

1-1 By: Raymond, Keough (Senate Sponsor - Watson) H.B. No. 1219
 1-2 (In the Senate - Received from the House April 16, 2015;
 1-3 April 21, 2015, read first time and referred to Committee on
 1-4 Business and Commerce; April 28, 2015, reported favorably by the
 1-5 following vote: Yeas 8, Nays 0; April 28, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7	X			
1-8	X			
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 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to a provisional license to practice funeral directing or
 1-20 embalming; amending provisions subject to a criminal penalty.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 651.253(a), Occupations Code, is amended
 1-23 to read as follows:

1-24 (a) To be eligible for a funeral director's license or an
 1-25 embalmer's license, an applicant must:

1-26 (1) be at least 18 years of age;

1-27 (2) have graduated from an accredited high school or
 1-28 passed an examination prescribed by the Texas Education Agency;

1-29 (3) have graduated from an accredited school or
 1-30 college of mortuary science;

1-31 (4) unless the applicant holds a reciprocal
 1-32 ~~[embalmer's]~~ license, have completed the requirements of the
 1-33 ~~provisional license program [served as a provisional license holder~~
 1-34 ~~for not less than one year under the personal supervision and~~
 1-35 ~~instruction of a funeral director or embalmer, as applicable]; and~~

1-36 (5) have successfully completed the applicable
 1-37 written examination described by Section 651.255 or 651.256.

1-38 SECTION 2. Section 651.302, Occupations Code, is amended to
 1-39 read as follows:

1-40 Sec. 651.302. APPLICATION; ISSUANCE OF PROVISIONAL
 1-41 LICENSE. (a) The commission shall issue a provisional license to
 1-42 practice funeral directing to an applicant who:

1-43 (1) is at least 18 years of age;

1-44 (2) has completed the educational requirements of
 1-45 Section 651.253 or is enrolled in an accredited school or college of
 1-46 mortuary science;

1-47 (3) is employed by a funeral establishment ~~[director]~~
 1-48 to learn funeral directing ~~[or embalming]~~ under the instruction and
 1-49 supervision of a ~~[the]~~ funeral director;

1-50 (4) files an application for a provisional license on
 1-51 a form provided by the commission and verified under oath by the
 1-52 applicant; ~~[and]~~

1-53 (5) pays any required application or license fee; and

1-54 (6) complies with the requirements of this chapter and
 1-55 of the commission.

1-56 (b) The commission shall issue a provisional license to
 1-57 practice embalming to an applicant who:

1-58 (1) is at least 18 years of age;

1-59 (2) has completed the educational requirements of
 1-60 Section 651.253 or is enrolled in an accredited school or college of
 1-61 mortuary science;

2-1 (3) is employed by a funeral establishment or
2-2 commercial embalming facility to learn embalming under the
2-3 instruction and supervision of an embalmer;

2-4 (4) files an application for a provisional license on
2-5 a form provided by the commission and verified under oath by the
2-6 applicant;

2-7 (5) ~~[(4)]~~ pays any required application or license
2-8 fee; and

2-9 (6) ~~[(5)]~~ complies with the requirements of this
2-10 chapter and of the commission.

2-11 (c) The commission shall waive the requirements of
2-12 Subsection (a)(2) or (b)(2) for a period not to exceed 12 months for
2-13 an applicant who is otherwise qualified and shall issue to the
2-14 applicant a provisional license that expires at the end of that
2-15 period.

2-16 (d) An applicant must submit to a criminal background check
2-17 before submitting an application for a license.

2-18 SECTION 3. Section 651.303, Occupations Code, is amended by
2-19 adding Subsections (a-1), (e-1), and (g) and amending Subsection
2-20 (d) to read as follows:

2-21 (a-1) A provisional license holder may work only:

2-22 (1) in a funeral establishment or commercial embalming
2-23 facility licensed by the commission; and

2-24 (2) under the direct and personal supervision of a
2-25 funeral director or embalmer, as applicable.

2-26 (d) The provisional license program must include assisting
2-27 with at least 45 ~~[60]~~ cases. Not more than two provisional license
2-28 holders may receive credit for work done on any one body. The
2-29 commission by rule shall:

2-30 (1) define the standards for a case;

2-31 (2) set the number of cases a provisional license
2-32 holder is required to complete during the program; and

2-33 (3) establish guidelines for supervision under which a
2-34 provisional license holder is granted increased responsibilities
2-35 during the course of the provisional license program.

2-36 (e-1) The commission by rule shall prescribe case reporting
2-37 requirements for provisional license holders. The commission shall
2-38 provide case report forms to be used by a provisional license
2-39 holder.

2-40 (g) When conducting funeral arrangements, a provisional
2-41 license holder shall inform family members and other persons with
2-42 whom the arrangements are being made that the license holder has a
2-43 provisional license and works under the personal supervision of a
2-44 licensed funeral director.

2-45 SECTION 4. Section 651.3035(a), Occupations Code, is
2-46 amended to read as follows:

2-47 (a) A funeral directing or embalming case completed for
2-48 credit while attending an accredited ~~[under Section 651.303(d) may~~
2-49 ~~serve as credit for both]~~ mortuary school or college may serve as
2-50 credit toward ~~[and]~~ the provisional license holder program.

2-51 SECTION 5. The heading to Section 651.304, Occupations
2-52 Code, is amended to read as follows:

2-53 Sec. 651.304. EMPLOYMENT NOTIFICATION ~~[REPORTS]~~.

2-54 SECTION 6. Section 651.304, Occupations Code, is amended by
2-55 amending Subsections (a) and (d) and adding Subsection (b) to read
2-56 as follows:

2-57 (a) On entering employment with a funeral establishment or
2-58 commercial embalming facility ~~[director or embalmer]~~, a
2-59 provisional license holder shall immediately notify the commission
2-60 of the name of the establishment or facility where ~~[and place of~~
2-61 ~~business of the funeral director or embalmer under whom]~~ the
2-62 provisional license holder will train. The funeral director or
2-63 embalmer in charge must ~~[shall]~~ sign the notification.

2-64 (b) A provisional license holder must be employed by a
2-65 funeral establishment or commercial embalming facility, as
2-66 applicable, during the term of the provisional license. If a
2-67 provisional license holder is not employed as required by this
2-68 subsection, the commission shall cancel the provisional license.

2-69 (d) If a provisional license holder leaves the employment of

3-1 the funeral establishment or commercial embalming facility [a
 3-2 funeral director or embalmer], the funeral director or embalmer in
 3-3 charge shall prepare an affidavit showing the length of time the
 3-4 provisional license holder was employed and the number of cases
 3-5 handled while employed by the establishment or facility [funeral
 3-6 director or embalmer]. The funeral director or embalmer shall file
 3-7 the original affidavit [shall be filed] with the commission as [and
 3-8 made] a matter of record. The funeral director or embalmer shall
 3-9 provide a [A] copy of the affidavit [shall be furnished] to the
 3-10 provisional license holder.

3-11 SECTION 7. Subchapter G, Chapter 651, Occupations Code, is
 3-12 amended by adding Section 651.3045 to read as follows:

3-13 Sec. 651.3045. TERM OF PROVISIONAL LICENSE. (a) Except as
 3-14 provided by Subsection (c), a provisional license is valid for 12
 3-15 consecutive months and may be renewed only once for a period not to
 3-16 exceed an additional 12 consecutive months.

3-17 (b) The commission shall cancel a provisional license if the
 3-18 license holder fails to complete the licensing requirements of the
 3-19 provisional license program within 24 consecutive months.

3-20 (c) If a provisional license holder holds a provisional
 3-21 license issued under Section 651.302(c), the provisional license
 3-22 may be renewed for a period not to exceed 24 consecutive months and
 3-23 the provisional license holder must complete the licensing
 3-24 requirements of the provisional license program within 36
 3-25 consecutive months.

3-26 (d) A provisional license holder who completes the
 3-27 requirements of the provisional license program and is otherwise
 3-28 eligible for a funeral director's or embalmer's license may receive
 3-29 that license regardless of the date the provisional license is due
 3-30 to expire.

3-31 SECTION 8. Section 651.305, Occupations Code, is amended by
 3-32 amending Subsections (c) and (d) and adding Subsections (d-1),
 3-33 (d-2), and (d-3) to read as follows:

3-34 (c) If a provisional license holder fails to renew the
 3-35 provisional license [timely pay the renewal fee], the commission
 3-36 shall:

3-37 (1) impose a late payment penalty equal to the amount
 3-38 of the license renewal fee;

3-39 (2) suspend the license for nonpayment; and

3-40 (3) notify the provisional license holder of the
 3-41 suspension.

3-42 (d) If the renewal fee and penalty are not paid before the
 3-43 91st day after the date of the notice of suspension, the commission
 3-44 shall cancel the license.

3-45 (d-1) If the license is canceled under Subsection (d) [this
 3-46 subsection], the provisional license holder may apply for
 3-47 reinstatement not later than the date the license would have
 3-48 expired if the license had been renewed [not later than 18 months
 3-49 after the date of cancellation]. The commission may reinstate the
 3-50 canceled license if:

3-51 (1) all other commission requirements are satisfied;
 3-52 and

3-53 (2) the license fee and a late payment penalty equal to
 3-54 the amount of the license fee for the period of the cancellation are
 3-55 paid.

3-56 (d-2) A reinstated license expires on the date the license
 3-57 would have expired if the license had been timely renewed.

3-58 (d-3) A provisional license holder may not work as a funeral
 3-59 director or embalmer while the license is suspended or canceled.

3-60 SECTION 9. Subchapter G, Chapter 651, Occupations Code, is
 3-61 amended by adding Section 651.3055 to read as follows:

3-62 Sec. 651.3055. REAPPLICATION FOR PROVISIONAL LICENSE.
 3-63 (a) A person who does not complete the provisional license program
 3-64 within the prescribed period may reapply for a provisional license.

3-65 (b) A person who reapplies for a provisional license must
 3-66 comply with the requirements of Section 651.303. Casework
 3-67 performed under a previous provisional license may not be counted
 3-68 toward the requirements for the new provisional license. The
 3-69 commission may adopt rules to allow casework performed under a

4-1 previous provisional license to transfer to a new provisional
4-2 license if the license holder requests a hardship exemption.

4-3 (c) A person may reapply for a provisional license under
4-4 this section only once.

4-5 SECTION 10. The following sections of the Occupations Code
4-6 are repealed:

4-7 (1) Sections 651.303(b) and (c);

4-8 (2) Section 651.304(e); and

4-9 (3) Sections 651.305(e) and (f).

4-10 SECTION 11. This Act takes effect September 1, 2015.

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