

AN ACT

relating to the disclosure of certain information to a cemetery organization or funeral establishment for the purpose of marking a grave.

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

SECTION 1. Subchapter A, Chapter 576, Health and Safety Code, is amended by adding Section 576.0055 to read as follows:

Sec. 576.0055. DISCLOSURE OF NAME AND BIRTH AND DEATH DATES FOR CERTAIN PURPOSES. (a) In this section, "cemetery organization" and "funeral establishment" have the meanings assigned by Section 711.001.

(b) Notwithstanding any other law, on request by a representative of a cemetery organization or funeral establishment, the administrator of a mental health facility shall release to the representative the name, date of birth, or date of death of a person who was a patient at the facility when the person died, unless the person or the person's guardian provided written instructions to the facility not to release the person's name or dates of birth and death. A representative of a cemetery organization or a funeral establishment may use a name or date released under this subsection only for the purpose of inscribing the name or date on a grave marker.

SECTION 2. Chapter 595, Health and Safety Code, is amended by adding Section 595.0055 to read as follows:

1 Sec. 595.0055. DISCLOSURE OF NAME AND BIRTH AND DEATH DATES
2 FOR CERTAIN PURPOSES. (a) In this section, "cemetery
3 organization" and "funeral establishment" have the meanings
4 assigned by Section 711.001.

5 (b) Notwithstanding any other law, on request by a
6 representative of a cemetery organization or funeral
7 establishment, the superintendent of a residential care facility
8 shall release to the representative the name, date of birth, or date
9 of death of a person who was a resident at the facility when the
10 person died, unless the person or the person's guardian provided
11 written instructions to the facility not to release the person's
12 name or dates of birth and death. A representative of a cemetery
13 organization or a funeral establishment may use a name or date
14 released under this subsection only for the purpose of inscribing
15 the name or date on a grave marker.

16 SECTION 3. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2003.

David Suehust

President of the Senate

Jon Corzine

Speaker of the House

I hereby certify that S.B. No. 1764 passed the Senate on April 25, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 14, 2003, by the following vote: Yeas 31, Nays 0.

Patricia Spaw
Secretary of the Senate

I hereby certify that S.B. No. 1764 passed the House, with amendment, on May 10, 2003, by the following vote: Yeas 143, Nays 0, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

27 MAY '03

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:52 am O'CLOCK

MAY 28 2003
Ann Shea
Secretary of State