

1-1 By: Campbell S.B. No. 1821
 1-2 (In the Senate - Filed March 7, 2019; March 18, 2019, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 April 1, 2019, reported favorably by the following vote: Yeas 7,
 1-5 Nays 0; April 1, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
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 enforcement of the regulation of perpetual care
 1-20 cemeteries.

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

1-22 SECTION 1. Section 712.0034(a), Health and Safety Code, is
 1-23 amended to read as follows:

1-24 (a) The commissioner may:

1-25 (1) investigate an applicant before issuing a
 1-26 certificate of authority; and

1-27 (2) recover from the applicant reasonable costs the
 1-28 commissioner incurs in the investigation.

1-29 SECTION 2. Subchapter C, Chapter 712, Health and Safety
 1-30 Code, is amended by adding Section 712.0435 to read as follows:

1-31 Sec. 712.0435. INVESTIGATIONS. The commissioner may:

1-32 (1) conduct an investigation to administer and enforce
 1-33 this chapter; and

1-34 (2) recover reasonable costs incurred by the
 1-35 commissioner in the investigation from the subject of the
 1-36 investigation if the commissioner determines a violation occurred.

1-37 SECTION 3. Section 712.0443, Health and Safety Code, is
 1-38 amended by adding Subsection (c) to read as follows:

1-39 (c) If a cease and desist order issued under this section
 1-40 names an officer, director, or employee of a perpetual care
 1-41 cemetery, the order may require the person named in the order to
 1-42 take corrective action to remedy the violation described by the
 1-43 order.

1-44 SECTION 4. Subchapter C, Chapter 712, Health and Safety
 1-45 Code, is amended by adding Section 712.045 to read as follows:

1-46 Sec. 712.045. REVOCATION OR SUSPENSION OF CERTIFICATE OF
 1-47 AUTHORITY. (a) The commissioner by order may revoke or suspend a
 1-48 certificate of authority issued under this chapter if the
 1-49 commissioner determines through an investigation or other credible
 1-50 evidence that the certificate holder:

1-51 (1) violated this chapter, a rule adopted or order
 1-52 issued under this chapter, or another law of this state relating to
 1-53 cemeteries;

1-54 (2) misrepresented or concealed a material fact in the
 1-55 certificate application; or

1-56 (3) obtained or attempted to obtain the certificate by
 1-57 misrepresentation, concealment, or fraud.

1-58 (b) An order issued under Subsection (a) must state:

1-59 (1) with reasonable certainty, the grounds for the
 1-60 order; and

1-61 (2) the effective date of the order, which may not be

2-1 earlier than the 16th day after the date the order is mailed.
2-2 (c) The commissioner shall provide an order described by
2-3 Subsection (a) to the person named in the order by certified mail,
2-4 return receipt requested, at the person's last known address.

2-5 (d) A person may request a hearing on an order described by
2-6 Subsection (a) not later than the 15th day after the date the order
2-7 is mailed. If the person requests a hearing, the order is stayed
2-8 until the hearing is resolved. A hearing is a contested case under
2-9 Chapter 2001, Government Code.

2-10 SECTION 5. The changes in law made by this Act apply only to
2-11 a violation that occurs or an investigation conducted on or after
2-12 the effective date of this Act.

2-13 SECTION 6. This Act takes effect September 1, 2019.

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