

## **BILL ANALYSIS**

Senate Research Center  
76R4637 WP-F

S.B. 485  
By: Whitmire  
State Affairs  
2/18/1999  
As Filed

### **DIGEST**

Currently, the Texas Finance Code regulates the prepaid sale of funeral services and “funeral merchandise,” including a casket and other incidentals to a funeral service. The Texas Department of Banking has concluded that this statute is so broad that it can be construed to cover advance sales of floral tributes marking anniversaries of the deceased. Naturally, these flowers would be delivered to grave sites and therefore do not qualify as funeral merchandise. In addition, the Texas Finance Commission defines “funeral goods” as “tangible and nonperishable items of personalty, designed for use in connection with a funeral service.” Flowers are perishable and are not used solely for funerals. This bill excludes floral arrangements sold on a prepaid basis by non-permit-holding vendors from official definitions of prepaid funeral benefits to clarify that the sale of floral arrangements is not covered by the preneed statute.

### **PURPOSE**

As proposed, S.B. 485 excludes a floral arrangement sold on a prepaid basis by a non-permit-holding vendor from official definitions of certain prepaid and preneed funeral benefits.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 154.002, Finance Code, by amending Subdivisions (8) and (11), to redefine “prepaid funeral benefits,” “funeral merchandise,” and “merchandise,” to provide that the terms do not include a floral arrangement sold on a prepaid basis by a vendor who is not a permit holder under this chapter.

SECTION 2. Provides that in accordance with other law, Section 154.002, Finance Code, as set out in this Act, gives effect to changes made by Chapter 1389, Acts of the 75th Legislature, Regular Session, 1997. Provides that this Act prevails over another Act of the 76th Legislature, Regular Session, 1999, to the extent of any conflict.

SECTION 3. Emergency clause.  
Effective date: upon passage.