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- 2 relating to the regulation of funeral establishments, including
- 3 requirements for a retail price list of services provided by such
- 4 establishments.
- 5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
- 6 SECTION 1. Subsections (b) and (c), Section 651.303,
- 7 Occupations Code, are amended to read as follows:
- 8 (b) The commission by rule shall define the terms of
- 9 employment of a provisional license holder. The terms of
- 10 employment[+
- 11 [(1)] must include service by the provisional license
- 12 holder[+
- 13 [<del>(A) of at least 17 hours a week or 73 hours a</del>
- 14 month; and
- 15 [(B)] under actual working conditions and under
- 16 the personal supervision of a funeral director or embalmer[+ and
- 17 [(2) may not require more than 17 hours a week or 73
- 18 hours a month].
- 19 (c) The term of the provisional license program must be at
- 20 least 12 consecutive months but not more than 24 consecutive
- 21 months.
- 22 SECTION 2. Subsection (a), Section 651.405, Occupations
- 23 Code, is amended to read as follows:
- 24 (a) "Retail price list" means a printed or typewritten list

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- 1 of the retail price of items or services provided by a funeral
- 2 establishment and must include the retail price of:
- 3 (1) transferring a deceased person to the funeral
- 4 establishment;
- 5 (2) embalming;
- 6 (3) using a funeral establishment facility for viewing
- 7 the deceased;
- 8 (4) using a funeral establishment facility for funeral
- 9 services;
- 10 (5) using a hearse;
- 11 (6) using a limousine;
- 12 (7) caskets;
- 13 (8) outer enclosures; [and]
- 14 (9) <u>filing a claim seeking life insurance proceeds on</u>
- 15 behalf of the beneficiaries; and
- 16 <u>(10)</u> other itemized services provided by the funeral
- 17 establishment staff.
- 18 SECTION 3. Subchapter K, Chapter 651, Occupations Code, is
- 19 amended by adding Section 651.5011 to read as follows:
- 20 Sec. 651.5011. CHARGING FUNERAL DIRECTOR IN CHARGE WITH
- 21 VIOLATION. In determining whether to charge a funeral director in
- 22 charge with a violation based on conduct for which a licensed
- 23 employee of the funeral establishment was directly responsible, the
- 24 <u>commission may consider:</u>
- 25 (1) the nature and seriousness of the violation;
- 26 (2) the extent to which the licensed employee of the
- 27 funeral establishment whose conduct is the basis of the violation

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- 1 was under the direct supervision of the funeral director in charge
- 2 or another person at the time the licensed employee engaged in the
- 3 conduct; and
- 4 (3) the causal connection between the supervision of
- 5 the licensed employee of the funeral establishment by the funeral
- 6 director in charge and the conduct engaged in by the licensed
- 7 employee that is the basis of the violation.
- 8 SECTION 4. This Act takes effect September 1, 2011.

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maria Dewhurst Am 1 tom
President of the Senate Speaker of the House
I hereby certify that S.B. No. 864 passed the Senate on
March 28, 2011, by the following vote: Yeas 31, Nays 0; and that
the Senate concurred in House amendment on May 23, 2011, by the
following vote: Yeas 31, Nays 0
Secretary of the Senate
I hereby certify that S.B. No. 864 passed the House, with
amendment, on May 20, 2011, by the following vote: Yeas 146,
Nays 0, two present not voting.  Chief Clerk of the House
Approved:
17 JUN'11

FILED IN THE OFFICE OF THE SECRETARY OF STATE
O'CLOCK

JUN 17 2011

Secretary of State