

TITLE 22 EXAMINING BOARDS

Part 10 Texas Funeral Service Commission

Chapter 203 Licensing and Enforcement - Specific Substantive Rules

Subchapter B. Duties of a Funeral Establishment/Licensee

Proposal to Adopt Title 22 Texas Administrative Code <*> 203.24 – Display of License

The Texas Funeral Service Commission (Commission) adopts amendments to Title 22 Texas Administrative Code <*> 203.24 – Display of License. The amendments allow a copy of an original license – in lieu of the original license - to be maintained by a funeral establishment under specific circumstances. The amendments will ease the regulatory burden on licensees while maintaining protections for consumers to ensure they work only with licensed funeral directors and embalmers.

The amendments to Title 22 Texas Administrative Code <*> 203.24 – Display of License are adopted without changes to the proposed text as published in the April 21, 2017, issue of the Texas Register (42 TexReg 2134-2135).

No comments were received regarding the amendment.

Title 22 Texas Administrative Code <*> 203.24 – Display of License is amended under Texas Occupations Code <*> 651.152 which authorizes the Texas Funeral Service Commission to adopt rules considered necessary for carrying out the Commission's work and Texas Occupations Code <*> 651.261 which requires license holders to conspicuously display their licenses at each workplace.

No other statutes, articles, or codes are affected by this section.

<*> 203.24 – Display of License

- (a) The funeral establishment license shall be conspicuously displayed in an area of the establishment open and accessible to the general public.
- (b) If a license holder is in contact with the public during the course of his or her job, the funeral establishment shall conspicuously display the holder's license in each place of business at which the license holder practices.
- (c) If a license holder is not in contact with the public during the course of his or her job, the funeral establishment shall make the license available for inspection in each place of business at which the license holder practices.
- (d) A license is conspicuously displayed when it is placed in an area of the funeral establishment generally accessed by a consumer making funeral arrangements.
- (e) The displayed license must be an original license issued by the Commission.

(f) In the event the license holder who assists the public and/or embalms a dead human body is not a regular full or part time employee of the funeral establishment, the funeral establishment shall maintain a copy of the license holder's original license for inspection by a customer or prospective customer. The copy of the license holder's original license shall be maintained for a period of two years after the temporary employment occurred.

(g) If a regular full or part time employee is no longer employed by the funeral establishment, the funeral establishment shall maintain a copy of the license holder's original license for a period of two years after the employment ends.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on June XX, 2017.