow the applicant to provide a  
15 written statement that the information previously provided to the  
16 commission under Subsection (b) has not changed, if applicable.

17 SECTION 35. Section 651.658, Occupations Code, is amended  
18 by amending Subsections (a) and (f) and adding Subsection (a-1) to  
19 read as follows:

20 (a) A [~~To renew a crematory establishment license, the~~]  
21 crematory establishment must annually[+]

22 [~~(1)~~] file a report with the commission that lists the  
23 number of cremations performed at the crematory during the previous  
24 year.

25 (a-1) An applicant for renewal of a crematory establishment  
26 license shall apply to the commission and[+]

27 [~~(2)~~] pay the required [~~license renewal~~] fee[+, and

1           ~~[(3) provide the information required by Section~~  
2 ~~651.657 or a written statement that the information has not changed~~  
3 ~~since previously provided].~~

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

8           SECTION 36. The following provisions of the Occupations  
9 Code are repealed:

- 10           (1) Sections 651.154(b) and (c);
- 11           (2) Section 651.1571;
- 12           (3) Section 651.203(b);
- 13           (4) Section 651.2595;
- 14           (5) Section 651.353;
- 15           (6) Section 651.355; and
- 16           (7) Section 651.4065(c).

17           SECTION 37. The change in law made by this Act to Section  
18 651.051(a), Occupations Code, does not affect the entitlement of a  
19 member serving on the Texas Funeral Service Commission immediately  
20 before the effective date of this Act to continue to serve for the  
21 remainder of the member's term. As the terms of commission members  
22 expire, the governor shall appoint or reappoint members who have  
23 the qualifications required for members under Section 651.051(a),  
24 Occupations Code, as amended by this Act.

25           SECTION 38. (a) Except as provided by Subsection (b) of  
26 this section, Section 651.0511, Occupations Code, as amended by  
27 this Act, applies to a member of the Texas Funeral Service

1 Commission appointed before, on, or after the effective date of  
2 this Act.

3 (b) A member of the Texas Funeral Service Commission who,  
4 before the effective date of this Act, completed the training  
5 program required by Section 651.0511, Occupations Code, as that law  
6 existed before the effective date of this Act, is required to  
7 complete additional training only on subjects added by this Act to  
8 the training program as required by Section 651.0511, Occupations  
9 Code, as amended by this Act. A member of the commission described  
10 by this subsection may not vote, deliberate, or be counted as a  
11 member in attendance at a meeting of the commission held on or after  
12 December 1, 2019, until the member completes the additional  
13 training.

14 SECTION 39. Section 651.259(e), Occupations Code, as  
15 amended by this Act, applies only to an application for a license  
16 submitted on or after the effective date of this Act. An  
17 application for a license submitted before that date is governed by  
18 the law in effect immediately before the effective date of this Act,  
19 and the former law is continued in effect for that purpose.

20 SECTION 40. Section 651.351(g), Occupations Code, as  
21 amended by this Act, applies only to an exemption requested by a  
22 funeral establishment on or after the date the Texas Funeral  
23 Service Commission adopts rules providing for the requirements for  
24 an exemption under that subsection. A request made before that date  
25 is governed by the law in effect immediately before the effective  
26 date of this Act, and the former law is continued in effect for that  
27 purpose.

1           SECTION 41. Sections 651.460(b) and 651.501(a),  
2 Occupations Code, as amended by this Act, and Sections 651.460(c),  
3 651.601(a-2), and 651.603, Occupations Code, as added by this Act,  
4 apply only to conduct that occurs on or after the effective date of  
5 this Act. Conduct that occurs before that date is governed by the  
6 law in effect on the date the conduct occurred, and the former law  
7 is continued in effect for that purpose.

8           SECTION 42. The changes made by this Act to Chapter 651,  
9 Occupations Code, relating to fees under that chapter apply only to  
10 a fee that becomes due on or after the effective date of this Act. A  
11 fee that became due before that date is governed by the law in  
12 effect on the date the fee became due, and the former law is  
13 continued in effect for that purpose.

14           SECTION 43. (a) Except as provided by Subsection (b) of  
15 this section, this Act takes effect September 1, 2019.

16           (b) Section 651.162, Occupations Code, as amended by this  
17 Act, takes effect September 1, 2020.

H.B. No. 1540

President of the Senate

Speaker of the House

I certify that H.B. No. 1540 was passed by the House on April 17, 2019, by the following vote: Yeas 135, Nays 1, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1540 was passed by the Senate on May 10, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: 5-22-2019

Date

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
6:15 pm O'CLOCK

MAY 23 2019  
Secretary of State