

BILL ANALYSIS

Senate Research Center

C.S.S.B. 237
By: Carona
Business & Commerce
4/27/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Prior to the passage of H.B. 587, 78th Legislature, Regular Session, 2003, Texas lacked adequate laws to regulate the cremation process. H.B. 587 provided comprehensive regulation of the cremation process in Texas. C.S.S.B. 237 provides clarifying language amending Sections 651.406(d) and 651.4065(d), Occupations Code, to use terms which are consistent with the Federal Trade Commission Funeral Rule delineating that the discount shown as an item on the purchase agreement be the total amount of discount.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Provides that the intent of the legislature in enacting this Act is to more clearly set forth the original intent of the meaning of the term "cash advance items" as provided by 22 T.A.C. Section 203.20. Provides that this Act is intended to protect the rights of consumers as provided by 22 T.A.C. Chapter 203.

SECTION 2. Amends Section 651.001, Occupations Code, to define "cash advance item" and make a nonsubstantive change.

SECTION 3. Amends Sections 651.406(a) and (d), Occupations Code, as follows:

(a) Requires a purchase agreement to state the amount paid or owed to another person by the funeral establishment on behalf of the customer for cash advance items and each fee charged the customer for a cash advance item. Deletes existing text related to the cost of advancing funds or becoming indebted to another person on behalf of the customer.

(d) Provides that if the customer selects a package arrangement, the itemization requirement described by Section 651.001(15) (Definitions) is satisfied by listing the funeral goods and funeral services included in the package arrangement, the current retail price of each of those items, the total amount of any discount, and the total price of the funeral goods and funeral services selected. Deletes existing text relating to a unit price and providing a purchase agreement.

SECTION 4. Amends Sections 651.4065(a) and (d), Occupations Code, to make conforming changes.

SECTION 5. Makes application of Sections 651.406 and 651.4065, Occupations Code, as amended by this Act, prospective.

SECTION 6. Effective date: September 1, 2005.