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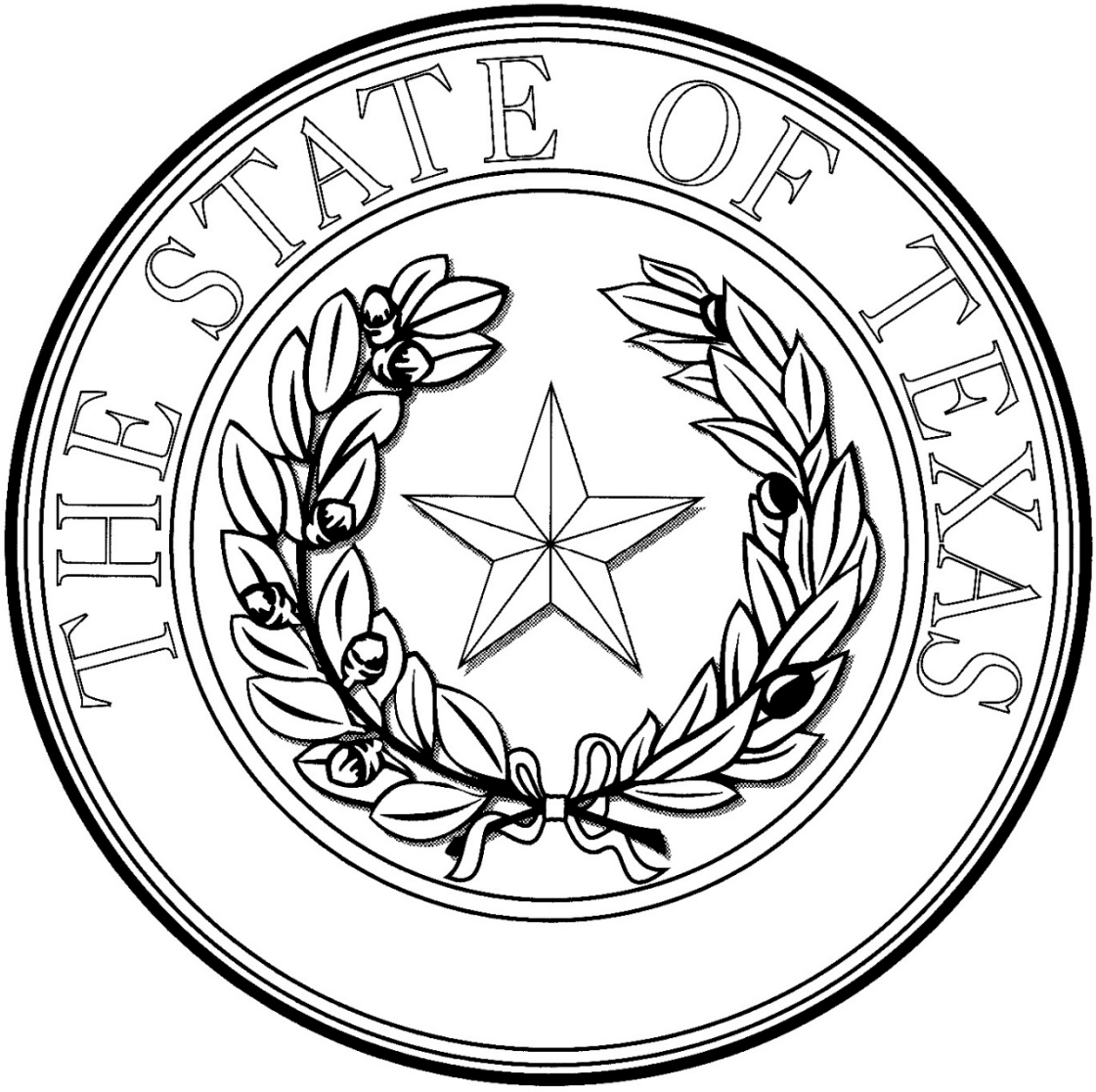

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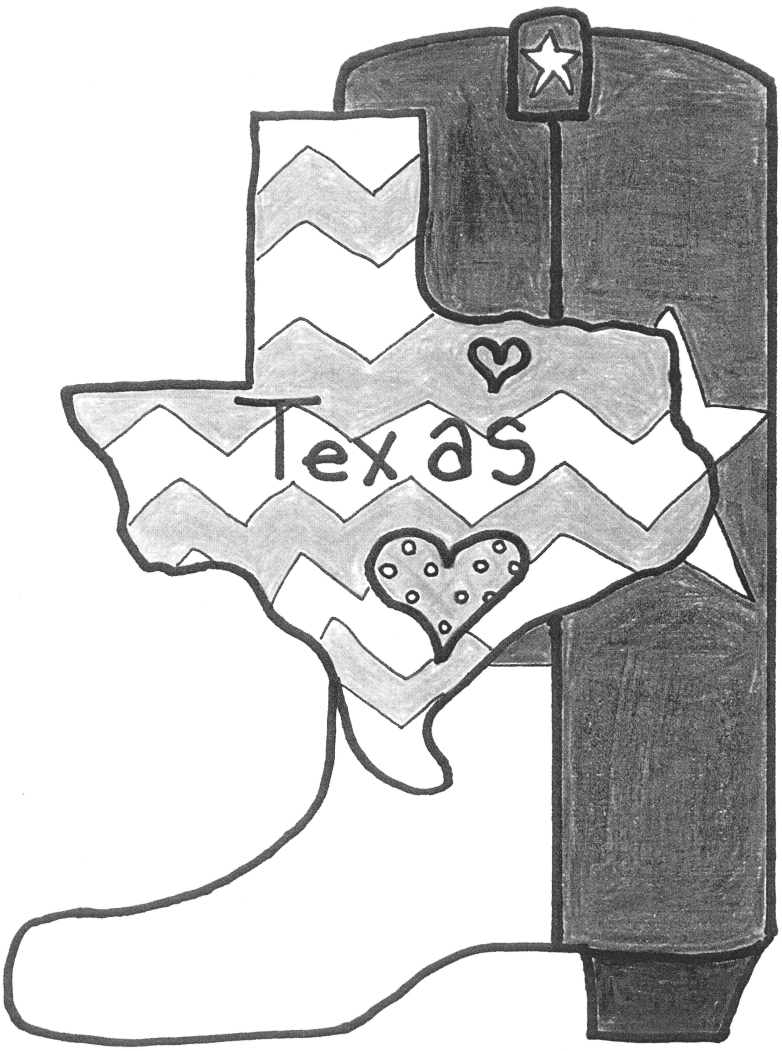

Texas

THE GOVERNOR

As required by Government Code, §2002.011(4), the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

Appointments

Appointments for August 13, 2026

Appointed to the Texas Council for Developmental Disabilities for a term to expire February 1, 2027, Calvin R. Davis of Dallas, Texas (replacing Kyle D. Cox of College Station who is deceased).

Appointed to the Texas Council for Developmental Disabilities for a term to expire February 1, 2029, Alicia R. Deal, Ph.D. of Grapeland, Texas (replacing Lisa V. Marenco of El Paso who resigned).

Appointments for August 17, 2026

Appointed to be the Director of the Regulatory Compliance Division for a term to expire February 1, 2027, Matthew P. Erickson of Austin, Texas (replacing Erin E. Bennett of Austin whose term expired).

Appointments for August 19, 2026

Appointed to the State Cemetery Committee for a term to expire February 1, 2031, Dorothy L. "Dot" Cunningham of Houston, Texas (replacing Carolyn K. Hodges of Houston whose term expired).

Greg Abbott, Governor

TRD-202603644

♦ ♦ ♦

Proclamation 41-4303

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on July 14, 2026, certifying that the severe storms event that began on July 13, 2026, that included heavy rainfall and flash flooding, caused widespread and severe property damage, injury, or loss of life in several counties;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Atascosa, Austin, Bandera, Bastrop, Bexar, Blanco, Brazoria, Brewster, Burnet, Caldwell, Colorado, Comal, Crockett, DeWitt, Dimmit, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Harris, Hays, Jackson, Karnes, Kendall, Kerr, Kimble, Kinney, La Salle, Lavaca, Lee, Live Oak, Llano, Mason, Matagorda, Maverick, McMullen, Medina, Menard, Mitchell, Pecos, Real, Schleicher, Sutton, Terrell, Travis, Uvalde, Val Verde, Victoria, Waller, Washington, Webb, Wharton, Williamson, Wilson, Zapata, and Zavala Counties;

Pursuant to Section 418.017 of the Texas Government Code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 13th day of August, 2026.

Greg Abbott, Governor

TRD-202603502

♦ ♦ ♦

Proclamation 41-4304

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on July 8, 2022, as amended and renewed in a number of subsequent proclamations, certifying that exceptional drought conditions posed a threat of imminent disaster in several counties; and

WHEREAS, the Texas Division of Emergency Management has confirmed that those same drought conditions persist in certain counties in Texas and that the presence of drought conditions in certain counties contributes to increased wildfire danger;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Aransas, Armstrong, Bandera, Bee, Bexar, Blanco, Brewster, Burnet, Caldwell, Cameron, Carson, Castro, Childress, Collingsworth, Comanche, Cottle, Dallam, Deaf Smith, Dickens, Donley, Floyd, Foard, Gray, Grayson, Hall, Hansford, Hardeman, Hartley, Hays, Hemphill, Hidalgo, Hutchinson, Jim Wells, Kendall, Kerr, King, Kleberg, Lipscomb, Live Oak, Llano, Lubbock, Maverick, Moore, Motley, Nueces, Ochiltree, Oldham, Parmer, Potter, Randall, Real, Roberts, San Patricio, Sherman, Swisher, Travis, Wharton, Wheeler, Wilbarger, Willacy, and Williamson Counties.

Pursuant to Section 418.017 of the Texas Government Code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or

property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 15th day of August, 2026.

Greg Abbott, Governor

TRD-202603574

♦ ♦ ♦

Proclamation 41-4305

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of Texas, issued a disaster proclamation on May 31, 2021, certifying under Section 418.014 of the Texas Government Code that the surge of individuals unlawfully crossing the Texas-Mexico border posed an ongoing and imminent threat of disaster for a number of Texas counties and for all state agencies affected by this disaster; and

WHEREAS, I amended the aforementioned proclamation in a number of subsequent proclamations, including to modify the list of affected counties and therefore declare a state of disaster for those counties and for all state agencies affected by this disaster; and

WHEREAS, the certified conditions continue to exist and pose an ongoing and imminent threat of disaster as set forth in the prior proclamations;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the aforementioned proclamation and declare a disaster for Aransas, Atascosa, Bee, Brewster, Brooks, Caldwell, Calhoun, Cameron, Chambers, Coleman, Colorado, Crane, Crockett, Culberson, DeWitt, Dimmit, Duval, Edwards, El Paso, Frio, Galveston, Goliad, Gonzales, Hidalgo, Hudspeth, Jackson, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Lavaca, Live Oak, Mason, Matagorda, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Midland, Pecos, Presidio, Real, Refugio, San Jacinto, San Patricio, Schleicher, Shackelford, Starr, Sutton, Terrell, Throckmorton, Upton, Uvalde, Val Verde, Victoria, Webb, Wharton, Wilbarger, Willacy, Wilson, Zapata, and Zavala Counties and for all state agencies affected by this disaster. All orders, directions, suspensions, and authorizations provided in the Proclamation of May 31, 2021, as amended and renewed in subsequent proclamations, are in full force and effect.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 15th day of August, 2026.

Greg Abbott, Governor

TRD-202603575

♦ ♦ ♦

Proclamation 41-4306

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on July 4, 2025, as amended and renewed in subsequent proclamations, certifying that the heavy rainfall and flooding event that began on July 2, 2025, and that included heavy rainfall and flash flooding, caused widespread and severe property damage, injury, or loss of life in several counties;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the aforementioned proclamation and declare a disaster in Bandera, Bexar, Burnet, Caldwell, Coke, Comal, Concho, Edwards, Gillespie, Guadalupe, Hamilton, Kendall, Kerr, Kimble, Kinney, Lampasas, Llano, Mason, Maverick, McCulloch, Menard, Real, Reeves, San Saba, Schleicher, Sutton, Tom Green, Travis, Uvalde, and Williamson Counties.

Pursuant to Section 418.017 of the Texas Government Code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. Any statutes that might prevent the transfer of bodies to families as soon as possible are hereby suspended, including Sections 264.514 and 264.515 of the Texas Family Code and Articles 49.04, 49.05, 49.10, and 49.25 of the Texas Code of Criminal Procedure. Further, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 15th day of August, 2026.

Greg Abbott, Governor

TRD-202603576

♦ ♦ ♦

Proclamation 41-4307

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, the resignation of the Honorable Brian Birdwell, and its acceptance, have caused a vacancy to exist in Texas State Senate District No. 22, which consists of Bosque, Comanche, Eastland, Erath, Falls, Hamilton, Hill, Hood, McLennan, and Somervell Counties, and portions of Ellis and Tarrant Counties; and

WHEREAS, Article III, Section 13(a) of the Texas Constitution and Section 203.002 of the Texas Election Code require that a special election be ordered upon such a vacancy; and

WHEREAS, Section 3.003(a)(3) and (b) of the Texas Election Code requires the special election to be ordered by proclamation of the governor; and

WHEREAS, Section 203.004(a) of the Texas Election Code provides that the special election generally must be held on the first uniform date occurring on or after the 36th day after the date the election is ordered; and

WHEREAS, pursuant to Section 41.00 l(a)(3) of the Texas Election Code, the first uniform election date occurring on or after the 36th day

after the date that the special election is ordered is Tuesday, November 3, 2026;

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, under the authority vested in me by the Constitution and Statutes of the State of Texas, do hereby order a special election to be held in Texas State Senate District No. 22 on Tuesday, November 3, 2026, for the purpose of electing a state senator to serve out the unexpired term of the Honorable Brian Birdwell.

Candidates who wish to have their names placed on the special election ballot must file their applications with the Secretary of State no later than 6:00 p.m. on Thursday, August 20, 2026, in accordance with Section 201.054(f) of the Texas Election Code.

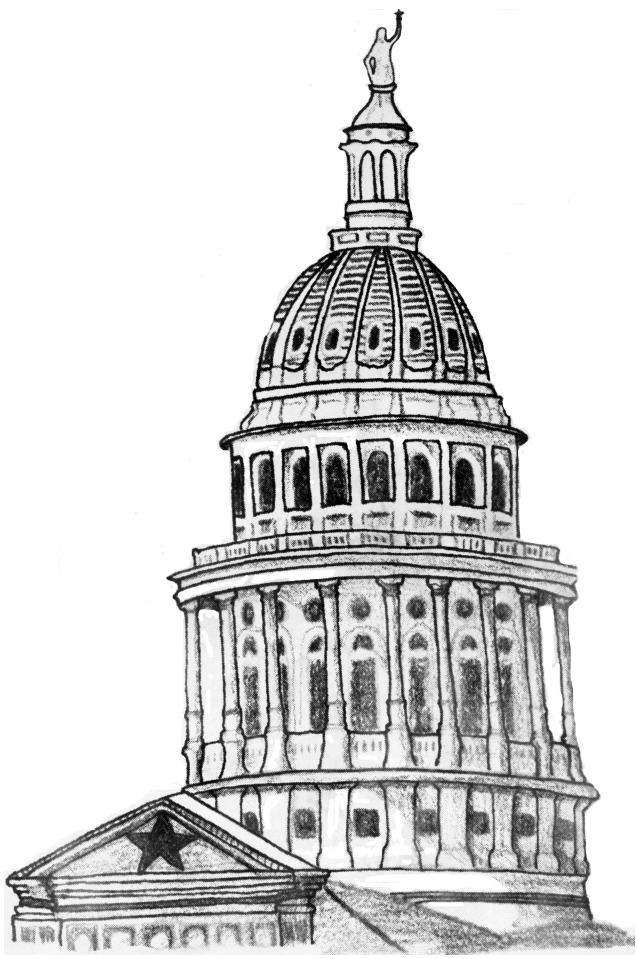
Early voting by personal appearance shall begin on Monday, October 19, 2026, and end on Friday, October 30, 2026, in accordance with Section 85.00 l(a) and (c) of the Texas Election Code.

A copy of this order shall be mailed immediately to the county judges who preside over all counties wholly or partially contained within Texas State Senate District No. 22, and all appropriate writs shall be issued, and all proper proceedings shall be followed to the end that said special election may be held to fill the vacancy in Texas State Senate District No. 22 and its result proclaimed in accordance with law.

IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 18th day of August, 2026.

Greg Abbott, Governor

TRD-202603636



THE ATTORNEY GENERAL

The *Texas Register* publishes summaries of the following: Requests for Opinions, Opinions, and Open Records Decisions.

An index to the full text of these documents is available on the Attorney General's website at https://www.texas.attorneygeneral.gov/attorney-general-opinions. For information about pending requests for opinions, telephone (512) 463-2110.

An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: https://www.texasattorneygeneral.gov/attorney-general-opinions.)

Requests for Opinions

RQ-0650-KP

Requestor:

The Honorable Matthew E. Minick

Hardin County Attorney

Post Office Box 516

Kountze, Texas 77625

Re: Whether Section 573.041 of the Government Code prohibits a Health Department Director from employing a relative of a County Judge or a County Commissioner (RQ-0650-KP)

Briefs requested by September 17, 2026

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202603629
Justin Gordon
General Counsel
Office of the Attorney General
Filed: August 18, 2026

♦ ♦ ♦

Opinions

Opinion No. KP-0523

Mr. W. Boyd Bush, Jr., Ed.D.

Executive Director

Texas Board of Chiropractic Examiners

1801 North Congress, Suite 10.500

Austin, Texas 78701

Re: Authority of the Texas Board of Chiropractic Examiners to adopt a rule permitting licensed chiropractors with the requisite training established by the Board to perform certain procedures (RQ-0630-KP)

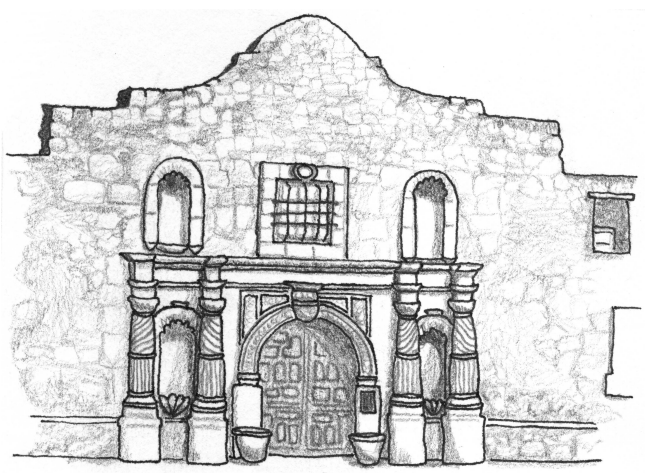
S U M M A R Y

The Texas Board of Chiropractic Examiners is authorized to adopt a rule clarifying that a needle EMG procedure performed with a non-incisive needle falls within the scope of chiropractic practice, and to specify the training and equipment required for its performance.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202603628
Justin Gordon
General Counsel
Office of the Attorney General
Filed: August 18, 2026

♦ ♦ ♦



Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

Symbols in proposed rule text. Proposed new language is indicated by underlined text. [~~Square brackets and strikethrough~~] indicate existing rule text that is proposed for deletion. "(No change)" indicates that existing rule text at this level will not be amended.

TITLE 1. ADMINISTRATION

PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 354. MEDICAID HEALTH SERVICES

SUBCHAPTER A. PURCHASED HEALTH SERVICES

DIVISION 27. COMMUNITY FIRST CHOICE

1 TAC §354.1369

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes the repeal of Texas Administrative Code (TAC) Title 1, Part 15, Chapter 354, Subchapter A, Division 27, §354.1369, concerning Attendant Base Wage.

BACKGROUND AND PURPOSE

The purpose of the proposal is to remove references to repealed §355.7051, Base Wage for a Personal Attendant before September 1, 2025, in §354.1369 to reflect the discontinuation of the attendant base wage described in §355.7051. The proposed repeal of §355.7051 is published elsewhere in this issue of the *Texas Register*.

FISCAL NOTE

Victoria Grady, Deputy Chief, Finance, has determined that for each year of the first five years that the rule will be in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule will be in effect:

(1) the proposed rule will not create or eliminate a government program;

(2) implementation of the proposed rule will not affect the number of HHSC employee positions;

(3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;

(4) the proposed rule will not affect fees paid to HHSC;

(5) the proposed rule will not create a new regulation;

(6) the proposed rule will limit and repeal existing regulation;

(7) the proposed rule will not change the number of individuals subject to the rule; and

(8) the proposed rule will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Victoria Grady has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. This rule does not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with this rule.

LOCAL EMPLOYMENT IMPACT

The proposed rules will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule does not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Victoria Grady, Deputy Chief, Finance, has determined that for each year of the first five years the rules are in effect, the public will benefit from removing references to the obsolete TAC rule because it improves clarity, accuracy, and navigation of the TAC.

Victoria Grady has also determined that for the first five years the rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule because the rules do not include costs to persons required to comply.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to *HHSRulesCoordinationOffice@hhs.texas.gov*.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please

indicate "Comments on Proposed Rule 26R085" in the subject line.

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies; Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority; Texas Human Resources Code §32.021 and Texas Government Code §532.0051, which provide HHSC with the authority to administer the federal medical assistance (Medicaid) program in Texas; and Texas Government Code §532.0057(a), which establishes HHSC as the agency responsible for adopting reasonable rules governing the determination of fees, charges, and rates for Medicaid payments under Texas Human Resources Code Chapter 32.

The repeal affects Texas Government Code §524.0151, §524.0005, and Chapter 532 and Texas Human Resources Code Chapter 32.

§354.1369. Attendant Base Wage.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 11, 2026.

TRD-202603390
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 867-7817

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CHAPTER 355. REIMBURSEMENT RATES
SUBCHAPTER H. BASE WAGE REQUIREMENTS FOR PERSONAL ATTENDANTS

1 TAC §355.7051

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes the repeal of Texas Administrative Code (TAC) Title 1, Part 15 Chapter 355, Subchapter H, §355.7051, concerning Base Wage for a Personal Attendant before September 1, 2025.

BACKGROUND AND PURPOSE

The purpose of the proposal is to repeal §355.7051. The proposed repeal is in accordance with 2026-27 General Appropriations Act (GAA) Senate Bill 1, 89th Legislature, Regular Session, 2025 (Article II, Health and Human Services Commission, Rider 23) (Rider 23). Rider 23 revised the personal attendant wage by providing appropriations to support a new average attendant base wage. Section 355.7052, Reimbursement Methodology for Determining Attendant Cost Component, was adopted and effective in September 2025 to outline new methodology for personal attendant wage rates and §355.7051 became obsolete effective September 1, 2025.

FISCAL NOTE

Victoria Grady, Deputy Chief, Finance, has determined that for each year of the first five years that the rule will be in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule will be in effect:

(1) the proposed rule will not create or eliminate a government program;

(2) implementation of the proposed rule will not affect the number of HHSC employee positions;

(3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;

(4) the proposed rule will not affect fees paid to HHSC;

(5) the proposed rule will not create a new regulation;

(6) the proposed rule will limit and repeal existing regulation;

(7) the proposed rule will not change the number of individuals subject to the rule; and

(8) the proposed rule will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Victoria Grady has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. This rule does not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with this rule.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule does not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Victoria Grady, Deputy Chief, Finance, has determined that for each year of the first five years the rules are in effect, the public will benefit from removing an obsolete TAC rule because it improves clarity, accuracy, and navigation of the TAC.

Victoria Grady has also determined that for the first five years the rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule because the rule does not include costs to persons required to comply.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601

West Guadalupe Street, Austin, Texas 78751; or emailed to HHSRulesCoordinationOffice@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R085" in the subject line.

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies; Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority; Texas Human Resources Code §32.021 and Texas Government Code §532.0051, which provide HHSC with the authority to administer the federal medical assistance (Medicaid) program in Texas; and Texas Government Code §532.0057(a), which establishes HHSC as the agency responsible for adopting reasonable rules governing the determination of fees, charges, and rates for Medicaid payments under Texas Human Resources Code Chapter 32.

The repeal affects Texas Government Code §524.0151, §524.0005, and Chapter 532 and Texas Human Resources Code Chapter 32.

§355.7051. Base Wage for a Personal Attendant before September 1, 2025.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 11, 2026.

TRD-202603393
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 867-7817

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CHAPTER 363. TEXAS HEALTH STEPS COMPREHENSIVE CARE PROGRAM SUBCHAPTER F. PERSONAL CARE SERVICES

1 TAC §363.603

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes an amendment to Texas Administrative Code (TAC) Title 1, Part 15, Chapter 363, Subchapter F, §363.603, concerning Provider Participation Requirements.

BACKGROUND AND PURPOSE

The purpose of the proposal is to remove references to repealed §355.7051, Base Wage for a Personal Attendant before September 1, 2025, in §363.603. The proposed repeal of §355.7051 is published elsewhere in this issue of the *Texas Register*.

Additionally, the proposal updates TAC citations in the rule.

SECTION-BY-SECTION SUMMARY

The proposal amends §363.603 to reflect the discontinuation of the attendant base wage described in §355.7051 and updates references to TAC citations.

FISCAL NOTE

Victoria Grady, Deputy Chief, Finance, has determined that for each year of the first five years that the rule will be in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule will be in effect:

(1) the proposed rule will not create or eliminate a government program;

(2) implementation of the proposed rule will not affect the number of HHSC employee positions;

(3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;

(4) the proposed rule will not affect fees paid to HHSC;

(5) the proposed rule will not create a new regulation;

(6) the proposed rule will limit and repeal existing regulation;

(7) the proposed rule will not change the number of individuals subject to the rule; and

(8) the proposed rule will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Victoria Grady has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. This rule does not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with this rule.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule does not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Victoria Grady, Deputy Chief, Finance, has determined that for each year of the first five years the rule is in effect, the public will benefit from removing references to an obsolete TAC rule and updating references because it improves clarity, accuracy, and navigation of the TAC.

Victoria Grady has also determined that for the first five years the rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule because the rule does not include costs to persons required to comply.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to *HHSRulesCoordinationOffice@hhs.texas.gov*.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R085" in the subject line.

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies; Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority; Texas Human Resources Code §32.021 and Texas Government Code §532.0051, which provide HHSC with the authority to administer the federal medical assistance (Medicaid) program in Texas; and Texas Government Code §532.0057(a), which establishes HHSC as the agency responsible for adopting reasonable rules governing the determination of fees, charges, and rates for Medicaid payments under Texas Human Resources Code Chapter 32.

The amendment affects Texas Government Code §524.0151, §524.0005, and Chapter 532 and Texas Human Resources Code Chapter 32.

§363.603. Provider Participation Requirements.

(a) Personal care services (PCS) must be provided by an individual who:

(1) is 18 years of age or older;

(2) is an attendant who:

(A) is an employee of a provider organization licensed as a home and community support services agency (HCSSA) per 26 TAC Chapter 558 [~~40 TAC Chapter 97~~] (relating to Licensing Standards for Home and Community Support Services Agencies); or

(B) if the recipient is receiving PCS through the consumer directed services (CDS) option described in 26 TAC Chapter 264 [~~40 TAC Chapter 41~~] (relating to Consumer Directed Services Option), is an employee of:

(i) the recipient; or

(ii) the recipient's responsible adult or legally authorized representative (LAR);

(3) has demonstrated the competence necessary, when competence cannot be demonstrated through education and experience, to perform the personal assistance tasks assigned by the provider organization supervisor or by the recipient or the recipient's responsible adult or LAR acting as employer through the CDS option described in 26 TAC Chapter 264 [~~40 TAC Chapter 41~~];

(4) is not the responsible adult of the recipient if the recipient is under the age of 18; and

(5) is not the legal spouse of the recipient.

(b) HHSC may establish rates of reimbursement based on the level of care required by the recipient and the qualifications of and tasks performed by the PCS attendant.

(c) An organization that employs attendants who provide PCS must meet the licensing standards set out in 26 TAC Chapter 558 [~~40 TAC Chapter 97~~] for one of the following license categories or special service types:

(1) Licensed Home Health Services, as set out in 26 TAC §558.401 [~~40 TAC §97.401~~] (relating to Standards Specific to Licensed Home Health Services);

(2) Licensed and Certified Home Health Services, as set out in 26 TAC §558.402 [~~40 TAC §97.402~~] (relating to Standards Specific to Licensed and Certified Home Health Services); or

(3) agencies licensed to provide personal assistance services, as set out in 26 TAC §558.404 [~~40 TAC §97.404~~] (relating to Standards Specific to Agencies Licensed to Provide Personal Assistance Services).

(d) An organization serving as a Financial Management Services Agency (FMSA) providing financial management services and other employer support services to a recipient receiving PCS through the CDS option must meet the FMSA contracting requirements specified in 26 TAC Chapters 264 and 52 [~~40 TAC Chapters 41 and 49~~] (relating to Consumer Directed Services Option and Contracting for Community Services, respectively).

(e) Provider organizations and FMSAs must successfully enroll as Texas Medicaid providers before [~~prior to~~] seeking authorization or payment for PCS.

(f) Any organization that employs attendants who provide PCS and any organization serving as an FMSA must comply with all documentation requirements as specified in PCS program policy.

[~~(g) Provider organizations, recipients, and responsible adults or LARs of recipients who employ attendants for PCS must:~~]

[~~(1) pay each attendant at least the base wage specified in §355.7051 of this title (relating to Base Wage for a Personal Attendant); and~~]

[~~(2) notify any person employed as an attendant of the requirement that the provider organizations, recipients, and responsible adults or LARs of recipients who employ attendants for PCS must pay each attendant at least the base wage specified in §355.7051 of this title.~~]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 11, 2026.

TRD-202603394
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 867-7817

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TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 71. VIRTUAL AND HYBRID EDUCATION

SUBCHAPTER AA. ADMINISTRATION OF VIRTUAL AND HYBRID EDUCATION

The Texas Education Agency (TEA) proposes new §§71.1001 - 71.1019, concerning virtual and hybrid education. The new chapter implements Texas Education Code (TEC), Chapter 30B, as added by Senate Bill (SB) 569, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: Proposed new Chapter 71 would provide statewide standards for virtual and hybrid education, clarity on student eligibility for full-time virtual campuses, quality and accessibility criteria for virtual and hybrid courses, and an authorization framework for full-time virtual and hybrid campuses. The proposed rules would operationalize these requirements and establish the monitoring authority of the Texas Education Agency (TEA).

Division 1. General Provisions

Proposed new §71.1001, Definitions, would establish definitions for virtual courses, including local and statewide virtual courses, hybrid courses, full-time virtual and hybrid programs, full-time virtual and hybrid campuses, and whole program virtual instruction providers.

Proposed new §71.1002, Attendance and Funding, would establish attendance-taking procedures for virtual and hybrid courses, full-time virtual and hybrid programs, and full-time virtual and hybrid campuses in accordance with the Student Attendance Accounting Handbook adopted under 19 TAC §129.1025; the funding mechanism for full-time virtual and hybrid programs and campuses; and the requirement for the commissioner to provide proportionate funding for students who alternate between a traditional campus setting and a full-time virtual or hybrid campus.

Proposed new §71.1003, Requirements Related to Private or Third-Party Providers, would establish requirements related to private or third-party providers that act as whole program providers for full-time virtual and hybrid campuses and accountability standards applicable to those providers.

Proposed new §71.1004, Extracurricular Activity, would address extracurricular activity participation for students enrolled in virtual or hybrid courses, programs, or campuses.

Division 2. Virtual and Hybrid Courses and Programs

Proposed new §71.1005, Entities Eligible to Provide Virtual and Hybrid Courses or Programs, would establish eligibility for entities to provide virtual and hybrid courses or programs, including school districts, open-enrollment charter schools, consortiums of school districts and open-enrollment charter schools, institutions of higher education, and regional education service centers.

Proposed new §71.1006, Local Policy Regarding Virtual and Hybrid Courses, would establish requirements for school districts and open-enrollment charter schools to adopt written policies related to student rights, specify the manner and frequency with which they must share those policies with students and their parents, and require acceptance of grades assigned and placement on transcripts.

Proposed new §71.1007, Rights of Students and Parents Concerning Virtual and Hybrid Courses, would detail the rights of students and parents concerning virtual and hybrid courses. The proposed new section would detail the limited mechanisms for a school district or open-enrollment charter school to deny a parent's request to enroll their student in virtual and hybrid courses and provide for an appeal process to the school district's board of trustees or governing board of a charter school if access to a course is denied.

Proposed new §71.1008, Requirements for Entities Providing Virtual and Hybrid Courses, would establish requirements for all entities providing virtual and hybrid courses, including the requirements to comply with all applicable laws and rules, to develop written information about courses, to establish procedures to verify identity and eligibility of students, to ensure each classroom teacher has completed professional development, to annually certify compliance with standards for virtual and hybrid courses, to make decisions regarding serving students with disabilities and emergent bilingual students in alignment with statute and rule, to establish participation necessary to earn credit or a grade for a course, to withdraw students as necessary in alignment with local policy and state requirements, to provide the district or charter school in which students are enrolled with written notice of performance, to develop and implement a contingency plan to ensure continuity of instructional services if an eligible entity terminates a course or it becomes unavailable, and to administer assessments in the same manner as a student enrolled in an in-person course except when authorized by commissioner rule to not do so.

Proposed new §71.1009, Student Eligibility for Virtual and Hybrid Courses, would establish student eligibility requirements for virtual and hybrid courses.

Proposed new §71.1010, Virtual and Hybrid Course Quality Requirements, would provide for virtual and hybrid course quality requirements, including alignment with the Texas Essential Knowledge and Skills, providing instruction at the appropriate level of rigor, and being designed specifically for virtual and hybrid learning.

Proposed new §71.1011, Virtual and Hybrid Course Annual Submission Process, would provide information about the virtual and hybrid course annual submission process, including required submissions to TEA.

Proposed new §71.1012, Tuition and Fees for Virtual and Hybrid Courses, would establish the ability of school districts and open-enrollment charter schools to charge tuition and fees for students not eligible to enroll in Texas public schools or not enrolled in the school district or open-enrollment charter school, including home-schooled students and those participating in the Texas Education Savings Account program.

Proposed new §71.1013, Rights of Teachers Regarding Virtual and Hybrid Courses, would provide for the rights of teachers

regarding virtual and hybrid courses, including requirements for professional development for teachers of virtual and hybrid courses, and would establish that the commissioner may waive specific requirements for teachers of courses included in the enrichment curriculum.

Proposed new §71.1014, Requirements for Full-Time Virtual and Hybrid Programs, would establish requirements for entities providing virtual and hybrid programs, including the requirements to comply with all applicable laws and rules, to develop written information about courses, to establish procedures to verify identity and eligibility of students, to ensure each classroom teacher has completed required professional development, to annually certify compliance with standards for virtual and hybrid courses, to establish participation necessary to earn credit or a grade for a course offered by a school district or charter school, to withdraw students as necessary based on participation, and to provide progress updates as necessary.

Division 3. Full-Time Virtual and Hybrid Campuses

Proposed new §71.1015, Entities Eligible to Provide Virtual and Hybrid Campuses, would establish the eligibility requirements for school districts and open-enrollment charter schools to provide virtual and hybrid campuses.

Proposed new §71.1016, Student Eligibility for Full-Time Virtual and Hybrid Campuses, would address student eligibility categories for full-time hybrid campus enrollment, full-time virtual campus eligibility with a six-week attendance rule, and a prohibition on enrolling ineligible full-time virtual students. The proposed new section would also specify that summer attendance does not satisfy the six-week attendance requirement for enrolling in virtual campuses.

Proposed new §71.1017, Requirements for Full-Time Virtual and Hybrid Campuses, would establish requirements for entities providing virtual and hybrid campuses, including the requirements to comply with all applicable laws and rules, to develop written information about courses, to establish procedures to verify identity and eligibility of students, to ensure each classroom teacher has completed required professional development, to annually certify compliance with standards for virtual and hybrid courses, to establish participation necessary to earn credit or a grade for a course offered by a school district or charter school, to withdraw students as necessary based on participation, and to provide progress updates as necessary.

Proposed new §71.1018, Authorization of Full-Time Virtual and Full-Time Hybrid Campuses, would establish the authorization process and structure for full-time virtual and hybrid campuses. The proposed new section would add information about the application window, application form and manner, the standard for private or third-party providers, and the standard and expedited authorization processes.

Proposed new §71.1019, Term of Authorization and Revocation of Full-Time Virtual and Hybrid Campuses, would address authorization terms for full-time virtual and hybrid campuses along with revocation standards and processes, including the appeal mechanism available regarding authorization decisions.

FISCAL IMPACT: Marian Schutte, associate commissioner for authorizing and policy, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create new regulations for the implementation of virtual and hybrid education through courses, programs, and campuses.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Schutte has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to provide school districts and charter schools with the ability to create virtual and hybrid programs, courses, and campuses. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins August 28, 2026, and ends September 28, 2026. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on August 28, 2026. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/laws-and-rules/commissioner-rules-tac/proposed-commissioner-education-rules.

DIVISION 1. GENERAL PROVISIONS

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §30B.002, as added by Senate Bill (SB) 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules to implement and administer virtual and hybrid campuses, programs, and courses authorized under TEC, Chapter 30B; TEC, §30B.007, as added by SB 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules for procedures for reporting and verifying attendance of a student enrolled in a hybrid course, virtual course, full-time hybrid program, or full-time virtual program provided by a school district or an open-enrollment charter school; TEC, §30B.101, as added by SB 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules establishing the requirements for and process by which a school district or open-enrollment charter school may apply for authorization to operate a full-time hybrid campus or a full-time virtual campus; and SB 569, Section 16, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules providing an expedited authorization process for a school district or an open-enrollment charter school that applies to operate a full-time virtual campus or a full-time hybrid campus under TEC, Chapter 30B, if the district or school, as of the effective date of SB 569, operated an electronic course or full-time program through the state virtual school network in accordance with TEC, Chapter 30A, as that law existed immediately before the effective date of SB 569 or operated a virtual education program, regardless of whether the district or school received funding for students enrolled in the program during the 2022-2023, 2023-2024, or 2024-2025 school year.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§30B.002, 30B.007, and 30B.101, as added by Senate Bill (SB) 569, 89th Texas Legislature, Regular Session, 2025; and SB 569, Section 16, 89th Texas Legislature, Regular Session, 2025.

§71.1001. Definitions.

The following terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Full-time hybrid campus--A school district or an open-enrollment charter school campus at which at least 50% of the enrolled students are enrolled in a full-time hybrid program authorized under Texas Education Code (TEC), Chapter 30B, Subchapter C. The 50% threshold is calculated annually using campus enrollment from the Fall Public Education Information Management System (PEIMS) submission.

(2) Full-time hybrid program--A full-time educational program offered by a school district or an open-enrollment charter school campus in which:

(A) less than 50% of the enrolled students at the campus participate in the program, with the 50% threshold calculated annually using campus enrollment from the Fall PEIMS submission;

(B) instruction and content are delivered synchronously or asynchronously over the Internet, in person, or through other means;

(C) a student in the program has a schedule consisting of:

(i) a combination of in-person and virtual or hybrid courses; or

(ii) all hybrid courses; and

(D) a student is in attendance for less than 90% of the instructional minutes offered during the school year.

(3) Full-time virtual campus--A school district or an open-enrollment charter school campus at which at least 50% of the enrolled students participate in a full-time virtual program authorized under TEC, Chapter 30B, Subchapter C. The 50% threshold is calculated annually using campus enrollment from the Fall PEIMS submission.

(4) Full-time virtual program--A full-time educational program offered by a school district or an open-enrollment charter school campus in which:

(A) less than 50% of the enrolled students at the campus participate in the program, with the 50% threshold calculated annually using campus enrollment from the Fall PEIMS submission;

(B) instruction and content are delivered either synchronously or asynchronously over the Internet through virtual courses;

(C) a student in the program has a schedule of all virtual courses; and

(D) the following attendance provisions also apply:

(i) a student is in attendance in person minimally or not at all; and

(ii) any minimal in-person attendance for specific courses or instructional components, including those associated with University Interscholastic League participation or career and technical education, does not affect the designation of the program as a full-time virtual program.

(5) Hybrid course--An educational course in which:

(A) the student is in attendance in person for less than 90% of the minutes of instruction provided;

(B) instruction and content are delivered synchronously or asynchronously over the Internet, in person, or through other means;

(C) a student and teacher interact both at the physical location of a school district or an open-enrollment charter school and, during online instructional activities, synchronously or asynchronously, in different locations through a virtual environment;

(D) there is frequent communication between a student and a teacher; and

(E) the content of the course aligns with the Texas Essential Knowledge and Skills (TEKS) for the subject and grade level.

(6) Local virtual course--A virtual course provided exclusively to students who are enrolled in the specific school district or open-enrollment charter school offering the course.

(7) Statewide virtual course--A virtual course provided by a school district or an open-enrollment charter school and made available to a student who is not otherwise enrolled in that district or charter school.

(8) Virtual course--An educational course in which:

(A) instruction and content are delivered synchronously or asynchronously primarily over the Internet;

(B) a student and teacher are in different locations for a majority of the student's instructional minutes;

(C) there is frequent communication between a student and a teacher;

(D) there is no requirement for students to be present at the school's physical location; and

(E) the content of the course aligns with the TEKS for the subject and grade level.

(9) Whole program virtual instruction provider--A private or third-party service that:

(A) provides oversight and management of virtual instruction services for a full-time virtual or full-time hybrid campus or program; or

(B) provides a preponderance of virtual instruction services, including, but not limited to, supplying instructional staff, overseeing student progress monitoring, ensuring course compliance with the TEKS and other applicable state and federal requirements, or assuming responsibility for administering and delivering instruction beyond providing instructional materials.

§71.1002. Attendance and Funding.

(a) Attendance-taking procedures for virtual and hybrid courses, full-time virtual and hybrid programs, and full-time virtual and hybrid campuses must be in accordance with the Student Attendance Accounting Handbook adopted under §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook).

(b) For purposes of calculating the average daily attendance of students attending a full-time virtual campus or full-time hybrid campus, the commissioner of education shall use the number of full-time equivalent students enrolled in the full-time virtual or full-time hybrid campus multiplied by the average attendance rate of the school district or open-enrollment charter school that offers the full-time virtual or full-time hybrid campus, not including any student enrolled full time in a full-time virtual or full-time hybrid campus. In the event that a reliable attendance rate cannot be determined under this section, the commissioner shall use the statewide average attendance rate.

(c) The commissioner shall provide proportionate funding to the applicable school district or open-enrollment charter school for a student who alternates attendance between a traditional, in-person campus setting and the full-time virtual or full-time hybrid campus of any single district or school in the same school year.

§71.1003. Requirements Related to Private or Third-Party Providers.

(a) A school district or an open-enrollment charter school shall provide notice to the commissioner of education of the use of or change in affiliation of a private or third-party provider acting as a whole program virtual instruction provider for a full-time virtual or hybrid program or campus.

(b) A school district or an open-enrollment charter school may not implement a change in the private or third-party provider acting as a whole program virtual instruction provider for a full-time virtual or hybrid program or campus unless the district or school has received prior approval from the commissioner.

(c) The commissioner will establish and publish a standard to determine if a private or third-party provider is ineligible to act as a whole program virtual instruction provider. A private or third-party provider determined to be ineligible remains ineligible until after the fifth anniversary of that determination.

(d) A school district or an open-enrollment charter school may not use a private or third party to act as a whole program virtual instruction provider if the party has been determined to be ineligible unless:

(1) the district or school requests approval from the commissioner; and

(2) the commissioner determines that the reasons the private or third party was declared ineligible will not affect the operation of the party as a whole program virtual instruction provider at the district or school.

§71.1004. Extracurricular Activity.

A student enrolled in a virtual or hybrid course, program, or campus offered under this subchapter may participate in an extracurricular activity sponsored or sanctioned by the school district or open-enrollment charter school in which the student is enrolled or by the University Interscholastic League in the same manner as other district or school students.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 17, 2026.

TRD-202603560
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 475-1497

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DIVISION 2. VIRTUAL AND HYBRID COURSES AND PROGRAMS

19 TAC §§71.1005 - 71.1014

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §30B.002, as added by Senate Bill (SB) 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules to implement and administer virtual and hybrid campuses, programs, and courses authorized under TEC, Chapter 30B; TEC, §30B.007, as added by SB 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules for procedures for reporting and verifying attendance of a student enrolled in a hybrid course, virtual course, full-time hybrid program, or full-time virtual program provided by a school district or an open-enrollment charter school; TEC, §30B.101, as added by SB 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules establishing the requirements for and process by which a school district or open-enrollment charter school may apply for authorization to operate a full-time hybrid campus or a full-time virtual campus; and SB 569, Section 16, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules providing an expedited authorization process for a school district or an open-enrollment charter school that applies to operate a full-time virtual campus or a full-time hybrid campus under TEC, Chapter 30B, if the district or school, as of the effective date of SB 569, operated an electronic course or full-time program through the state virtual school network in accordance with TEC, Chapter 30A, as that law existed immediately before the effective date of SB 569 or operated a virtual education program, regardless of whether the district or school received funding for students enrolled in the program during the 2022-2023, 2023-2024, or 2024-2025 school year.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§30B.002, 30B.007, and 30B.101, as added by Senate Bill (SB) 569, 89th Texas Legislature, Regular Session, 2025; and SB 569, Section 16, 89th Texas Legislature, Regular Session, 2025.

§71.1005. Entities Eligible to Provide Virtual and Hybrid Courses or Programs.

(a) A school district or an open-enrollment charter school may deliver instruction through virtual courses, hybrid courses, full-time virtual programs, and full-time hybrid programs as defined in this subchapter.

(b) The following entities may deliver instruction through virtual or hybrid courses as defined in this subchapter in the same manner provided for a school district or an open-enrollment charter school:

(1) a consortium of school districts or open-enrollment charter schools;

(2) an institution of higher education, as that term is defined by Texas Education Code (TEC), §61.003; or

(3) a regional education service center.

(c) Two or more school districts or open-enrollment charter schools may enter into a consortium agreement under TEC, §30B.006, to jointly offer virtual or hybrid courses. Each participating district or charter school in the consortium remains individually responsible for compliance with all requirements under this subchapter, including student eligibility verification and reporting obligations.

(d) An eligible entity may partner with a school district or an open-enrollment charter school to deliver virtual or hybrid course instruction only under a written agreement.

(e) An entity other than a school district or an open-enrollment charter school is not authorized to award course credit or a diploma for courses offered under this subchapter.

§71.1006. Local Policy Regarding Virtual and Hybrid Courses.

(a) Each school district and open-enrollment charter school shall adopt a written policy consistent with §71.1007 of this title (relating to Rights of Students and Parents Concerning Virtual and Hybrid Courses) that provides students enrolled in the district or charter school with the opportunity to enroll in courses provided by the district or school in which the student is enrolled or by another district or school under Texas Education Code, Chapter 30B.

(b) A school district or an open-enrollment charter school shall, at least once per year, send to the parent of each student enrolled a copy of the policy adopted under this section. A district or charter school may send the policy with any other information that the district or charter schools sends to the parent.

(c) For each student enrolled in virtual or hybrid courses through an eligible entity, the student's enrolled district or charter school must:

(1) accept the grade assigned by the course offering entity's certified teacher; and

(2) record the accepted grade on the student's official transcript.

§71.1007. Rights of Students and Parents Concerning Virtual and Hybrid Courses.

(a) At the time and in the manner that a school district or an open-enrollment charter school informs students and parents about courses that are offered in the district's or school's traditional classroom setting and at the time students ordinarily select courses, the district or school shall notify parents and students of the option to enroll in a virtual or hybrid course offered by the district or school in which the student is enrolled or by another district or school under Texas Education Code (TEC), Chapter 30B. The district or charter school may also provide this information to students and parents at additional times as determined by the district or charter school.

(b) A school district or an open-enrollment charter school may not actively discourage a student, including by threat or intimidation, from enrolling in a virtual or hybrid course.

(c) Except as provided in §71.1016 of this title (relating to Student Eligibility for Full-Time Virtual and Hybrid Campuses), a school district or an open-enrollment charter school may not require a student to enroll in a virtual or hybrid course.

(d) A school district or an open-enrollment charter school in which a student is enrolled as a full-time student may not deny the request of a parent to enroll the student in a virtual or hybrid course offered by the district or school in which the student is enrolled or by another district or school under TEC, Chapter 30B, unless:

(1) a student attempts to enroll in a course load that is inconsistent with the student's high school graduation plan, requirements for college admission, or requirements for earning an industry certification;

(2) the student requests permission to enroll in a virtual or hybrid course at a time that is inconsistent with the enrollment period established by the school district or open-enrollment charter school providing the course; or

(3) the district or charter school determines that the cost of the course is too high.

(e) Notwithstanding subsection (d)(2) of this section, a school district or an open-enrollment charter school that provides a virtual or hybrid course under TEC, Chapter 30B, shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.

(f) A school district or an open-enrollment charter school that denies a request to enroll a student in a virtual or hybrid course under subsection (d) of this section shall provide a written explanation of the denial to the student and the student's parent.

(1) The written explanation must provide:

(A) notice of the student's ability to appeal the decision; and

(B) an explanation of the appeal process, including the process of pursuing a final appeal heard by the board of trustees of the district or the governing board of the school.

(2) A determination made by the board of trustees of the school district or the governing board of the open-enrollment charter school under this subsection is final and may not be appealed.

(g) A student who transfers from one school system to another after beginning enrollment in a virtual course is entitled to continue enrollment in the course.

§71.1008. Requirements for Entities Providing Virtual and Hybrid Courses.

A school district, an open-enrollment charter school, or eligible entity listed in §71.1005(b) of this title (relating to Entities Eligible to Provide Virtual and Hybrid Courses or Programs) that delivers instruction through a virtual or hybrid course under Texas Education Code (TEC), Chapter 30B, shall:

(1) comply with all applicable laws and rules governing traditional instructional programs, except as expressly provided in this subchapter, including, but not limited to:

(A) teacher certifications requirements under TEC, Chapter 21, Subchapter B, unless exempted under the terms of a charter; and

(B) maintaining records of student enrollment and withdrawal dates for local and state reporting purposes;

(2) develop written information describing each virtual or hybrid course available for enrollment;

(3) establish procedures to verify the identity of each student and confirm eligibility requirements under TEC, Chapter 30B;

(4) ensure that each classroom teacher has completed professional development in virtual or hybrid instruction as required by TEC, §30B.053;

(5) annually certify compliance with standards for virtual and hybrid course design and delivery through the Virtual and Hybrid Course List Certification Process in alignment with §71.1011 of this title (relating to Virtual and Hybrid Course Annual Submission Process);

(6) make decisions regarding serving students with disabilities in accordance with §89.1050 of this title (relating to The Admission, Review, and Dismissal Committee) and regarding emergent bilingual students in accordance with §89.1220 of this title (relating to Language Proficiency Assessment Committee (LPAC));

(7) establish the participation necessary to earn credit or a grade for a virtual or hybrid course offered by the district or school;

(8) consider a student withdrawn from a virtual or hybrid course or program when the student is no longer actively participating in the course or program or never participates after enrollment, and report the student as withdrawn in accordance with applicable local policy and state requirements;

(9) provide the district or charter school in which each student is enrolled with written notice of the student's performance in the course at least once every six weeks;

(10) provide the district or charter school in which each student is enrolled with written notice of the student's performance at least once every three weeks if the student's performance in the course is consistently unsatisfactory, as determined by the course-offering entity;

(11) develop and implement a contingency plan to ensure continuity of instructional services to all enrolled students if an eligible entity terminates the course or the course becomes unavailable; and

(12) except as authorized by commissioner rule in Chapter 101 of this title (relating to Assessment), administer an assessment instrument under TEC, §39.023 or §39.025, to a student in the same manner in which the assessment instrument is administered to a student enrolled in an in-person course at the student's school district or open-enrollment charter school.

§71.1009. Student Eligibility for Virtual and Hybrid Courses.

A school district or an open-enrollment charter school may provide a virtual or hybrid course at any grade level to:

(1) a student enrolled in that district or charter school;

(2) a student enrolled in another Texas public school district or charter school;

(3) a student who resides in Texas and is enrolled in a school other than a public school district or charter school; or

(4) a student who qualifies under §71.1012 of this title (relating to Tuition and Fees for Virtual and Hybrid Courses).

§71.1010. Virtual and Hybrid Course Quality Requirements.

A school district or an open-enrollment charter school offering virtual or hybrid courses under Texas Education Code (TEC), Chapter 30B, must certify to the commissioner of education, through the Virtual and Hybrid Course Annual Submission Process, that each course:

(1) includes the appropriate essential knowledge and skills adopted under TEC, Chapter 28, Subchapter A;

(2) provides instruction at the appropriate level of rigor for the grade level at which the course is offered and prepares a student enrolled in the course for the student's next grade level or a subsequent course in a similar subject matter;

(3) is designed specifically for a virtual or hybrid learning environment and incorporates appropriate instructional procedures, assessment features, collaborative communication tools, and mechanisms for monitoring student engagement and progress;

(4) meets the National Standards for Quality Online Courses published by the Virtual Learning Leadership Alliance, Quality Matters, and the Digital Learning Collaborative, or any successor publication; and

(5) meets the needs of a student receiving special education services or other accommodations in a manner consistent with TEC, Chapter 29, Subchapter A, and with federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) as applicable, and the Rehabilitation Act of 1973 (29 U.S.C. Section 794), Section 504, as applicable.

§71.1011. Virtual and Hybrid Course Annual Submission Process.

(a) An eligible entity offering a virtual or hybrid course under Texas Education Code (TEC), Chapter 30B, must annually certify each course to the commissioner of education for inclusion in the Virtual and Hybrid Course List in accordance with TEC, §30B.057(b).

(b) Each course offered under TEC, Chapter 30B, shall be submitted and certified to the commissioner by the school district or open-enrollment charter school through the Virtual and Hybrid Course List submission process in the manner prescribed by the Texas Education Agency (TEA).

(1) Certification must include verification that the course meets the requirements of §71.1008 of this title (relating to Requirements for Entities Providing Virtual and Hybrid Courses).

(2) The submission must also include:

(A) whether the course is available to a student who is not enrolled in the offering district or school;

(B) the cost of the course;

(C) information regarding any third-party provider involved in the delivery of the course; and

(D) any additional information required by TEA to provide a comprehensive list for students and parents.

§71.1012. Tuition and Fees for Virtual and Hybrid Courses.

(a) A school district or an open-enrollment charter school may decline to pay the course costs for a student who chooses to enroll in more than three year-long virtual courses, or the equivalent, during any school year. This does not limit the ability of the student to enroll in additional virtual courses at the student's cost or apply to a student enrolled in a full-time virtual program or campus.

(b) A school district or an open-enrollment charter school may offer virtual or hybrid courses in accordance with this subchapter and may charge tuition and fees for such courses provided to a student who:

(1) is not eligible to enroll in a public school in this state;

(2) is not enrolled in the school district or open-enrollment charter school, including a home-schooled student, as defined by Texas Education Code (TEC), §29.916(a)(1), and a student utilizing funds awarded through a Texas Education Savings Account for approved education-related expenses, as defined by TEC, §29.359(a)(1); or

(3) elects to enroll in a virtual course provided by a school district or an open-enrollment charter school if the district or charter school in which the student is enrolled declines to pay the course cost because the course exceeds the limit of three year-long courses.

§71.1013. Rights of Teachers Regarding Virtual and Hybrid Courses.

(a) Except as provided in subsection (b) of this section, a school district or an open-enrollment charter school may not require a classroom teacher to provide both virtual instruction and in-person instruction for a course offered under Texas Education Code (TEC), Chapter 30B, during the same class period.

(b) Subsection (a) of this section does not apply to a requirement that a classroom teacher simulcast the teacher's in-person instruction provided that the teacher is not required to interact with students observing the instruction virtually.

(c) The commissioner of education may waive the requirement of subsection (a) of this section included in the enrichment curriculum under TEC, §28.002.

(d) A classroom teacher may not provide instruction for a virtual or hybrid course offered under TEC, Chapter 30B, unless:

(1) the teacher has received appropriate professional development in virtual or hybrid instruction, as determined by the school district or open-enrollment charter school at which the teacher is employed; or

(2) the district or school has determined that the teacher has sufficient previous experience to not require the professional development described by paragraph (1) of this subsection.

(e) A school district or an open-enrollment charter school may not directly or indirectly coerce any classroom teacher hired to provide in-person instruction to agree to an assignment to teach a virtual or hybrid course.

§71.1014. Requirements for Full-Time Virtual and Hybrid Programs.

(a) A school district or an open-enrollment charter school may provide a full-time virtual or hybrid program only to students in any grade level who are enrolled in the campus offering the program.

(b) A school district or an open-enrollment charter school may establish additional eligibility criteria for participation in the virtual or hybrid program, provided the criteria comply with state and federal law, are applied uniformly and without discrimination, are included in the district's adopted admissions policy, and are clearly communicated in writing to parents at the time of enrollment and/or application to the program.

(c) A school district or an open-enrollment charter school that operates a virtual or hybrid program under Texas Education Code (TEC), Chapter 30B, shall:

(1) have a coordinated set of instructional and support services that together provide a comprehensive educational experience for students;

(2) enroll a student taking four or more virtual or hybrid courses within a semester in a full-time virtual or hybrid program; and

(3) ensure that courses in full-time virtual or hybrid programs meet all requirements in §§71.1008, 71.1010, 71.1011, and 71.1012 of this title (relating to Requirements for Entities Providing Virtual and Hybrid Courses, Virtual and Hybrid Course Quality Requirements, Virtual and Hybrid Course Annual Submission Process, and Tuition and Fees for Virtual and Hybrid Courses), as applicable.

(d) A school operating a full-time virtual or hybrid program shall include the following components as part of the implementation structure:

(1) approval of the program by the school district's board of trustees or governing body of the open-enrollment charter school;

(2) development of an academic plan that incorporates:

(A) curriculum and instructional practices aligned with the appropriate essential knowledge and skills provided under TEC, Chapter 28, Subchapter A;

(B) monitoring of the progress of student performance and interventions;

(C) a method for meeting the needs of and complying with federal and state requirements for special populations and at-risk students; and

(D) compliance with the requirements of TEC, Chapter 30B;

(3) development of an operations plan that addresses:

(A) staffing models;

(B) the designation of selected school leaders;

(C) professional development for staff;

(D) student and family engagement;

(E) school calendars and schedules;

(F) cybersecurity and student data privacy measures; and

(G) any educational services to be provided by a third party;

(4) demonstration of the capacity to execute the district's or school's plan successfully;

(5) a comprehensive enrollment process that includes timelines, eligibility verification, and communication in writing to parents;

(6) operational infrastructure, such as a learning management system and access to curriculum through appropriate technology;

(7) onboarding and offboarding procedures to orient students and parents to program expectations and ensure proper record transfer upon exit;

(8) attendance-taking procedures for full-time virtual and hybrid programs that ensure integration with the student information system for compliance with state reporting requirements;

(9) assurance that each teacher providing instruction is reported in the Texas Student Data System in accordance with Public Education Information Management System Data Standards;

(10) publication in a prominent location on the Internet website for the campus's virtual or hybrid program any applicable criteria for enrollment and any enrollment deadlines for each virtual or hybrid program; and

(11) compliance with all laws and rules applicable to traditional schools unless otherwise provided in this subchapter.

(e) A virtual or hybrid program must be offered as part of an existing traditional campus or a campus that has received approval under TEC, §30B.101. A program may not operate independently of a campus, and enrollment in the program shall be tied to the campus where the student is registered for accountability and funding purposes. A campus may offer multiple full-time programs, such as a full-time virtual program and a full-time hybrid program. The combined total of students participating in all such programs must remain less than 50% of the students enrolled at that campus as defined in §71.1001 of this title (relating to Definitions).

(f) Third-party providers of virtual and hybrid instruction that have been deemed ineligible by the commissioner as defined in §71.1003 of this title (relating to Requirements Related to Private or Third-Party Providers) may not be used as whole program virtual instruction providers for a full-time virtual or hybrid program.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 17, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 475-1497

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DIVISION 3. FULL-TIME VIRTUAL AND HYBRID CAMPUSES

19 TAC §§71.1015 - 71.1019

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §30B.002, as added by Senate Bill (SB) 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules to implement and administer virtual and hybrid campuses, programs, and courses authorized under TEC, Chapter 30B; TEC, §30B.007, as added by SB 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules for procedures for reporting and verifying attendance of a student enrolled in a hybrid course, virtual course, full-time hybrid program, or full-time virtual program provided by a school district or an open-enrollment charter school; TEC, §30B.101, as added by SB 569, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules establishing the requirements for and process by which a school district or open-enrollment charter school may apply for authorization to operate a full-time hybrid campus or a full-time virtual campus; and SB 569, Section 16, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to adopt rules providing an expedited authorization process for a school district or an open-enrollment charter school that applies to operate a full-time virtual campus or a full-time hybrid campus under TEC, Chapter 30B, if the district or school, as of the effective date of SB 569, operated an electronic course or full-time program through the state virtual school network in accordance with TEC, Chapter 30A, as that law existed immediately before the effective date of SB 569 or operated a virtual education program, regardless of whether the district or school received funding for students enrolled in the program during the 2022-2023, 2023-2024, or 2024-2025 school year.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §§30B.002, 30B.007, and 30B.101, as added by Senate Bill (SB) 569, 89th Texas Legislature, Regular Session, 2025; and SB 569, Section 16, 89th Texas Legislature, Regular Session, 2025.

§71.1015. Entities Eligible to Provide Virtual and Hybrid Campuses.

A school district or an open-enrollment charter school may operate a full-time virtual or hybrid campus if authorized by the commissioner of education in accordance with §71.1018 of this title (relating to Authorization of Full-Time Virtual and Full-Time Hybrid Campuses).

§71.1016. Student Eligibility for Full-Time Virtual and Hybrid Campuses.

(a) A student eligible to enroll in a public school in any grade level in Texas is eligible to enroll at a full-time hybrid campus under Texas Education Code (TEC), §30B.103(a).

(b) A student is eligible to enroll in a full-time virtual campus in any grade level under TEC, §30B.103(b), if the student:

(1) attended a public school in Texas for a minimum of six weeks in the current school year or in the preceding school year;

(2) is, in the school year in which the student first seeks to enroll in the full-time virtual campus, enrolled in Grade 1 or a lower grade level;

(3) was not required to attend public school in Texas due to nonresidency during the preceding school year;

(4) is a dependent of a member of the United States military who has been deployed; or

(5) has been placed in substitute care in Texas.

(c) A student enrolled in a school district may not be compelled to enroll in a full-time virtual or full-time hybrid campus. A school district must offer the option for a student's parent to select in-person instruction for the student.

(d) An open-enrollment charter school may require a student to attend a full-time hybrid campus or virtual campus.

(e) A school district or open-enrollment charter school may establish additional eligibility criteria for participation in the virtual or hybrid campus, provided the criteria comply with state and federal law, including, at a minimum, compliance with the requirements of TEC, §30B.103(b); are applied uniformly and without discrimination; and are clearly communicated in writing to parents at the time of enrollment and/or application to the campus.

(f) A school district or an open-enrollment charter school may not enroll a student in a full-time virtual campus if the student does not meet the eligibility requirements under TEC, §30B.103, regardless of whether the district or charter school seeks state funding for that student.

(g) To meet the six-week attendance requirement under subsection(b)(1) of this section, the student must:

(1) attend classes for at least six weeks during the regular school year, and attendance during summer school shall not be counted toward this requirement; and

(2) have generated Foundation School Program funding while in attendance in accordance with the Student Attendance Ac-

counting Handbook adopted under §129.1025 of this title (relating to Adoption by Reference: Student Attendance Accounting Handbook).

§71.1017. Requirements for Full-Time Virtual and Hybrid Campuses.

(a) A school district or open-enrollment charter school operating a full-time virtual or hybrid campus shall include the following components as part of the implementation structure:

(1) approval of the campus by the school district's board of trustees or governing body of the open-enrollment charter school;

(2) development of an academic plan that incorporates:

(A) curriculum and instructional practices aligned with the appropriate essential knowledge and skills provided under Texas Education Code (TEC), Chapter 28, Subchapter A;

(B) monitoring the progress of student performance and interventions;

(C) a method for meeting the needs of and complying with federal and state requirements for special populations and at-risk students; and

(D) compliance with the requirements of TEC, Chapter 30B;

(3) development of an operations plan that addresses:

(A) staffing models;

(B) the designation of selected school leaders;

(C) professional development for staff;

(D) student and family engagement;

(E) school calendars and schedules;

(F) cybersecurity and student data privacy measures; and

(G) any educational services to be provided by a third party;

(4) demonstration of the capacity to execute the campus's plan successfully;

(5) a comprehensive enrollment process that includes timelines, eligibility verification, and communication in writing to parents;

(6) operational infrastructure, such as a learning management system and access to curriculum through appropriate technology;

(7) onboarding and offboarding procedures to orient students and parents to campus expectations and ensure proper record transfer upon exit;

(8) attendance-taking procedures for full-time virtual and hybrid campus that ensure integration with the student information system for compliance with state reporting requirements; and

(9) compliance with all laws and rules applicable to traditional schools unless otherwise provided in this subchapter.

(b) Full-time virtual or hybrid campuses shall:

(1) verify the identity and eligibility of each student seeking to enroll in a full-time virtual or hybrid campus;

(2) notify students in writing upon acceptance to participate in the full-time virtual or hybrid campus with specific dates and details regarding enrollment;

(3) document the dates each student begins and ends enrollment in student data records for local recordkeeping purposes and for state funding reporting purposes;

(4) ensure that each teacher providing instruction is reported in the Texas Student Data System in accordance with Public Education Information Management System Data Standards;

(5) publish in a prominent location on the Internet website for the school district's or charter school's virtual or hybrid school any applicable criteria for enrollment and any enrollment deadlines for each virtual or hybrid campus;

(6) ensure that courses in full-time virtual or hybrid programs must meet all requirements in §§71.1008, 71.1010, 71.1011, and 71.1012 of this title (relating to Requirements for Entities Providing Virtual and Hybrid Courses, Virtual and Hybrid Course Quality Requirements, Virtual and Hybrid Course Annual Submission Process, and Tuition and Fees for Virtual and Hybrid Courses), as applicable;

(7) offer at least one grade level in which an assessment instrument is required to be administered under TEC, §39.023(a) or (c), including each subject or course for which an assessment instrument is required in that grade level; offer sufficient grade levels to allow for the annual evaluation of the performance of students who complete the courses offered; or be evaluated on another performance evaluation measure approved by the commissioner of education during the authorization process; and

(8) comply with all laws and rules applicable to traditional schools unless otherwise provided in this subchapter.

(c) School districts and open-enrollment charter schools operating virtual or hybrid campuses may determine the number of courses a student takes at one time based on individual student needs. However, course placement decisions must enable a student to make reasonable progress toward graduation in a timely manner.

(d) Charter schools operating a full-time virtual or hybrid campus shall:

(1) operate in compliance with their charter and applicable laws, rules, and regulations;

(2) continue to provide the educational program described in the charter at approved campus locations unless amended in accordance with this subchapter;

(3) obtain approval from the commissioner, as applicable under Chapter 100 of this title (relating to Charters), prior to:

(A) establishing a new open-enrollment charter school proposing to operate as a full-time virtual or hybrid campus, including submission of any required virtual or hybrid program addendum as part of the charter application;

(B) adding a new campus to operate as a full-time virtual or hybrid campus through a charter expansion amendment; or

(C) changing an existing campus to operate as a full-time virtual or hybrid campus through a non-expansion amendment to change the educational program of the campus prior to making the change as required in §100.1035(d) of this title (relating to Charter Amendment); and

(4) ensure that students enrolled in the full-time virtual or hybrid campuses are included in the charter's maximum allowable enrollment established in its charter contract and ensure the charter does not exceed its maximum allowable enrollment.

(e) Third-party providers of virtual and hybrid instruction that have been deemed ineligible by the commissioner as defined in

§71.1003 of this title (relating to Requirements Related to Private or Third-Party Providers) may not be used as whole program virtual instruction providers for a full-time virtual or hybrid program.

§71.1018. Authorization of Full-Time Virtual and Full-Time Hybrid Campuses.

(a) Prior to each application cycle, the Texas Education Agency (TEA) shall publish the application form and process for school systems seeking to operate a full-time virtual or hybrid campus through either the standard or expedited authorization pathway. The application form shall address the content requirements specified in Texas Education Code (TEC), §30B.101, and contain the following:

(1) the mandatory timeline for submission and review;

(2) applicant conferences and training prerequisites;

(3) scoring criteria and procedures for reviewing both the standard and expedited authorization pathways;

(4) the minimum score necessary for an application to be eligible for a capacity interview; and

(5) the earliest date an authorized campus may begin operations.

(b) Upon receipt, TEA shall review applications for completeness and provide each applicant with a notice that documents the status of each requirement as complete or incomplete. The agency shall remove applications without further processing if documents are:

(1) received after the submission deadline as provided in the request for application; or

(2) substantially incomplete.

(c) Before applying for the authorization of a new full-time virtual or hybrid campus, a school district's board of trustees or the governing body of an open-enrollment charter school must include the application on a posted agenda for a regular meeting in compliance with applicable open meetings requirements, approve the application, and submit documentation of the approval as part of the application.

(d) The commissioner may only authorize a school district or an open-enrollment charter school to operate a full-time virtual or hybrid campus if the commissioner determines that the authorization of the campus is likely to result in improved student learning opportunities. If a district or school will use a private or third party in operating the campus, the commissioner shall consider the historical performance of the private or third party, if known, in making a determination under this section.

(e) A determination made by the commissioner under this section is final and not subject to appeal.

(f) A school system may seek authorization under one of the following pathways.

(1) Standard authorization.

(A) Standard authorization applies to school systems seeking to establish a new full-time virtual or hybrid campus.

(B) The standard authorization process requires engaging in a year of planning before offering a course at a full-time virtual or hybrid campus under this subchapter.

(C) The planning year must include, at a minimum:

(i) documentation of school system data analysis demonstrating how the proposed full-time virtual or hybrid campus supports the district or charter school's long-term strategic goals and aligns with student needs;

(ii) evidence of stakeholder engagement activities to demonstrate sufficient interest in the model and projected enrollment; and

(iii) evidence of a pilot of the model.

(D) For the purpose of this section, a "pilot" means a structured, time-limited operation of a virtual or hybrid model designed to demonstrate the school system's capacity or a previous operation of a full-time virtual or hybrid program or campus to deliver full-time instruction in accordance with state and federal standards.

(E) For campuses seeking authorization for the 2026-2027 school year, a pilot must be implemented in accordance with guidance issued by TEA. TEA will provide criteria, timelines, and reporting requirements through non-regulatory guidance to allow flexibility during initial implementation.

(F) Campuses seeking authorization for the 2027-2028 school year or later must demonstrate that the following requirements have been met:

(i) completion of one of the following:

(I) a pilot of a full-time virtual or hybrid program, as defined in §71.1001 of this title (relating to Definitions). A pilot under this subclause shall:

(-a-) serve a defined cohort of students enrolled full-time in the virtual or hybrid model for a minimum of a semester or 12 consecutive instructional weeks;

(-b-) include at least one complete grade level or a cohort of no fewer than 25 students;

(-c-) utilize a technology platform, such as a learning management system, that supports course delivery of virtual or hybrid courses that are aligned with the Texas Essential Knowledge and Skills (TEKS) and the other requirements in §71.1010 of this title (relating to Virtual and Hybrid Course Quality Requirements);

(-d-) provide academic instruction and support to students and ensure access to all required services and supports for students, including those with disabilities and other special populations, in compliance with applicable state and federal laws, including the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Section 1400 et seq.), and the Rehabilitation Act of 1973, Section 504 (29 U.S.C. Section 794);

(-e-) include staff who will provide instruction and perform operational roles relevant to the proposed campus model;

(-f-) track student attendance and monitor student engagement and academic progress in the program;

(-g-) establish a defined schedule incorporating synchronous or asynchronous instruction; and

(-h-) collect and report data on student performance, engagement, and stakeholder feedback for continuous improvement; or

(II) a virtual or hybrid course pilot for a proposed full-time hybrid campus that demonstrates capacity at the course level rather than through a full-program model. A pilot under this subclause shall:

(-a-) offer a minimum of three virtual or hybrid courses to a defined group of students for at least 12 consecutive instructional weeks;

(-b-) utilize a technology platform, such as a learning management system, that supports course delivery of virtual or hybrid courses that are aligned with the TEKS and other requirements in §71.1010 of this title;

(-c-) provide academic instruction and ensure access to all required services and supports for students, including those

with disabilities and other special populations, in compliance with applicable state and federal laws, including IDEA and Section 504;

(-d-) include staff who will provide instruction and perform operational roles relevant to the proposed hybrid campus model;

(-e-) track attendance, engagement, and academic progress within participating courses;

(-f-) establish a defined schedule incorporating synchronous or asynchronous instruction; and

(-g-) collect and report data on student performance, engagement, and stakeholder feedback to inform readiness for a full-time hybrid campus implementation;

(ii) identification of a campus principal who meets applicable qualifications and has prior experience relevant to virtual or hybrid education; and

(iii) documentation that the leadership team and instructional staff have engaged in professional development to prepare for virtual or hybrid instruction, including:

(I) participation in structured programming of virtual or hybrid campus design; or

(II) completion of virtual or hybrid education certification, such as graduate-level coursework or micro-credentialing.

(2) Expedited authorization.

(A) A school district or an open-enrollment charter school may apply for expedited authorization to operate a full-time virtual campus or a full-time hybrid campus under TEC, Chapter 30B, if the district or charter school, as of May 6, 2025:

(i) operated an electronic course or full-time program through the state virtual school network in accordance with TEC, Chapter 30A, as that law existed immediately before May 6, 2025; or

(ii) operated a virtual education program, regardless of whether the district or school received funding for students enrolled in the program during the 2022-2023, 2023-2024, or 2024-2025 school year. For purposes of this clause, virtual education program means:

(I) students were enrolled in a virtual or hybrid educational program and took four or more virtual or hybrid courses within a semester;

(II) the majority of instruction was delivered through the virtual or hybrid educational program as part of a cohesive instructional program with coordinated curriculum, staffing, and student supports; and

(III) the program was not limited to individual or supplemental virtual courses taken by students otherwise enrolled in and required to attend an in-person campus.

(B) A school system that is eligible for expedited authorization under subparagraph (A)(ii) of this paragraph and is approved under expedited authorization may operate without a planning year if the applicant demonstrates compliance with program implementation requirements under subparagraph (A)(ii) of this paragraph and submits an abridged application, if required, that includes evidence of student performance, leadership capacity, and alignment of the current school design with TEC, Chapter 30B.

(3) Implementation readiness. TEA may require additional documentation or impose conditions to ensure readiness for full implementation.

(4) Campus number designation. A school district or an open-enrollment charter school approved to serve as a full-time virtual campus or a full-time hybrid campus shall follow the TEA procedures related to obtaining a county district campus number for the virtual or hybrid campus through which they serve their students. The commissioner shall determine and assign a unique campus designation number to each authorized full-time virtual or hybrid campus.

§71.1019. Term of Authorization and Revocation of Full-Time Virtual and Hybrid Campuses.

(a) Authorization for a full-time virtual campus or hybrid campus under Texas Education Code (TEC), Chapter 30B, continues indefinitely unless revoked by the commissioner of education in accordance with TEC, §30B.102.

(b) The commissioner shall revoke authorization if, for the three preceding school years, the campus has received:

(1) a needs improvement or unacceptable performance rating under TEC, Chapter 39, Subchapter C;

(2) a rating of performance that needs improvement or is unacceptable, as determined by the commissioner, on a performance evaluation approved under TEC, §30B.101(c)(3); or

(3) any combination of the ratings described in paragraphs (1) and (2) of this subsection.

(c) Based on a special investigation conducted under TEC, §39.003, the commissioner may revoke authorization or require any intervention authorized under TEC, Chapter 39.

(d) If a private or third-party provider is determined ineligible under TEC, §30B.152, and §71.1003(c) of this title (relating to Requirements Related to Private or Third-Party Providers), the commissioner shall revoke an authorization of a full-time virtual or hybrid campus for which the private or third party acts as a whole program virtual instruction provider unless the commissioner approves a request by the school district or open-enrollment charter school that operates the campus to use an alternative private or third party.

(e) A school district or an open-enrollment charter school may appeal the revocation of an authorization that results in the closure of a full-time virtual or hybrid campus. This appeal of a revocation of authorization must be made under TEC, §39A.301.

(f) For purposes of monitoring and revocation, the three-year evaluation period begins only after the campus has received authorization and commenced operation under TEC, Chapter 30B.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 17, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 475-1497

TITLE 22. EXAMINING BOARDS

PART 8. TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD

CHAPTER 153. RULES RELATING TO PROVISIONS OF THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT

22 TAC §153.5

The Texas Appraiser Licensing and Certification Board (TALCB) proposes amendments to 22 TAC §153.5, Fees.

The proposed amendments to §153.5 remove extraneous language for greater clarity and the ability for users to submit payment to the agency through an online process.

Kathleen Santos, General Counsel, has determined that for the first five-year period the proposed amendments are in effect there will be no fiscal implications for the state or for units of local government as a result of enforcing or administering the sections. There is no adverse economic effect anticipated for small businesses, micro-businesses, rural communities, or local or state employment as a result of implementing the proposed amendments. There is no significant economic cost anticipated for persons who are required to comply with the proposed amendments. Accordingly, no Economic Impact Statement or Regulatory Flexibility Analysis is required.

Ms. Santos also has determined that for each year of the first five years the section as proposed is in effect, the public benefit anticipated as a result of enforcing the section will be greater accuracy and clarity in the rules.

Growth Impact Statement:

For each year of the first five years the proposed amendments are in effect the amendments will not:

-create or eliminate a government program;

-require the creation of new employee positions or the elimination of existing employee positions;

-require an increase or decrease in future legislative appropriations to the agency;

-require an increase or decrease in fees paid to the agency;

-create a new regulation;

-expand, limit or repeal an existing regulation; and

-increase the number of individuals subject to the rule's applicability.

For each year of the first five years the proposed amendments are in effect, there is no anticipated impact on the state's economy.

The Board requests comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, from any person required to comply with the proposal or any other interested person, which may be submitted through the online comment submission form at https://www.talcb.texas.gov/agency-information/rules-and-laws/comment-on-proposed-rules, to Kathleen Santos, General Counsel, Texas Appraiser Licensing and Certification Board, P.O. Box 12188, Austin, Texas 78711-2188, or via email to general.counsel@talcb.texas.gov. The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Occupations Code §1103.151, which authorizes TALCB to adopt rules related certifying or licensing an appraiser or appraiser trainee and qualifying education and experience required for certifying or licensing an appraiser or appraiser trainee that are consistent with applicable federal law and guidelines recognized by the Appraiser Qualifications Board (AQB); §1103.152, which authorizes TALCB to prescribe qualifications for appraisers that are consistent with the qualifications established by the AQB, §1103.153, which authorizes TALCB to adopt rules relating to the requirements for approval of a provider or course for qualifying or continuing education, and §1103.156 which authorizes TALCB to establish reasonable fees to administer Chapter 1103, Texas Occupations Code.

The statute affected by these amendments is Chapter 1103, Texas Occupations Code. No other statute, code or article is affected by the proposed amendments.

§153.5. Fees.

(a) The Board shall charge and the Executive Director shall collect the following fees:

(1) Effective January 1, 2022:

(A) a fee of $560 for an application, reinstatement, or timely renewal of a certified general appraiser license;

(B) a fee of $460 for an application, reinstatement, or timely renewal of a certified residential appraiser license;

(C) a fee of $400 for an application, reinstatement, or timely renewal of a licensed residential appraiser license; and

(D) a fee of $250 for an application, reinstatement, or timely renewal of an appraiser trainee license;

(2) a fee equal to 1-1/2 times the timely renewal fee for the late renewal of a license within 90 days of expiration;

(3) a fee equal to two times the timely renewal fee for the late renewal of a license more than 90 days but less than six months after expiration;

(4) a fee of $250 for nonresident license;

(5) the national registry fee in the amount charged by the Appraisal Subcommittee;

(6) an application fee for licensure by reciprocity in the same amount as the fee charged for a similar license issued to a Texas resident;

(7) a fee of $200 for an extension of time to complete required continuing education;

(8) a fee of $50 to request a return to active status;

(9) a fee of $50 for evaluation of an applicant's fitness;

(10) an examination fee as provided in the Board's current examination administration agreement;

(11) a fee of $100 to request a voluntary appraiser experience review;

(12) the fee charged by the Federal Bureau of Investigation, the Texas Department of Public Safety or other authorized entity for fingerprinting or other service for a national or state criminal history check in connection with a license application;

(13) a base fee of $50 for approval of an ACE course;

(14) a content review fee of $5 per classroom hour for approval of an ACE course;

(15) a course approval fee of $50 for approval of an ACE course currently approved by the AQB or another state appraiser regulatory agency;

(16) a one-time offering course approval fee of $25 for approval of a 2-hour ACE course to be offered in-person only one time;

(17) a fee of $200 for an application for an ACE provider approval or subsequent approval; and

(18) any fee required by the Department of Information Resources for establishing and maintaining online applications or as a subscription or convenience fee for use of an online payment system.

(b) [~~Fees must be submitted in U.S. funds payable to the order of the Texas Appraiser Licensing and Certification Board.~~] Fees are not refundable once an application has been accepted for filing. Persons who have submitted a payment that has been dishonored, and who have not made good on that payment within 30 days, for whatever reason, must submit all replacement fees in the form of a cashier's check, money order, or online credit card payment.

(c) Licensing fees are waived for members of the Board staff who must maintain a license for employment with the Board only and are not also using the license for outside employment.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Kathleen Santos
General Counsel
Texas Appraiser Licensing and Certification Board
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For further information, please call: (512) 936-3088

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CHAPTER 159. RULES RELATING TO THE PROVISIONS OF THE TEXAS APPRAISAL MANAGEMENT COMPANY REGISTRATION AND REGULATION ACT

22 TAC §§159.1, 159.3, 159.4, 159.52, 159.101, 159.102, 159.104, 159.109, 159.161, 159.201, 159.203

The Texas Appraiser Licensing and Certification Board (TALCB) proposes amendments to 22 TAC §§159.1, Definitions; 159.3, Appraisal Management Company Advisory Committee; 159.4, Exemptions; 159.52, Fees; 159.101, Use of Business Name; 159.102, Eligibility for Registration; Ownership; 159.104, Primary Contact; Appraiser Contact; Controlling Person; Contact Information; 159.109, Inactive Status; 159.161, Appraiser Panel; 159.201, Guidelines for Disciplinary Action; and 159.203, Sanctions Guidelines.

The proposed amendments to Chapter 159 are made following TALCB's quadrennial rule review for this Chapter. Additionally, the proposed amendments to §159.1, Definitions clarify the definition of "appraisal panel" under the AMC Act.

The proposed amendments to §159.3 extend the date for the AMC advisory committee to continue to exist to coincide with the next deadline to complete the quadrennial rule review for Chapter 159.

The proposed amendments to §159.4 add a requirement for specific disclaimer language to be utilized by a person seeking to become registered under the AMC Act when soliciting prospective panelists.

The proposed amendments to §159.52 remove extraneous language for greater clarity in light of the ability for users to submit payment to the agency through an online process.

The proposed amendments to §§159.101 and 159.161(a) are made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the language is clarified to reflect this change.

The proposed amendments to §159.102 clarify terms utilized to determine eligibility for registration.

The proposed amendments to §§159.104 and 159.109 are made for readability and greater clarity.

The proposed amendments to §159.161(b) are made to more clearly identify when an AMC is considered to have made an assignment to an appraiser.

The proposed amendments to §159.201 clarify an AMC's controlling person is subject to disciplinary action under the AMC Act and adds language allowing the Board to take disciplinary action or deny issuing or renewing a license for an act relating to the business of appraisal management that warrants suspension or revocation.

Finally, the proposed amendments to §159.203 more clearly defines instances of minor deficiencies and serious deficiencies for the purposes of TALCB's sanctions guidelines.

Kathleen Santos, General Counsel, has determined that for the first five-year period the proposed amendments are in effect, there will be no fiscal implications for the state or units of local government as a result of enforcing or administering the proposed amendments. There is no adverse economic impact anticipated for local or state employment, rural communities, small businesses, or micro businesses as a result of implementing the proposed amendments. There is no significant economic cost anticipated for persons who are required to comply with the proposed amendments. Accordingly, no Economic Impact statement or Regulatory Flexibility Analysis is required.

Ms. Santos has also determined that for each year of the first five years the proposed amendments are in effect the public benefits anticipated as a result of enforcing the proposed amendments will be greater clarity and consistency in the rules.

Growth Impact Statement:

For each year of the first five years the proposed amendments are in effect the amendments will not:

-create or eliminate a government program;

-require the creation of new employee positions or the elimination of existing employee positions;

-require an increase or decrease in future legislative appropriations to the agency;

-require an increase or decrease in fees paid to the agency;

-create a new regulation;

-expand, limit or repeal an existing regulation; and

-increase the number of individuals subject to the rule's applicability.

For each year of the first five years the proposed amendments are in effect, there is no anticipated impact on the state's economy.

The Board requests comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, from any person required to comply with the proposal or any other interested person, which may be submitted through the online comment submission form at https://www.talcb.texas.gov/agency-information/rules-and-laws/comment-on-proposed-rules, to Kathleen Santos, General Counsel, Texas Appraiser Licensing and Certification Board, P.O. Box 12188, Austin, Texas 78711-2188, or via email to general.counsel@talcb.texas.gov. The deadline for comments is 30 days after publication in the *Texas Register*.

The amendments are proposed under Texas Occupations Code §1104.151, which authorizes TALCB to adopt rules necessary to administer the provisions of Chapter 1104, Texas Occupations Code.

The statute affected by these amendments is Chapter 1104, Texas Occupations Code. No other statute, code or article is affected by the proposed amendments.

§159.1. Definitions.

(a) AMC--Appraisal management company.

(b) AMC Act--Chapter 1104, Texas Occupations Code, Texas Appraisal Management Company Registration and Regulation Act.

(c) Administrative law judge--A judge employed by the State Office of Administrative Hearings (SOAH).

(d) Advertising--A written or oral statement or communication by or on behalf of an AMC that induces or attempts to induce a member of the public to use the services of the AMC, including but not limited to all publications, radio or television broadcasts, all electronic media including email, text messages, social networking websites, and the Internet, business stationery, business cards, signs and billboards.

(e) Applicant--A person seeking to become registered or renew a registration under the AMC Act.

(f) Appraisal firm--An entity that employs appraisers on an exclusive basis and receives compensation for performing appraisals and issuing appraisal reports in its own name.

(g) Appraisal panel--An appraisal panel as defined in the AMC Act. The term includes appraisers added to the AMC's panel for consideration for future appraisal assignments.

(h) [~~(g)~~] Appraiser contact--A person designated by an AMC pursuant to §1104.103(b)(6) of the AMC Act to respond to and communicate with appraisers on the AMC's appraisal panel regarding appraisal assignments.

(i) [~~(h)~~] Board--The Texas Appraiser Licensing and Certification Board.

(j) [~~(i)~~] Executive Director--The Executive Director of the Board.

(k) [~~(j)~~] Day--A calendar day unless clearly indicated otherwise.

(l) [~~(k)~~] Federally Regulated Appraisal Management Company--An appraisal management company as defined in §1104.003(b) of the AMC Act.

(m) [~~(l)~~] License--The whole or a part of any Board permit, certificate, approval, registration or similar form of permission required by Chapter 1103 or 1104, Texas Occupations Code.

(n) [~~(m)~~] License holder--A person licensed or registered by the Board under the AMC Act.

(o) [~~(n)~~] Party--The Board and each person named or admitted as a party.

(p) [~~(o)~~] Person--Any individual, partnership, corporation, or legal entity.

(q) [~~(p)~~] Primary contact--A person who meets the definition of "controlling person" in §1104.003 of the AMC Act and is designated by an AMC pursuant to §1104.104 of the AMC Act as the primary contact for all communication between the Board and the AMC.

(r) [~~(q)~~] Respondent--Any person subject to the jurisdiction of the Board, registered or unregistered, against whom any complaint has been made.

(s) [~~(r)~~] SOAH--State Office of Administrative Hearings.

(t) [~~(s)~~] USPAP--Uniform Standards of Professional Appraisal Practice.

§159.3. Appraisal Management Company Advisory Committee.

(a) A quorum consists of three members of the committee.

(b) The committee may meet at the call of the chair or upon the request of a majority of its members. The committee shall meet at the request of the Board.

(c) Unless state law or Board rules require otherwise, meetings shall be conducted in accordance with Robert's Rules of Order.

(d) At the end of a term, members shall continue to serve until their successors are qualified.

(e) The committee is automatically abolished on December 31, 2030 [~~2026~~], unless the Board subsequently establishes a different date.

§159.4. Exemptions.

(a) This chapter does not apply to appraisal management services provided:

(1) for the appraisal of:

(A) commercial property; or

(B) residential properties of more than four units; or

(2) by persons exempted under §1104.004, the AMC Act.

(b) For the purposes of §1104.004 of the AMC Act:

(1) a person exclusively employs appraisers on an employer and employee basis for the performance of appraisals if the person does not also employ appraisers as independent contractors or under any other arrangement;

(2) a person employs not more than 15 appraisers on an exclusive basis as independent contractors for the performance of appraisals if:

(A) the person prohibits the independent contractors from performing appraisals for others; and

(B) the person does not employ more than 15 appraisers as independent contractors at any time;

(3) a subsidiary of a financial institution is not a department or unit within the institution;

(4) an AMC that requires an employee of the AMC who is an appraiser who provided no significant real property appraisal assistance to sign an appraisal that is completed by another appraiser who contracts with the AMC, is not exempt from the registration requirement or other requirements of the AMC Act; and

(5) an AMC has an appraisal panel of not more than 15 appraisers at all times during a calendar year if:

(A) the AMC does not have more than 15 appraisers on its panel at any time; and

(B) an appraiser who has been removed from the AMC's panel is not added back to the panel within 12 months after the date of removal.

(c) A person may solicit prospective panelists in anticipation of acting as an AMC without being registered as an AMC, provided that it is registered prior to forming a panel, accepting an appraisal assignment, or performing any other act constituting an appraisal management service. A person soliciting prospective panelists under this subsection must include the disclaimer set out in the subsection (d).

(d) The disclaimer required under this subsection must:

(1) be in at least 10-point boldface type for any written solicitation; and

(2) read or state as follows: DISCLAIMER: THIS IS A SOLICITATION OF PROSPECTIVE PANELIST BY AN ENTITY THAT HAS NOT REGISTERED AS AN APPRAISAL MANAGEMENT COMPANY UNDER CHAPTER 1104 OF THE TEXAS OCCUPATIONS CODE. THE ENTITY HAS NOT DIRECTLY OR INDIRECTLY PERFORMED ANY OTHER ACT CONSTITUTING APPRAISAL MANAGEMENT SERVICE UNDER CHAPTER 1104.

(e) [~~(d)~~] For the purposes of the AMC Act, a property is located in Texas if it is located wholly or partly in the state.

§159.52. Fees.

(a) The Board will charge and the Executive Director will collect the following fees:

(1) a fee of $3,300 for an application for a two-year registration;

(2) a fee of $3,000 for a timely renewal of a two-year registration;

(3) a fee equal to 1-1/2 times the timely renewal fee for the late renewal of a registration within 90 days of expiration; a fee equal to two times the timely renewal fee for the late renewal of a registration more than 90 days but less than six months after expiration;

(4) the national registry fee in the amount charged by the Appraisal Subcommittee for the AMC registry;

(5) a fee of $500 for untimely payment of the AMC national registry fee;

(6) a fee of $10 for each appraiser on a panel at the time of renewal of a registration;

(7) a fee of $5 to add an appraiser to a panel in the Board's records;

(8) a fee of $5 for the termination of an appraiser from a panel;

(9) a fee of $50 to return to active status;

(10) a fee of $50 for evaluation of an owner or primary contact's background history not submitted with an original application or renewal;

(11) any fee required by the Department of Information Resources for establishing and maintaining online applications or as a subscription or convenience fee for use of an online payment system; and

(12) a fee in the amount necessary to administer section 1104.052(c) of the AMC Act.

(b) [~~Fees must be submitted in U.S. funds payable to the order of the Texas Appraiser Licensing and Certification Board.~~] Fees are not refundable once an application has been accepted for filing. Persons who have submitted a payment that has been dishonored, and who have not made good on that payment within 30 days, for whatever reason, must submit all replacement fees in the form of a cashier's check, money order, or online credit card payment.

(c) AMCs registered with the Board must pay any annual registry fee as required under federal law. All registry fees collected by the Board will be deposited to the credit of the appraiser registry account in the general revenue fund. The Board will send the fees to the Appraisal Subcommittee as required by federal law.

§159.101. Use of Business Name.

A license holder must notify the Board, using a process acceptable to the [~~on a form approved by the~~] Board, within 30 days after the license holder starts or stops using a business name other than the name in which the license holder is registered.

§159.102. Eligibility for Registration; Ownership.

(a) If an owner of the applicant has had a license to act as an appraiser denied, revoked, or surrendered, the Board may require the applicant to provide information concerning whether the owner's license was denied, revoked, or surrendered for a nonsubstantive reason as determined by the Board. For the purposes of §1104.102 of the AMC Act and this section "denied, revoked, or surrendered" include refused or cancelled.

(b) For purposes of this Chapter, a nonsubstantive reason may include, but is not limited to:

(1) mistake; or

(2) failure to comply with technical requirements for renewal.

§159.104. Primary Contact; Appraiser Contact; Controlling Person; Contact Information.

(a) Contact Information. For purposes of conducting business with the Board and receiving correspondence, service of documents, or notices from the Board, each applicant or license holder must provide the Board with the following contact information for the applicant or license holder, its primary contact and appraiser contact:

(1) mailing address;

(2) phone number; and

(3) email address.

(b) Designation of additional controlling persons.

(1) An applicant or license holder may designate additional controlling persons:

(A) on the applicant's initial license application or renewal form; or

(B) by filing a request using a process acceptable to the Board.

(2) An applicant or license holder must notify the Board within 10 days if a person designated as an additional controlling person ceases to serve in that role using a process acceptable to the Board.

(c) An applicant or license holder must give the Board written notice of any change to the contact information for the applicant or license holder, its primary contact, appraiser contact, or additional controlling persons, if any, within 10 days of the change, using a process acceptable to the Board.

(d) If a license holder's primary contact or appraiser contact changes, the license holder must give the Board written notice of the change using a process acceptable to the Board, including all information required by this section and §1104.103(b)(4) and (6) of the AMC Act, and, if appropriate, documentation that the person is qualified to serve under §1104.104(b) of the AMC Act, within 10 days of the change.

(e) A license holder must give the Board written notice using a process acceptable to the Board within 10 days if its primary contact or appraiser contact ceases to serve in that role and a qualified replacement is not immediately named. If a license holder's primary contact or appraiser contact ceases to serve in that role and the license holder does not give the Board written notice of a replacement, the license holder will be placed on inactive status.

(f) A primary contact who assumes that role during the term of the registration must provide the Board written consent to a criminal history background check, as required by §1104.102 of the AMC Act. If the person does not satisfy the Board's moral character requirements, the Board will remove the person from its records and the license holder will be placed on inactive status. Such a decision by the Board may be reviewed and reconsidered by the Executive Director if the license holder submits a written request for reconsideration within 10 days of notice that the person does not qualify to serve as primary contact. The license holder will remain on inactive status while the request for reconsideration is pending.

(g) The appraiser contact must hold an active, current license issued by an appraiser regulatory agency within the jurisdiction of the Appraisal Subcommittee.

(h) The Board will send all correspondence and serve all required notices and documents by sending such items to the mailing or email address of the applicant's or license holder's primary contact as shown in the Board's records.

(i) If an applicant or license holder fails to update the contact information for its primary contact, appraiser contact, or additional controlling persons, if any, the contact information for these individuals is the last known contact information provided to the Board and shown in the Board's records.

§159.109. Inactive Status.

(a) To elect to be placed on inactive status, a license holder must do the following:

(1) file a request for inactive status using a process acceptable to the Board; and

(2) confirm in writing to the Board that the license holder has given written notice of its election to go inactive to all appraisers listed on the license holder's appraiser panel at least 30 days prior to filing the request for inactive status.

(b) In order to return from inactive status to active status, a license holder must submit a request and proof of compliance with all outstanding requirements for active registration using a process acceptable to the Board.

(c) A license holder that has elected or been placed on inactive status may not engage in any activity for which registration is required until an active registration has been issued by the Board.

(d) The Board's record of the appraiser panel of a license holder on inactive status will remain in place.

(e) A license holder may renew on inactive status. To renew on inactive status, a license holder must satisfy:

(1) all requirements under subsection (a) of this section; and

(2) all renewal requirements for an active registration under §159.108 of this chapter.

§159.161. Appraiser Panel.

(a) An AMC shall notify the Board of changes to its appraisal panel using a process acceptable to the Board

(b) [~~(a)~~] If an appraiser is not employed by the AMC or already a member of the AMC's panel, an AMC must add the appraiser to the AMC's panel no later than the date on which the AMC makes an assignment to the appraiser. An AMC is considered to have made an assignment to the appraiser when the appraisal is assigned in the AMC's records.

(c) [~~(b)~~] To add an appraiser to a panel, the AMC must initiate the request using a process acceptable to the Board, including payment of any required fee(s).

(d) [~~(c)~~] An appraiser or an AMC may terminate the appraiser's membership on a panel by submitting a termination notice using a process acceptable to the Board electronically through the Board's online panel management system, including payment of any required fee.

(e) [~~(d)~~] If an appraiser terminates his or her membership on a panel, the appraiser must immediately notify the AMC of the termination. If an AMC terminates an appraiser's membership on a panel, the AMC must immediately notify the appraiser of the termination.

(f) [~~(e)~~] If an appraiser's license is suspended or revoked, the Board will remove the appraiser from any panels on which the appraiser is listed with no fee charged to the AMC or the appraiser.

(g) [~~(f)~~] If an appraiser's license expires, the Board will:

(1) change the appraiser's license status the month following expiration of the license; and

(2) remove the appraiser from any panels on which the appraiser is listed with no fee charged to the AMC or the appraiser once the license can no longer be renewed.

§159.201. Guidelines for Disciplinary Action.

(a) The Board may take disciplinary action, or deny issuing or renewing a license to an applicant, any time it is determined that the person applying for, renewing, or holding the license, [~~or~~] the AMC's primary contact, or a controlling person of the AMC:

(1) disregards or violates a provision of the AMC Act or Board rules;

(2) is convicted of a felony;

(3) fails to notify the Board not later than the 30th day after the date of the final conviction if the person, in a court of this or another state or in a federal court, has been convicted of or entered a plea of guilty or nolo contendere to a felony or a criminal offense involving fraud or moral turpitude;

(4) fails to notify the Board not later than the 30th day after the date of incarceration if the person, in this or another state, has been incarcerated for a criminal offense involving fraud or moral turpitude;

(5) fails to notify the Board of the following with regard to any professional or occupational license held by the person in Texas or another jurisdiction not later than the 30th day after the date:

(A) disciplinary action becomes final against the person; or

(B) the person voluntarily surrenders any professional or occupational license;

(6) fails to require appraisal assignments be completed in compliance with the USPAP edition in effect at the time of the appraisal or appraisal practice;

(7) acts or holds any person out as a registered AMC under the AMC Act or another state's act when not so licensed or certified;

(8) accepts payment for appraisal management services but fails to deliver the agreed service in the agreed upon manner;

(9) refuses to refund payment received for appraisal management services when he or she has failed to deliver the appraiser service in the agreed upon manner;

(10) accepts payment for services contingent upon a minimum, maximum, or pre-agreed value estimate;

(11) offers to perform appraisal management services or agrees to perform such services when employment to perform such services is contingent upon a minimum, maximum, or pre-agreed value estimate;

(12) makes a material misrepresentation or omission of material fact;

(13) has had a registration as an AMC revoked, suspended, or otherwise acted against by any other jurisdiction for an act which is an offense under Texas law;

(14) procures a registration pursuant to the AMC Act by making false, misleading, or fraudulent representation;

(15) has had a final civil judgment entered against him or her on any one of the following grounds:

(A) fraud;

(B) intentional or knowing misrepresentation; or

(C) grossly negligent misrepresentation in the performance [~~making~~] of real estate appraiser or appraisal management services;

(16) fails to make good on a payment issued to the Board within 30 days after the Board has mailed a request for payment by certified mail to the license holder's primary contact as reflected in the Board's records;

(17) knowingly or willfully engages in false or misleading conduct or advertising with respect to client solicitation;

(18) uses any title, designation, initial or other insignia or identification that would mislead the public as to that person's credentials, qualifications, competency, or ability to provide appraisal management services;

(19) requires an appraiser to pay for or reimburse the AMC for a criminal history check;

(20) fails to comply with a final order of the Board; or

(21) fails to answer all inquiries concerning matters under the jurisdiction of the Board within 20 days of notice to said person's or primary contact's address of record, or within the time period allowed if granted a written extension by the Board;[~~.~~]

(22) engages in any other act relating to the business of appraisal management service that the Board, in its discretion, believes warrants a suspension or revocation.

(b) The Board has discretion in determining the appropriate penalty for any violation under subsection (a) of this section.

(c) The Board may probate a penalty or sanction, and may impose conditions of the probation, including, but not limited to:

(1) the type and scope of appraisal management practice;

(2) requirements for additional education by the AMC's controlling persons;

(3) monetary administrative penalties; and

(4) requirements for reporting appraisal management activity to the Board.

(d) A person applying for reinstatement after revocation or surrender of a registration must comply with all requirements that would apply if the registration had instead expired.

(e) The provisions of this section do not relieve a person from civil liability or from criminal prosecution under the AMC Act or under the laws of this State.

(f) The Board may not investigate under this section a complaint submitted more than four years after the date on which the alleged violation occurred involving the AMC that is the subject of the complaint.

(g) Except as provided by Texas Penal Code §32.32(d), there will be no undercover or covert investigations conducted by authority of the AMC Act.

(h) The Board reports to the Appraisal Subcommittee any disciplinary action taken by the Board against an AMC required to register under the AMC Act.

§159.203. Sanctions Guidelines.

In determining the proper disposition of a formal complaint pending as of or filed after the effective date of this section, and subject to the maximum penalties authorized under Chapter 1104, Texas Occupations Code, staff, the administrative law judge in a contested case hearing and the Board shall consider the following sanctions guidelines and list of non-exclusive factors as demonstrated by the evidence in the record of a contested case proceeding.

(1) For the purposes of these sanctions guidelines:

(A) An AMC will not be considered to have had a prior warning letter, contingent dismissal or discipline if that prior warning letter, contingent dismissal or discipline occurred more than ten years ago;

(B) A prior warning letter, contingent dismissal or discipline given less than ten years ago will not be considered unless the Board took final action against the AMC before the date of the incident that led to the subsequent disciplinary action;

(C) Prior discipline is defined as any sanction, including an administrative penalty, received under a Board final or agreed order;

(D) A violation refers to a violation of any provision of the AMC Act or Board rules;

(E) "Minor deficiencies" is defined as violations of the AMC Act or Board rules which do not: [~~call into question the qualification of the AMC for licensure in Texas;~~]

(i) call into question the qualifications of the AMC for licensure in Texas;

(ii) call into question the competency of the AMC to comply with applicable laws, rules, or regulations; or

(iii) pose a significant risk of public harm.

(F) "Serious deficiencies" is defined as violations of the Act or Board rules which: [~~do call into question the qualification of the AMC for licensure in Texas;~~]

(i) call into question the qualifications of the AMC for licensing in Texas;

(ii) call into question the competency of the AMC to comply with applicable laws, rules, or regulations; or

(iii) pose a significant risk of public harm, including:

(I) Fraud;

(II) Identity theft;

(III) Unlicensed activity;

(IV) Ethical violations;

(V) Violations of appraiser independence;

(VI) Other violations determined by the Board that pose a significant risk of public harm.

(G) "Remedial measures" include training, auditing, or any combination thereof; and

(H) The terms of a contingent dismissal agreement will be in writing and agreed to by all parties. Staff may dismiss the complaint with a non-disciplinary warning upon written agreement that the Respondent will complete all remedial measures within the agreed-upon timeframe. If the Respondent fails to meet the deadlines in the agreement, the Respondent's license or certification will be automatically set to inactive status until the Respondent completes the remedial measures set forth in the agreement.

(2) List of factors to consider in determining proper disposition of a formal complaint:

(A) Whether the Respondent has previously received a warning letter or contingent dismissal, and if so, the similarity of facts or violations in that previous complaint to the facts or violations in the instant complaint matter;

(B) Whether the Respondent has previously been disciplined;

(C) If previously disciplined, the nature of the discipline, including:

(i) Whether it concerned the same or similar violations or facts;

(ii) The nature of the disciplinary sanctions imposed;

(iii) The length of time since the previous discipline;

(D) The difficulty or complexity of the incident at issue;

(E) Whether the violations found were of a negligent, grossly negligent or a knowing or intentional nature;

(F) Whether the violations found involved a single appraisal or instance of conduct or multiple appraisals or instances of conduct;

(G) To whom were the appraisal report(s) or the conduct directed, with greater weight placed upon appraisal report(s) or conduct directed at:

(i) A financial institution or their agent, contemplating a lending decision based, in part, on the appraisal report(s) or conduct at issue;

(ii) The Board;

(iii) A matter which is actively being litigated in a state or federal court or before a regulatory body of a state or the federal government;

(iv) Another government agency or government sponsored entity, including, but not limited to, the United States Department of Veteran's Administration, the United States Department of Housing and Urban Development, the State of Texas, Fannie Mae, and Freddie Mac;

(v) A consumer contemplating a real property transaction involving the consumer's principal residence;

(H) Whether Respondent's violations caused any harm, including financial harm, and the amount of such harm;

(I) Whether Respondent acknowledged or admitted to violations and cooperated with the Board's investigation prior to any contested case hearing;

(J) The business operating history of the AMC, including:

(i) The size of the AMC's appraiser panel;

(ii) The length of time Respondent has been licensed as an AMC in Texas;

(iii) The length of time the AMC has been conducting business operations, in any jurisdiction;

(iv) The nature and extent of any remedial measures and sanctions the Respondent had received related to the areas in which violations were found; and

(v) Respondent's affiliation with other business entities;

(K) Whether Respondent can improve the AMC's practice through the use of remedial measures; and

(L) Whether Respondent has voluntarily completed remedial measures prior to the resolution of the complaint.

(3) The sanctions guidelines contained herein shall be employed in conjunction with the factors listed in paragraph (2) of this section to assist in reaching the proper disposition of a formal complaint:

(A) 1st Time Discipline Level 1--violations of the AMC Act or Board rules which evidence minor deficiencies will result in one of the following outcomes:

(i) Dismissal;

(ii) Dismissal with non-disciplinary warning letter;

(iii) Contingent dismissal with remedial measures.

(B) 1st Time Discipline Level 2--violations of the AMC Act or Board rules which evidence serious deficiencies will result in one of the following outcomes:

(i) Contingent dismissal with remedial measures;

(ii) A final order which imposes one or more of the following:

(I) Remedial measures;

(II) Required adoption and implementation of written, preventative policies or procedures;

(III) A probationary period with provisions for monitoring the AMC;

(IV) Monitoring and/or preapproval of AMC panel removals for a specified period of time;

(V) Monitoring and/or preapproval of the licensed activities of the AMC for a specified time period or until specified conditions are satisfied;

(VI) Minimum of $1,000 in administrative penalties per act or omission which constitutes a violation(s) of the AMC Act or Board rules; each day of a continuing violation is a separate violation.

(C) 1st Time Discipline Level 3--violations of the AMC Act or Board rules which evidence serious deficiencies and were done with knowledge, deliberately, willfully, or with gross negligence will result in a final order which imposes one or more of the following:

(i) A period of suspension;

(ii) A revocation;

(iii) Remedial measures;

(iv) Required adoption and implementation of written, preventative policies or procedures;

(v) A probationary period with provisions for monitoring the AMC;

(vi) Monitoring and/or preapproval of AMC panel removals for a specified period of time;

(vii) Monitoring and/or preapproval of the licensed activities of the AMC for a specified time period or until specified conditions are satisfied;

(viii) Minimum of $2,500 in administrative penalties per act or omission which constitutes a violation(s) of the AMC Act or Board rules; each day of a continuing violation is a separate violation.

(D) 2nd Time Discipline Level 1--violations of the AMC Act or Board rules which evidence minor deficiencies will result in one of the following outcomes:

(i) Dismissal;

(ii) Dismissal with non-disciplinary warning letter;

(iii) Contingent dismissal with remedial measures;

(iv) A final order which imposes one or more of the following:

(I) Remedial measures;

(II) Required adoption and implementation of written, preventative policies or procedures;

(III) A probationary period with provisions for monitoring the AMC;

(IV) Monitoring and/or preapproval of AMC panel removals for a specified period of time;

(V) Monitoring and/or preapproval of the licensed activities of the AMC for a specified time period or until specified conditions are satisfied;

(VI) Minimum of $1,000 in administrative penalties per act or omission which constitutes a violation(s) of the AMC Act or Board rules; each day of a continuing violation is a separate violation.

(E) 2nd Time Discipline Level 2--violations of the AMC Act or Board rules which evidence serious deficiencies will result in a final order which imposes one or more of the following:

(i) A period of suspension;

(ii) A revocation;

(iii) Remedial measures;

(iv) Required adoption and implementation of written, preventative policies or procedures;

(v) A probationary period with provisions for monitoring the AMC;

(vi) Monitoring and/or preapproval of AMC panel removals for a specified period of time;

(vii) Monitoring and/or preapproval of the licensed activities of the AMC for a specified time period or until specified conditions are satisfied;

(viii) Minimum of $2,500 in administrative penalties per act or omission which constitutes a violation(s) of AMC Act or Board rules; each day of a continuing violation is a separate violation.

(F) 2nd Time Discipline Level 3--violations of the AMC Act or Board rules which evidence serious deficiencies and were done with knowledge, deliberately, willfully, or with gross negligence will result in a final order which imposes one or more of the following:

(i) A period of suspension;

(ii) A revocation;

(iii) Remedial measures;

(iv) Required adoption and implementation of written, preventative policies or procedures;

(v) A probationary period with provisions for monitoring the AMC;

(vi) Monitoring and/or preapproval of AMC panel removals for a specified period of time;

(vii) Monitoring and/or preapproval of the licensed activities of the AMC for a specified time period or until specified conditions are satisfied;

(viii) Minimum of $4,000 in administrative penalties per act or omission which constitutes a violation(s) of the AMC Act or Board rules; each day of a continuing violation is a separate violation.

(G) 3rd Time Discipline Level 1--violations of the AMC Act or Board rules which evidence minor deficiencies will result in a final order which imposes one or more of the following:

(i) A period of suspension;

(ii) A revocation;

(iii) Remedial measures;

(iv) Required adoption and implementation of written, preventative policies or procedures;

(v) A probationary period with provisions for monitoring the AMC;

(vi) Monitoring and/or preapproval of AMC panel removals for a specified period of time;

(vii) Monitoring and/or preapproval of the licensed activities of the AMC for a specified time period or until specified conditions are satisfied;

(viii) Minimum of $2,500 in administrative penalties per act or omission which constitutes a violation(s) of the AMC Act or Board rules; each day of a continuing violation is a separate violation.

(H) 3rd Time Discipline Level 2--violations of the AMC Act or Board rules which evidence serious deficiencies will result in a final order which imposes one or more of the following:

(i) A period of suspension;

(ii) A revocation;

(iii) Remedial measures;

(iv) Required adoption and implementation of written, preventative policies or procedures;

(v) A probationary period with provisions for monitoring the AMC;

(vi) Monitoring and/or preapproval of AMC panel removals for a specified period of time;

(vii) Monitoring and/or preapproval of the licensed activities of the AMC for a specified time period or until specified conditions are satisfied;

(viii) Minimum of $4,000 in administrative penalties per act or omission which constitutes a violation(s) of the AMC Act or Board rules; each day of a continuing violation is a separate violation.

(I) 3rd Time Discipline Level 3--violations of the AMC Act or Board rules which evidence serious deficiencies and were done with knowledge, deliberately, willfully, or with gross negligence will result in a final order which imposes one or more of the following:

(i) A revocation; and

(ii) Minimum of $7,000 in administrative penalties per act or omission which constitutes a violation(s) of Board Rules, or the AMC Act; each day of a continuing violation is a separate violation.

(J) 4th Time Discipline--violations of the AMC Act or Board rules will result in a final order which imposes one or more of the following:

(i) A revocation; and

(ii) $10,000 in administrative penalties per act or omission which constitutes a violation(s) of the AMC Act or Board rules; each day of a continuing violation is a separate violation.

(K) Unlicensed AMC activity will result in a final order which imposes a $10,000 in administrative penalties per unlicensed AMC activity; each day of a continuing violation is a separate violation.

(4) In addition, staff may recommend any or all of the following:

(A) Reducing or increasing the recommended sanction or administrative penalty for a complaint based on documented factors that support the deviation, including but not limited to those factors articulated under paragraph (2) of this section;

(B) Probating all or a portion of any remedial measure, sanction, or administrative penalty for a period not to exceed three years;

(C) Requiring additional reporting requirements;

(D) Payment of costs expended by the Board associated with the investigation, and if applicable, a contested case, including legal fees and administrative costs; and

(E) Such other recommendations, with documented support, as will achieve the purposes of the AMC Act or Board rules.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 11, 2026.

TRD-202603403
Kathleen Santos
General Counsel
Texas Appraiser Licensing and Certification Board
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 936-3088

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PART 10. TEXAS FUNERAL SERVICE COMMISSION

CHAPTER 206. ANATOMICAL FACILITIES, NON-TRANSPLANT ANATOMICAL DONATION ORGANIZATIONS, AND WILLED BODY PROGRAMS

22 TAC §206.16

The Texas Funeral Service Commission (Commission or TFSC) proposes new §206.16, Standard for Bloodborne Pathogen Screening of Anatomical Donors, at Title 22, Texas Administrative Code (TAC), Chapter 206, regarding Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES. The rules under 22 TAC Chapter 206 implement Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The proposed rule establishes minimum health and safety standards for the screening and use of anatomical donors in order to reduce the risk of occupational exposure to bloodborne pathogens, while recognizing the effectiveness of proper embalming and formaldehyde fixation in reducing infectious risk. Bodies and derived specimens that are used or distributed in an unembalmed, fresh, or fresh-frozen state present a materially different infection-control profile than adequately embalmed donors. The proposed rule sets a risk-based standard: it re-

quires serologic bloodborne pathogen screening for fresh and fresh-frozen donors; it does not require serologic screening as an infection-control measure for donors used only after documented adequate formalin fixation or embalming; and it requires standard precautions regardless of testing status. The proposed rule is necessary to protect the students, faculty, licensees, and other personnel who handle anatomical donations, to establish consistent donor-eligibility and documentation practices across the entities the Commission oversees, and to align the Commission's rules with accepted medical and laboratory standards.

The proposed rule was developed and recommended by the State Anatomical Advisory Committee. The Advisory Committee considered the proposed rule at its meetings on July 8 and 29, 2026, and voted and recommended that the proposed rule be published in the *Texas Register* for public comment.

SECTION-BY-SECTION SUMMARY. The proposed rule adopts new §206.16, Standard for Bloodborne Pathogen Screening of Anatomical Donors.

Proposed subsection (a) states the purpose of the rule. Proposed subsection (b) states the applicability of the rule to all entities participating in the procurement, acceptance, storage, distribution, and use of human anatomical donations under the Commission's authority. Proposed subsection (c) defines "adequately embalmed," "fresh donor," "fresh-frozen donor," and "CLIA-certified laboratory." Proposed subsection (d) establishes screening requirements for fresh and fresh-frozen donors, including collection of blood specimens as soon after death as practicable, documentation of the postmortem interval, and serologic testing performed by a CLIA-certified or other qualified laboratory for Hepatitis B surface antigen (HBsAg), Hepatitis C antibody (anti-HCV), and HIV antigen/antibody, with nucleic acid testing (NAT) for HIV and HCV performed when available and feasible; requires that documentation of results accompany the donor or be maintained in the donor eligibility record; and prohibits distribution or use of a fresh or fresh-frozen donor for which required testing cannot be completed unless otherwise authorized by applicable law. Proposed subsection (e) provides that serologic screening is not required as an infection-control measure for donors used only after documented adequate formalin fixation or embalming, requires documentation of adequate embalming and fixation, and requires implementation of standard precautions regardless of testing status. Proposed subsection (f) provides that serologic testing is one component of donor eligibility and does not substitute for medical- and social-history review or other exclusion criteria, and requires exclusion of donors presenting known or suspected conditions posing unacceptable infectious risk, including prion diseases where applicable. Proposed subsection (g) requires each participating organization to maintain records of laboratory results, specimen collection date and time, postmortem interval when known, embalming and fixation records when applicable, and donor eligibility determinations.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT. Ms. Maria Haynes, Texas Funeral Service Commission Executive Director, has determined that for each year of the first five years the proposed rule is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rule, other than costs absorbed within the Commission's existing appropriations.

Ms. Haynes has determined that for each year of the first five years the proposed rule is in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rule.

LOCAL EMPLOYMENT IMPACT STATEMENT. Ms. Haynes has determined that the proposed rule will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

PUBLIC BENEFITS. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, the public benefit will be reduced risk of occupational exposure to bloodborne pathogens for students, faculty, licensees, and other personnel who handle anatomical donations; consistent, risk-based donor screening and eligibility practices across the entities the Commission oversees; and improved documentation supporting the safe use of anatomical donations.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH THE PROPOSAL. The proposed rule requires serologic testing (HBsAg, anti-HCV, and HIV antigen/antibody), and NAT where available and feasible, for each fresh or fresh-frozen donor, together with associated documentation and recordkeeping. Ms. Haynes has reviewed the information provided by the State Anatomical Advisory Committee, which indicates that serological testing is conducted already by willed body programs and non-transplant anatomical donation organizations, therefore, for each year of the first five-year period the proposed rule is in effect, the probable per-donor testing and documentation costs to body donation organizations that procure or distribute fresh or fresh-frozen donors, are nominal in nature. No serologic testing cost is imposed for donors used only after documented adequate embalming and formalin fixation.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined that the proposed rule will not have an adverse economic effect on small businesses, micro-businesses, or rural communities under Texas Government Code, Chapter 2006.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT. The Commission has determined the one-for-one requirement is inapplicable since Tex. Government Code §2001.0045 excepts rules necessary to protect the health, safety, and welfare of the residents of this state.

GOVERNMENT GROWTH IMPACT STATEMENT. Pursuant to Texas Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed rule. For each year of the first five years the proposed rule will be in effect, the agency has determined the following:

1. The proposed rule does not create or eliminate a government program. The proposed rule implements the anatomical-donation regulatory program transferred to the Commission by Senate Bill 2040.

2. Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions.

3. Implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency.

4. The proposed rule does not require an increase or decrease in fees paid to the agency.

5. The proposed rule creates a new regulation. The proposed rule newly establishes a bloodborne pathogen screening and donor-eligibility standard for anatomical donors.

6. The proposed rule does not expand, limit, or repeal an existing regulation.

7. The proposed rule does not increase or decrease the number of individuals subject to the rule's applicability, because it applies to entities that participate in the procurement, acceptance, storage, distribution, and use of anatomical donations already subject to the Commission's oversight under the chapter.

8. The proposed rule does not adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT. The Texas Funeral Service Commission has determined that no private real property interests are affected by the proposed rule and the proposed rule does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rule does not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES. The Texas Funeral Service Commission is requesting public comments on the proposed rule and information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed rule. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed rule and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The proposed rule is proposed under Texas Health and Safety Code, Chapter 691, including §691.022(b), which requires the Commission to adopt rules to ensure that each body and anatomical specimen is treated with respect while in the custody of the Commission or a person authorized to receive the body or specimen, and §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter; and §691.034, which governs the regulation and registration of persons and institutions using bodies and anatomical specimens and requires the Commission to adopt rules and procedures necessary to administer registration, inspection, and verification. The proposed rule is also proposed under Chapter 692A, Health and Safety Code, and under Chapter 651, Occupations Code, including §651.005, which directs the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691.

The statutory provisions affected by the proposed rule are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed rule is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.16. Standard for Bloodborne Pathogen Screening of Anatomical Donors.

(a) Purpose. The purpose of this section is to establish minimum health and safety standards for the screening and use of anatomical donors to reduce the risk of occupational exposure to bloodborne pathogens while recognizing the effectiveness of proper embalming and formalin fixation in reducing infectious risk.

(b) Applicability. This section applies to all entities participating in the procurement, acceptance, storage, distribution, and use of human anatomical donations under the authority of the Commission.

(c) Definitions. The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

(1) "Embalmed" means a donor preserved using accepted arterial and cavity embalming techniques with sufficient formaldehyde fixation.

(2) "CLIA-certified laboratory" means a laboratory certified under the Clinical Laboratory Improvement Amendments.

(d) Screening Requirements for Unembalmed Donors.

(1) A Non-Transplant Anatomical Donation Organization or Willed Body Program shall require bloodborne pathogen screening for every donor whose body or derived specimens are intended for use or distribution in an unembalmed state.

(2) Blood specimens shall be collected as soon after death as practicable.

(3) The organization shall document the postmortem interval between death and specimen collection.

(4) Serologic testing shall be performed by a CLIA)laboratory or by a laboratory operated by an accredited medical school, hospital, or other qualified laboratory that meets applicable federal and state standards, and shall include, at a minimum:

(A) Hepatitis B surface antigen (HBsAg) testing;

(B) Hepatitis C antibody (anti-HCV) or Nucleic Acid Testing (NAT); and

(C) Human Immunodeficiency Virus (HIV) antigen/antibody testing or Nucleic Acid Testing (NAT).

(5) Documentation of testing results shall accompany the donor or be maintained in the donor eligibility record.

(6) Donors whose required testing cannot be completed shall not be distributed or used as unembalmed anatomical specimens unless otherwise authorized by applicable federal or state law.

(e) Embalmed Donors.

(1) Bloodborne pathogen serologic screening is not required as an infection-control measure for donors whose bodies or derived specimens will be used only after documented formalin fixation and embalming.

(2) Organizations shall maintain documentation demonstrating that embalming and formalin fixation have been completed prior to use or distribution.

(3) Regardless of donor testing status, organizations shall implement standard precautions, including appropriate personal protective equipment, safe sharps practices, environmental decontamination, and donor exclusion based on medical history, including known or suspected prion disease.

(f) Donor Eligibility.

(1) Serologic testing is one component of the donor eligibility determination and shall not be used as a substitute for medical history review, or other donor exclusion criteria established by the Commission or applicable law.

(2) Donors presenting known or suspected conditions that pose unacceptable infectious risks, including prion diseases where applicable, shall be excluded in accordance with applicable law and accepted medical standards.

(g) Documentation. Each participating organization shall maintain records of:

(1) Laboratory test results;

(2) Date and time specimens were collected;

(3) Postmortem interval at specimen collection, when known;

(4) Embalming and fixation records, when applicable; and

(5) Donor eligibility determinations.

(h) The Commission may require documentation demonstrating compliance with this section as a condition of participation in anatomical donation programs under its oversight.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 17, 2026.

TRD-202603532
Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 936-2488

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22 TAC §206.18

The Texas Funeral Service Commission (Commission or TFSC) proposes new §206.18, Registration and Disposition of Commercially Acquired Plastinated Human Remains, at Title 22, Texas Administrative Code (TAC), Chapter 206, regarding Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES. The rules under 22 TAC Chapter 206 implement Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The proposed rule establishes registration, documentation, tracking, and disposition requirements for commercially acquired plastinated human remains and commercially acquired human skeletal material used for educational or teaching purposes within the State of Texas. Under the framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), the Legislature transferred to the Commission the regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities, and directed the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce Chapter 691. Commercially acquired plastinated specimens and skeletal material enter the state through producers, distributors, and vendors and are held by educational, healthcare-training, governmental, museum, and research recipients, but no rule currently requires that such specimens be registered, tracked from acquisition through final disposition, or dispositioned in a manner consistent with the dignity accorded to other anatomical material regulated under the chapter.

The proposed rule is necessary to close that gap. It requires the direct producer or providing vendor to register each specimen with the Commission before distribution or transfer within Texas; requires that each specimen carry a unique identifier that remains associated with it through possession, transfer, and final disposition; requires recipients to maintain records and to report subsequent transfers, relocations, or changes in intended use; and requires that specimens removed from educational use be dispositioned in accordance with the disposition requirements applicable to anatomical material under the chapter, with documentation of final disposition provided to the Commission. The proposed rule provides a defined chain of custody for a category of human remains that is presently unregulated, promotes verification of lawful acquisition and donor authorization, and ensures dignified final disposition consistent with the purposes of Chapter 691.

The proposed rule was presented to and discussed by the State Anatomical Advisory Committee at its meetings on July 8 and 29, 2026. The Advisory Committee voted and recommended that the proposed rule be published in the *Texas Register* for public comment.

SECTION-BY-SECTION SUMMARY. The proposed rule adopts new §206.18, Registration and Disposition of Commercially Acquired Plastinated Human Remains.

Proposed subsection (a) states the purpose of the section. Proposed subsection (b) defines the terms used in the section, including "commercially acquired," "commercially acquired human skeletal material," "commercially acquired plastinated human remains," "direct producer," "distributor," "donor authorization," "educational or teaching purposes," "plastination," "recipient," "specimen," "transfer," and "unique identifier." Proposed subsection (c) states the applicability of the section to producers, distributors, vendors, and recipients that manufacture, distribute, transfer, sell, acquire, or possess the regulated material for teaching purposes in Texas. Proposed subsection (d) establishes registration requirements, requiring the direct producer or providing vendor to register each specimen with the Commission before distribution or transfer and specifying the minimum information the registration must include, including donor authorization documentation, the assigned unique identifier, and the receiving entity's information. Proposed subsection (e) establishes recipient responsibilities for record-keeping, notice of subsequent transfer, relocation, or change in intended use within 30 days, and availability of records for inspection. Proposed subsection (f) establishes disposition requirements consistent with the disposition requirements applicable to anatomical material under the chapter, including §206.14 (Disposition of the Body and Disposition of Remains), and requires post-disposition notice to the Commission, including a Certificate of Cremation or other Commission-approved documentation and the specimen's unique identifier. Proposed subsection (g) requires producers, vendors, and recipients to retain required records for not less than seven years following final disposition. Proposed subsection (h) provides that failure to comply constitutes a violation of the chapter subject to enforcement action authorized by applicable law.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT. Ms. Maria Haynes, Texas Funeral Service Commission Executive Director, has determined that for each year of the first five years the proposed rule is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rule, other than nominal recordkeeping costs and costs absorbed within the Commission's existing appropriations for processing registrations and disposition documentation.

Ms. Haynes has determined that for each year of the first five years the proposed rule is in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rule.

LOCAL EMPLOYMENT IMPACT STATEMENT. Ms. Haynes has determined that the proposed rule will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

PUBLIC BENEFITS. Ms. Haynes has determined that for each year of the first five-year period the proposed rule is in effect, the public benefit will be a defined chain of custody for commercially acquired plastinated human remains and human skeletal material used for teaching; improved verification of lawful acquisition and donor authorization; consistent tracking of such specimens from acquisition through final disposition; and dignified final disposition consistent with the purposes of Health and Safety Code, Chapter 691.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH THE PROPOSAL. The proposed rule imposes new registration, unique-identifier, recordkeeping, transfer-reporting, disposition-documentation, and seven-year record-retention obligations on producers, distributors, vendors, and recipients. For each year of the first five-year period the proposed rule is in effect, the probable economic costs of compliance, including any per-specimen registration burden, recordkeeping and retention costs, and disposition costs are nominal in nature.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined that the proposed rule will not have an adverse economic effect on small businesses, micro-businesses, or rural communities under Texas Government Code, Chapter 2006.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT. Ms. Haynes has determined that the proposed rule will only have a nominal fiscal impact on regulated persons within the meaning of Texas Government Code §2001.0045. The Commission has determined that no one-for-one requirement applies since Texas Government Code §2001.0045 excepts, among other things, rules necessary to implement legislation, such as Senate Bill 2040.

GOVERNMENT GROWTH IMPACT STATEMENT. Pursuant to Texas Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed rule. For each year of the first five years the proposed rule will be in effect, the agency has determined the following:

1. The proposed rule does not create or eliminate a government program. The proposed rule implements the anatomical-donation regulatory program transferred to the Commission by Senate Bill 2040.

2. Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions.

3. Implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency.

4. The proposed rule does not require an increase or decrease in fees paid to the agency.

5. The proposed rule creates a new regulation. The proposed rule newly requires registration, tracking, and documented disposition of commercially acquired plastinated human remains and human skeletal material used for teaching.

6. The proposed rule does not expand, limit, or repeal an existing regulation.

7. The proposed rule increases the number of individuals subject to the rule's applicability, because it applies to producers, distributors, vendors, and recipients of commercially acquired plastinated human remains and human skeletal material that were not previously subject to registration and disposition requirements under the chapter.

8. The proposed rule does not adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT. The Texas Funeral Service Commission has determined that no private real property interests are affected by the proposed rule and the proposed rule does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rule does not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES. The Texas Funeral Service Commission is requesting public comments on the proposed rule and information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed rule. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed rule and responses to the request for information may be submitted by email to legal@tfsc.texas.gov; or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. The proposed rule is proposed under Texas Health and Safety Code, Chapter 691, including §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter; §691.031, which requires the Commission to adopt rules relating to the transportation of, and records concerning, bodies and anatomical specimens; and §691.034, which requires the registration of persons and institutions using bodies and anatomical specimens and requires the Commission to adopt rules and procedures necessary to administer registration, inspection, and verification. The proposed rule is also proposed under Chapter 692A, Health and Safety Code, and under Chapter 651, Occupations Code, including

§651.005, which directs the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691.

The statutory provisions affected by the proposed rule are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed rule is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.18. Registration and Disposition of Commercially Acquired Plastinated Human Remains.

(a) Purpose. This section establishes registration, documentation, tracking, and disposition requirements for commercially acquired plastinated human remains used for educational or teaching purposes within the State of Texas.

(b) Definitions. For purposes of this section, the following words and terms have the following meanings unless the context clearly indicates otherwise:

(1) Commercially acquired--Obtained through purchase, sale, lease, donation through a commercial supplier, transfer for consideration, or other commercial transaction from a producer, distributor, vendor, or other entity engaged in the manufacture or distribution of anatomical materials.

(2) Commercially acquired plastinated human remains--Human organs, tissues, body parts, or whole human bodies that have undergone plastination and are obtained through commercial acquisition for educational, instructional, scientific, or research purposes.

(3) Direct producer--A person or business entity that performs or contracts for the preparation, plastination, preservation, or assembly of a human specimen prior to its initial distribution.

(4) Distributor--A person or entity that receives commercially acquired plastinated human remains from a producer for the purpose of marketing, selling, transferring, or otherwise distributing the material.

(5) Donor authorization--A written document demonstrating that a donor, or another person legally authorized to act on the donor's behalf, voluntarily consented to the donation and intended educational, scientific, or research use of the anatomical material in accordance with applicable law.

(6) Educational or teaching purposes--Use of anatomical material in instruction, demonstration, training, or study by an accredited educational institution, healthcare training program, governmental entity, museum, or other organization engaged in legitimate educational, scientific, or research activities.

(7) Plastination--A preservation process in which water and lipids within biological tissues are replaced with curable polymers or similar materials to create durable, dry, odorless anatomical specimens suitable for educational, scientific, or research use.

(8) Recipient--A person, institution, business, governmental entity, or other organization that acquires, receives, possesses, or uses commercially acquired plastinated human remains within the State of Texas.

(9) Specimen--An individual plastinated human remain assigned a unique identifier for purposes of registration, tracking, and disposition under this section.

(10) Transfer--A sale, gift, loan, lease, assignment, shipment, or other conveyance of possession or ownership of a specimen from one person or entity to another.

(11) Unique identifier--A permanent alphanumeric designation assigned by the producer or vendor that uniquely identifies a specific specimen and remains associated with that specimen throughout its registration, possession, transfer, and final disposition.

(c) Applicability. This section applies to any producer, distributor, vendor, or recipient that manufactures, distributes, transfers, sells, acquires, or possesses commercially acquired plastinated human remains for teaching purposes in Texas.

(d) Registration Requirements.

(1) As soon as a person possesses, distributes, or transfer within the State of Texas, the direct producer or providing vendor shall register each plastinated human specimen with the Texas Funeral Service Commission (Commission).

(2) Registration shall include, at a minimum:

(A) the legal name, business address, and contact information of the producer or company that prepared or produced the specimen;

(B) the legal name, business address, and contact information of the distributing vendor, if different from the producer;

(C) a copy of the donor authorization or informed consent documentation demonstrating that the donor knowingly authorized the donation and intended use of the anatomical material, consistent with applicable law;

(D) a unique identifier or identification number assigned to each individual specimen, which shall remain associated with the specimen throughout its possession, transfer, and final disposition;

(E) the legal name, physical location, and contact information of the receiving institution or entity;

(F) a statement describing the intended educational, instructional, scientific, or research use of the specimen; and

(G) any additional information required by the Commission to verify lawful acquisition, chain of custody, or compliance with this chapter.

(3) Recipients possessing a plastinated human specimen prior to the effective date of this section shall maintain documentation of the date of acquisition and are not required to register that specimen with the Commission.

(e) Recipient Responsibilities.

(1) A receiving entity shall maintain records documenting possession of each registered specimen, including the Commission registration information and the specimen's assigned unique identifier.

(2) A receiving entity shall notify the Commission of received possession and any subsequent transfer, relocation, or change in intended use of a registered specimen on or before thirty (30) days after the receiving entity makes such a change.

(3) A receiving entity shall make all required records available for inspection upon request by the Commission.

(f) Disposition Requirements.

(1) Upon retirement, destruction, or other permanent removal from educational use, commercially acquired plastinated human remains shall be disposed of in accordance with the disposition requirements applicable to anatomical material regulated under this chapter,

including §206.14 of this chapter (relating to Disposition of the Body and Disposition of Remains).

(2) Following disposition, the responsible entity shall notify the Commission by submitting:

(A) a Certificate of Cremation or other Commission-approved documentation of final disposition;

(B) the unique identifier or identification number assigned to the specimen; and

(C) any additional documentation required by the Commission to verify lawful disposition.

(g) Record Retention. Receiving entity shall retain all records required under this section for not less than seven (7) years following the final disposition of the specimen, or for such longer period as otherwise required by law.

(h) Failure to register specimens, maintain required documentation, report transfers, or provide documentation of disposition constitutes a violation of this chapter and may subject the responsible party to enforcement action authorized by applicable law.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 17, 2026.

TRD-202603533
Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 936-2488

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TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 275. CONSUMER MANAGED PERSONAL ATTENDANT SERVICES (CMPAS) PROGRAM

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes amendments to Texas Administrative Code (TAC) Title 26, Part 1, Chapter 275, Subchapter C, §275.53, concerning Provider Qualifications and Responsibilities in All CMPAS Service Delivery Options, and Subchapter D, Division 2, §275.129, concerning Individual Responsibilities in the Block Grant Option.

BACKGROUND AND PURPOSE

The purpose of the proposal is to remove references to repealed 1 TAC §355.7051, Base Wage for a Personal Attendant before September 1, 2025, in §275.53 and §275.129. The proposed repeal of 1 TAC §355.7051 is published elsewhere in this issue of the *Texas Register*.

Additionally, the proposal updates TAC citations in the rules.

SECTION-BY-SECTION SUMMARY

The proposal amends §275.53 and §275.129 to remove references to 1 TAC §355.7051 and updates references to TAC citations.

FISCAL NOTE

Victoria Grady, Deputy Chief, Finance, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rules will be in effect:

(1) the proposed rules will not create or eliminate a government program;

(2) implementation of the proposed rules will not affect the number of HHSC employee positions;

(3) implementation of the proposed rules will result in no assumed change in future legislative appropriations;

(4) the proposed rules will not affect fees paid to HHSC;

(5) the proposed rules will not create a new regulation;

(6) the proposed rules will limit and repeal existing regulation;

(7) the proposed rules will not change the number of individuals subject to the rules; and

(8) the proposed rules will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Victoria Grady has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. These rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with these rules.

LOCAL EMPLOYMENT IMPACT

The proposed rules will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these rules because the rules do not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Victoria Grady, Deputy Chief, Finance, has determined that for each year of the first five years the rules are in effect, the public will benefit from removing a reference to an obsolete TAC rule and updating references because it improves clarity, accuracy, and navigation of the TAC.

Victoria Grady has also determined that for the first five years the rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules because the rules do not include costs to persons required to comply.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to *HHSRulesCoordinationOffice@hhs.texas.gov*.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R085" in the subject line.

SUBCHAPTER C. SERVICE DELIVERY IN ALL CMPAS OPTIONS

26 TAC §275.53

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies; Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority; Texas Human Resources Code §32.021 and Texas Government Code §532.0051, which provide HHSC with the authority to administer the federal medical assistance (Medicaid) program in Texas; and Texas Government Code §532.0057(a), which establishes HHSC as the agency responsible for adopting reasonable rules governing the determination of fees, charges, and rates for Medicaid payments under Texas Human Resources Code Chapter 32.

The amendment affects Texas Government Code §524.0151, §524.0005, and Chapter 532 and Texas Human Resources Code Chapter 32.

§275.53. Provider Qualifications and Responsibilities in All CMPAS Service Delivery Options.

To participate as a provider in the CMPAS Program, the provider must:

(1) maintain a license from HHSC under 26 TAC Chapter 558 (relating to Licensing Standards for Home and Community Support Services Agencies) in one or more of the following categories of licensure:

(A) personal assistance services;

(B) licensed home health services; or

(C) licensed and certified home health services;

(2) comply with the requirements of 26 TAC Chapter 558;

(3) comply with Chapter 52 [~~49~~] of this title (relating to Contracting for Community Services);

(4) obtain required training to function as an FMSA for those individuals who choose the CDS option for CMPAS services;

(5) comply with the requirements described in this chapter;

(6) have contract compliance monitored by an HHSC contract manager;

(7) be able to provide services under all three service delivery options; and

(8) provide case management services, including:

(A) determining applicant eligibility and co-payment amount;

(B) preparing individual registration data entry forms;

(C) assessing and reassessing individual needs using the HHSC Assessment Questionnaire and Task/Hour Guide; and

(D) developing a service plan.

[~~(9) comply with the requirements of 1 TAC §355.7051(d) (relating to Base Wage for a Personal Attendant).~~]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 11, 2026.

TRD-202603395
Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 867-7817

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SUBCHAPTER D. SERVICE DELIVERY OPTIONS
DIVISION 2. BLOCK GRANT OPTION

26 TAC §275.129

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies; Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority; Texas Human Resources Code §32.021 and Texas Government Code §532.0051, which provide HHSC with the authority to administer the federal medical assistance (Medicaid) program in Texas; and Texas Government Code §532.0057(a), which establishes HHSC as the agency responsible for adopting reasonable rules governing the determination of fees, charges, and rates for Medicaid payments under Texas Human Resources Code Chapter 32.

The amendment affects Texas Government Code §524.0151, §524.0005, and Chapter 532 and Texas Human Resources Code Chapter 32.

§275.129. Individual Responsibilities in the Block Grant Option.

In the block grant option, an individual must:

(1) comply with the requirements of §275.63 [~~§44.307~~] of this chapter (relating to Individual Responsibilities in All CMPAS Service Delivery Options);

(2) select, hire, and pay the individual's attendants as the employer of record;

(3) before the individual's attendant provides a service and on an annual basis:

(A) train an attendant regarding abuse, neglect, and exploitation, as described in HHSC Form 1732, Management and Training of Service Provider;

(B) sign and date Form 1732 and have the attendant sign and date the form to document completion of the training; and

(C) send a copy of the signed form to the provider within 30 days after the date the form is signed by the individual and the attendant;

(4) resolve any employment-related problems or disagreements directly with the attendant;

(5) not discriminate against an attendant or applicant in violation of law;

(6) assume liability for work-related attendant injuries and responsibility for work-related attendant conduct to the same extent as any employer would assume liability for injuries and responsibility for conduct of an employee;

(7) spend funds received from the provider that were reimbursed under §275.209 [~~§44.505~~] of this chapter (relating to Reimbursement) on attendant wages, employment-related tax payments, and employee benefits;

(8) prepare and sign an agreement with the attendant that includes:

(A) the tasks the attendant is to perform for the individual;

(B) the schedule the attendant will work for the individual;

(C) the hourly rate the individual will pay the attendant[~~, which must be at least the base wage specified in 1 TAC §355.7051(d) (relating to Base Wage for a Personal Attendant)~~];

(D) the schedule the individual will use to pay the attendant (at least twice per month);

(E) the reasons the individual may terminate the attendant's employment; and

(F) a requirement that the attendant provide the individual at least 24 hours advance notice if unable to work a scheduled shift;

(9) supervise the attendant's recording of hours worked, including signing, dating, and submitting the attendant's time sheet to the provider on or after the last day of the reporting period during which services were provided; and

(10) submit to the provider, within 30 days after filing, copies of any employment-related government forms the individual files for the attendant as the employer of record, including all required Internal Revenue Service obligations and required reports to the Texas Workforce Commission.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 11, 2026.

TRD-202603396

Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 867-7817

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CHAPTER 350. EARLY CHILDHOOD INTERVENTION SERVICES

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes in the Texas Administrative Code (TAC), Title 26, Chapter 350, concerning Early Childhood Intervention Services, amendments to §§350.103, 350.105, 350.203, 350.204, 350.207, 350.211, 350.213, 350.215, 350.217 - 350.219, 350.221, 350.223, 350.227, 350.229, 350.231, 350.233, 350.235, 350.237, 350.239, 350.307, 350.309 - 350.311, 350.313, 350.314, 350.405, 350.409, 350.417, 350.505, 350.704, 350.705, 350.809, 350.813, 350.815, 350.825, 350.1009, 350.1017, 350.1105, 350.1203, 350.1205, 350.1209, 350.1211, 350.1213, 350.1217, 350.1407, 350.1409, 350.1417, 350.1419, 350.1421, 350.1423, 350.1425, 350.1427, 350.1429, 350.1431, 350.1435, 350.1437, and 350.1439; and new §§350.816, 350.1020, and 350.1216.

BACKGROUND AND PURPOSE

The purpose of the proposal is to update rules as they relate to Early Childhood Intervention (ECI) to increase administrative efficiencies and improve processes for ECI subrecipients. The proposal aligns rules with the Code of Federal Regulations, Title 34, Subtitle B, Chapter III, Part 303.

The proposal is necessary to align with House Bill 5629, 89th Legislature, Regular Session, 2025, which amended Texas Occupations Code §55.004 and §55.0041 to require state agencies that issue a license to issue a license to an applicant who is a military service member, military veteran, or military spouse who holds a current out-of-state license in good standing that is similar in scope of practice to the license issued by the state agency. As the authority for the Early Intervention Specialist (EIS) credentialing process, HHSC ECI must implement applicable policies and procedures for the EIS credential.

The proposal also clarifies requirements related to eligibility for children who are deaf or hard of hearing, deaf-blind, or visually impaired and requirements for when a child transitions from ECI to early childhood special education.

The proposal also contains non-substantive changes to improve readability, consistency, and understanding.

The proposal simplifies the rules and reduces unnecessary administrative work related to services for children who are deaf or hard of hearing, deaf-blind, or visually impaired, where possible.

SECTION-BY-SECTION SUMMARY

The proposal revises terminology by replacing "contractor" with "subrecipient" to align with ECI contracts, "early childhood intervention" with "ECI," and the "Texas Health and Human Services Commission" with "HHSC" throughout the rules. The proposal also makes non-substantive terminology and grammatical revisions to improve clarity and readability.

Subchapter A, General Rules

The proposed amendment to §350.103, Definitions, adds or revises the following definitions: Children's Health Insurance Program (CHIP); comprehensive needs assessment; co-visits; DFPS; ECI program; ECI services; early childhood special education; group services; IFSP team; interdisciplinary team; limited personally identifiable information; participating agency; subrecipient; targeted case management. The definitions have also been renumbered.

The proposed amendment to §350.105, Safety Regulations, makes non-substantive terminology and grammatical revisions to promote consistency and clarity.

Subchapter B, Procedural Safeguards and Due Process Procedures

The proposed amendment to §350.203, Responsibilities, adds a citation to the Code of Federal Regulations (CFR), removes a redundant citation to the CFR, and revises the title of the Early Childhood Intervention Parent Handbook.

The proposed amendment to §350.204, Prior Written Notice, updates formatting and makes non-substantive edits to improve readability and clarity.

The proposed amendment to §350.207, Parental Consent, makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

The proposed amendment to §350.211, Parent, makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

The proposed amendment to §350.213, Surrogate Parents, removes subsection (c)(5) which explains the reasoning for the rule requirements under (c)(1) through (c)(4), updates formatting and makes non-substantive edits to improve readability and clarity.

The proposed amendment to §350.215, Early Childhood Intervention (ECI) Procedures for Filing Complaints, updates formatting and makes non-substantive edits to improve readability and clarity.

The proposed amendment to §350.217, Procedures for Investigation and Resolution of Complaints, updates formatting and makes non-substantive edits to improve readability and clarity. The proposed amendment also updates a TAC reference and adds a reference to CFR.

The proposed amendment to §350.218, Mediation, updates formatting and makes non-substantive edits to improve readability and clarity and updates TAC references.

The proposed amendment to §350.219, Confidentiality Notice to Parents, revises the title of the Early Childhood Intervention Parent Handbook and makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

The proposed amendment to §350.221, Access Rights, updates formatting and makes non-substantive edits to improve readability and clarity.

The proposed amendment to §350.223, Fees for Records, makes non-substantive edits to improve readability and clarity and adds a citation to the CFR.

The proposed amendment to §350.227, Opportunity for a Hearing, makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

The proposed amendment to §350.229, Minimum Requirements for Conducting a Hearing, makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

The proposed amendment to §350.231, Results of Hearing, makes non-substantive terminology and grammatical revisions to improve consistency and clarity and adds a citation to the CFR.

The proposed amendment to §350.233, Release of Personally Identifiable Information, updates formatting and makes non-substantive edits to improve readability and clarity. The proposed amendment also adds the United States Department of Education to the list of federal or state oversight entities that an ECI subrecipient can disclose personally identifiable information to without prior written parental consent, adds a citation to the Uninterrupted Scholars Act, and updates a TAC reference.

The proposed amendment to §350.235, Safeguards, makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

The proposed amendment to §350.237, Record Retention Period, updates formatting and makes non-substantive edits to improve readability and clarity.

The proposed amendment to §350.239, Destruction of Information, makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

Subchapter C, Staff Qualifications

The proposed amendment to §350.307, Personnel Grievances, makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

The proposed amendment to §350.309, Minimum Requirements for All Direct Service Staff, corrects the alphabetization for definitions, updates formatting, and makes non-substantive edits to improve readability and clarity. The proposed amendment also updates a citation to §350.313.

The proposed amendment to §350.310, Criminal Background Checks, updates formatting, adds a TAC reference, and makes non-substantive edits to improve readability and clarity.

The proposed amendment to §350.311, Licensed Professional, updates formatting and makes non-substantive edits to improve readability and clarity.

The proposed amendment to §350.313, Early Intervention Specialist, adds a pathway for professionals who are military service members, military spouses, and military veterans who hold a current out of state license in good standing with a similar scope of practice as an EIS, to obtain the EIS credential. The proposed amendment also updates formatting, makes non-substantive edits to improve readability and clarity and updates cross-references.

The proposed amendment to §350.314, EIS Code of Ethics, adds language to codify a code of ethics standard that an EIS must report child abuse, neglect, or exploitation as directed by Texas Family Code §261.101. The proposed amendment also revises the rule to align with language in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). The proposed amendment also makes non-substantive edits to improve readability and clarity.

Subchapter D, Case Management For Infants and Toddlers With Developmental Disabilities

The proposed amendment to §350.405, Case Management Services, updates cross-references.

The proposed amendment to §350.409, Conditions for Case Management Provider Agency Participation, makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

The proposed amendment to §350.417, Due Process, makes non-substantive terminology and grammatical revisions to improve consistency and clarity and updates a TAC citation.

Subchapter E, Specialized Rehabilitative Services

The proposed amendment to §350.505, Conditions for Provider Agency Participation, makes non-substantive terminology revisions to improve consistency and clarity.

Subchapter G, Referral, Pre-Enrollment, and Developmental Screening

The proposed amendment to §350.704, Referral Requirements, makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

The proposed amendment to §350.705, Child Referred before Birth, makes a non-substantive terminology revision.

Subchapter H, Eligibility, Evaluation, and Assessment

The proposed amendment to §350.809, Initial Eligibility Criteria, adds deaf-blindness as an eligibility category for a child to be eligible for ECI to align with Texas Education Agency (TEA) rules in 19 TAC §89.1040, concerning Eligibility Criteria. The proposed amendment also updates formatting, makes non-substantive edits to improve readability and clarity, and updates cross-references.

The proposed amendment to §350.813, Deaf or Hard of Hearing, reorganizes the rule language to enhance clarity and better aligns with TEA eligibility rules. The proposed amendment also adds a requirement for ECI subrecipients to refer a child who is suspected of being deaf or hard of hearing directly to the Local Educational Agency (LEA). The proposed amendment also makes non-substantive edits to improve readability and clarity and adds a citation to the CFR.

The proposed amendment to §350.815, Visual Impairment, reorganizes the rule language to enhance clarity and better align with TEA eligibility rules. The proposed amendment also adds a requirement for ECI subrecipients to refer a child who is suspected of being blind or visually impaired directly to the LEA. The proposed amendment also makes non-substantive edits to improve readability and clarity and adds a citation to the CFR.

Proposed new §350.816, Deaf-blindness, adds requirements for a child to meet initial eligibility criteria with documentation that they are deaf-blind. Effective May 18, 2025, TEA added 19 TAC §231.710, which established certification requirements for teachers of students who are deaf-blind. HHSC ECI added deaf-blindness to the initial eligibility criteria to ensure children who are deaf-blind have access to appropriate services.

The proposed amendment to §350.825, Eligibility Statement, adds deaf-blindness as an eligibility category on the eligibility statement to align with the amendment to §350.809.

Subchapter J, Individualized Family Service Plan (IFSP)

The proposed amendment to §350.1009, Participants in Initial and Annual Individualized Family Service Plan Meetings, reorganizes the rule and adds a requirement that a certified teacher of the deaf-blind and a certified orientation and mobility specialist is present at the initial and annual IFSP meetings for children who are deaf-blind. The proposed amendment also indicates that if a certified teacher of students who are deaf-blind is not available, a certified teacher of students who are deaf or hard of hearing and a certified teacher of students with visual impairments must be present. The proposed amendment also adds language to clarify what an ECI subrecipient must do if the LEA has not completed evaluations and assessments within 45 days after ECI receives a referral for a child who is deaf or hard of hearing, has a visual impairment, or is deaf-blind. The proposed amendment changes the number of days for when a request for another IFSP meeting may be made from five to ten. The proposed amendment also makes non-substantive edits to improve readability and clarity.

The proposed amendment to §350.1017, Periodic Reviews, updates formatting and makes non-substantive edits to improve readability and clarity.

Proposed new §350.1020, Re-Establishing IFSP Services, codifies internal procedures regarding ECI subrecipients re-establishing IFSP services after a child's IFSP services have been suspended or discontinued, or the child has been disenrolled or discharged. The proposed new rule promotes clarity and supports ECI subrecipients by providing the appropriate steps for re-establishing IFSP services.

Subchapter K, Service Delivery

The proposed amendment to §350.1105, Capacity to Provide Early Childhood Intervention Services, makes non-substantive edits to improve readability and clarity and updates a citation to §350.103.

Subchapter L, Transition

The proposed amendment to §350.1203, Definitions, adds a definition for "SEA notification" to align with 34 CFR §303.3(b)(1). The proposed amendment also updates the definition of "LEA notification" to clarify that the LEA treats the notification as a referral for services and removes the definition of "LEA notification opt-out" because the term is not used in rule. The proposed amendment also moves the definition of "limited personally identifiable information" from this rule because it was added to §350.103.

The proposed amendment to §350.1205, Transition Education and Information for the Family, clarifies that the family's right to opt out of the LEA notification also applies to the State Educational Agency (SEA) notification. The proposed amendment also makes non-substantive edits to improve readability and clarity.

The proposed amendment to §350.1209, State Education Agency Notification, updates the title of the rule to "State Educational Agency Notification." The proposed amendment also adds language to clarify requirements for allowing families to opt out of the TEA notification. The proposed amendment makes non-substantive edits to improve readability and clarity.

The proposed amendment to §350.1211, Local Education Agency Notification of Potential Eligibility for Early Childhood Special Education Services, updates the title of the rule to "Local Educational Agency Notification of Potential Eligibility for Early Childhood Special Education Services." The proposed amendment clarifies the requirement for the LEA notification to

include all required elements designated by HHSC ECI. The proposed amendment also includes revisions to require the subrecipient, with written parental consent, to provide the date the child enrolled for part C services to the LEA. The proposed amendment also clarifies the requirements for an ECI subrecipient when a referral is received for a child fewer than 45 days before the child's third birthday.

The proposed amendment to §350.1213, The Family's Right to Opt Out of the Local Education Agency Notification, updates the title to "The Family's Right to Opt Out of the Local Educational Agency and State Educational Agency Notification." The proposed amendment updates references from "SEA" to "TEA." The proposed amendment also clarifies that if the family opts out of the LEA notification, the family is also opting out of the TEA notification. The proposed amendment also updates formatting and makes non-substantive edits to improve readability and clarity.

Proposed new §350.1216, Early Childhood Intervention Referrals to the Local Education Agency, adds clarification about requirements for an ECI subrecipient related to referring a child to the LEA.

The proposed amendment to §350.1217, Local Education Agency Transition Conference, updates the title of the rule to "Local Educational Agency Transition Conference." The proposed amendment also clarifies that the ECI subrecipient, with parental approval, must convene the LEA transition conference for each child enrolled in ECI who may be eligible for ECSE. The proposed amendment outlines the minimum requirements for the LEA transition conference and the timeline and documentation requirements for the LEA transition conference. The proposed amendment also outlines requirements for the ECI subrecipient when the LEA is unable to attend the conference and adds requirements surrounding obtaining parental approval and written consent.

Subchapter N, Family Cost Share System

The proposed amendment to §350.1407, Family Cost Share System Administration, makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

The proposed amendment to §350.1409, Parent Rights Related to the Family Cost Share System, makes non-substantive edits to improve readability and clarity and updates TAC citations.

The proposed amendment to §350.1417, Family Cost Share Agreement, makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

The proposed amendment to §350.1419, Private Insurance, clarifies the requirement that if a parent does not provide consent to bill and release personally identifiable information to private insurance, the ECI subrecipient must bill the family up to the family's maximum charge. The proposed amendment also updates formatting and makes non-substantive edits to improve readability and clarity.

The proposed amendment to §350.1421, Insurance Premiums, makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

The proposed amendment to §350.1423, Co-pays, Co-Insurance, and Deductibles, makes a non-substantive terminology revision.

The proposed amendment to §350.1425, Public Benefits and Insurance, makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

The proposed amendment to §350.1427, Maximum Charge, makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

The proposed amendment to §350.1429, Family Size and Adjusted Income makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

The proposed amendment to §350.1431, Texas Health and Human Services Commission Early Childhood Intervention Sliding Fee Scale, removes a reference to a fixed percentage that is no longer applicable. The proposed amendment also updates formatting.

The proposed amendment to §350.1435, Suspension of Services for Nonpayment, adds a reference to new §350.1020 and makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

The proposed amendment to §350.1437, Conditions for Provider Agency Participation, makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

The proposed amendment to §350.1439, Program Fiscal and Recordkeeping Policies makes non-substantive terminology and grammatical revisions to improve consistency and clarity.

FISCAL NOTE

Victoria Grady, Deputy Chief, Finance, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rules will be in effect:

(1) the proposed rules will not create or eliminate a government program;

(2) implementation of the proposed rules will not affect the number of HHSC employee positions;

(3) implementation of the proposed rules will result in no assumed change in future legislative appropriations;

(4) the proposed rules will not affect fees paid to HHSC;

(5) the proposed rules will create a new regulation;

(6) the proposed rules will expand existing regulations;

(7) the proposed rules will not change the number of individuals subject to the rules; and

(8) the proposed rules will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Victoria Grady has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

LOCAL EMPLOYMENT IMPACT

The proposed rules will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these rules because the rules are necessary to protect the health, safety, and welfare of the residents of Texas; do not impose a cost on regulated persons; are amended to reduce the burden or responsibilities imposed on regulated persons by the rules; to receive a source of federal funds or comply with federal law; and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rules.

PUBLIC BENEFIT AND COSTS

Crystal Starkey, Deputy Executive Commissioner for Family Health Services, has determined that for each year of the first five years the rules are in effect, the public benefit will be improved ECI services for infants and toddlers with developmental delays or disabilities because the proposal will enhance administrative efficiencies and improve clarity of processes and procedures, reducing confusion and challenges for ECI subrecipients. Additionally, the proposal adds a new credentialing pathway for early intervention specialists, which reduces barriers for ECI subrecipients when recruiting and hiring these professionals.

Victoria Grady has also determined that for the first five years the rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules because there are no changes in how required persons comply with the rules.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to HHSRulesCoordinationOffice@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R022" in the subject line.

SUBCHAPTER A. GENERAL RULES

26 TAC §350.103, §350.105

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Occupations Code §55.004 and §55.0041, which requires state agencies that issue professional licenses or credentials to also offer them to military service members, military veterans, and military spouses who hold a current out-of-state license in good standing that is similar in scope of practice to the license issued by the state agency.

The amendments affect Texas Government Code §524.0151, Texas Occupations Code §55.004 and §55.0041, and Texas Human Resources Code Chapter 73.

§350.103. Definitions.

The following terms in this chapter [~~words and terms, when used in this chapter, will~~] have the following meanings, unless the context clearly indicates otherwise.

(1) Assessment--As defined in 34 CFR §303.321(a)(2)(ii), the ongoing procedures used by appropriate qualified personnel to assess the child's individual strengths and needs and determine the appropriate services to meet those needs throughout the period of a child's eligibility for ECI services.

(2) CFR--Code of Federal Regulations. The codification of the general and permanent rules published in the *Federal Register* by the departments and agencies of the Federal Government.

(3) [~~(2)~~] Child--An infant or toddler under the age of three.

(4) [~~(3)~~] Child find--As described in 34 CFR §§303.115, 303.302, and 303.303, activities and strategies designed to locate and identify, as early as possible, infants and toddlers with developmental delay.

[~~(4) CFR--Code of Federal Regulations. The codification of the general and permanent rules published in the *Federal Register* by the departments and agencies of the Federal Government.~~]

(5) CHIP--The Children's Health Insurance Program administered by the Texas Health and Human Services Commission under Title XXI of the Social Security Act.

(6) [~~(5)~~] Complaint--A formal written allegation submitted to HHSC stating that a requirement of IDEA Part C or an applicable federal or state regulation has been violated.

(7) [~~(6)~~] Comprehensive needs assessment--The process for identifying a child's unique strengths and needs, and the family's resources, concerns, and priorities, in order to develop an IFSP. The comprehensive needs assessment:

(A) is conducted by an interdisciplinary team as defined in paragraph (31) [~~(29)~~] of this section; and

(B) gathers information across developmental domains regarding the child's abilities to participate in the everyday routines and activities of the family.

(8) [~~(7)~~] Consent--As defined in 34 CFR §303.7 and meeting all requirements in 34 CFR §303.420.

(9) [~~(8)~~] Co-visits--When two or more ECI professionals provide [~~deliver~~] different types of services to a [~~the~~] child at [~~during~~] the same [~~period of~~] time. A co-visit may only be used if it benefits the child more than separate services. [~~Co-visits are provided when a child will receive greater benefit from services being provided at the same time, rather than individually.~~]

(10) [~~(9)~~] Days--Calendar days.

(11) [~~(10)~~] Developmental delay--As defined in Texas Human Resources Code §73.001(3) and determined to be significant in compliance with the criteria and procedures in Subchapter H of this chapter (relating to Eligibility, Evaluation, and Assessment).

(12) [~~(11)~~] Developmental screenings--General screenings provided by the ECI program to assess the child's need for further evaluation.

(13) [~~(12)~~] DFPS--Department of Family and Protective Services. [~~The state agency that provides family reunification services for families. These services are provided to families and children to protect the children from abuse and neglect and help the family reduce the risk of abuse and neglect.~~]

(14) [~~(13)~~] ECI--Early Childhood Intervention.

(15) [~~(14)~~] ECI professional--An individual employed by or under the direction of an ECI program who meets the requirements of qualified personnel as defined in 34 CFR §303.13(c) and §303.31, and who is knowledgeable in child development and developmentally appropriate behavior, possesses the requisite education and experience, and demonstrates competence to provide ECI services.

(16) [~~(15)~~] ECI program--A program that:

(A) meets [~~In addition to~~] the definition of early intervention service program [~~as defined~~] in 34 CFR §303.11; and[~~,~~]

(B) is [~~a program~~] operated by a subrecipient [~~of HHSC ECI with the express purpose of implementing a system~~] to provide ECI services to children with developmental delays and the children's [~~their~~] families.

(17) [~~(16)~~] ECI services--Individualized IDEA Part C services that:

(A) the IFSP team determines are [~~determined by the IFSP team to be~~] necessary to support the family's ability to enhance the [~~their~~] child's development; and[~~.~~]

(B) meet the definitions in: [~~ECI services are further defined in~~]

(i) 34 CFR §303.13; [~~and~~]

(ii) 34 CFR §303.16; and

(iii) §350.1105 of this chapter (relating to Capacity to Provide Early Childhood Intervention Services).

(18) [~~(17)~~] ECSE--Early Childhood Special Education. The state and federally mandated program for young children with disabilities ages three to five, not in kindergarten, under IDEA Part B, Section 619.

(19) [~~(18)~~] EIS--Early intervention specialist. A credentialed professional who meets specific educational requirements established by HHSC ECI in §350.313(a) of this chapter (relating to Early Intervention Specialist) and has specialized knowledge in early childhood cognitive, physical, communication, social-emotional, and adaptive development.

(20) [~~(19)~~] Evaluation--The procedures used by qualified personnel to determine a child's initial and continuing eligibility for ECI services that comply with the requirements described in 34 CFR §303.21 and §303.321.

(21) [~~(20)~~] Face-to-face--The delivery of ECI services in-person or via telehealth.

(22) [~~(21)~~] FERPA--Family Educational Rights and Privacy Act of 1974, 20 U.S.C. [~~USC~~] §1232g, as amended, and implementing regulations at 34 CFR Part 99. Federal law that outlines privacy protection for parents and children enrolled in the ECI program. FERPA includes rights to confidentiality and restrictions on disclosure of personally identifiable information, and the right to inspect records.

(23) [~~(22)~~] Group services--ECI services provided by an ECI professional to no more than four children at the same time. A parent or routine caregiver must be present during group services. Group services support [~~to no more than four children and their parent or parents or routine caregivers per ECI professional to meet~~] the developmental needs of each child [~~the individual infant or toddler~~].

(24) [~~(23)~~] HHSC--Texas Health and Human Services Commission.

(A) HHSC has the final authority and responsibility for the administration, supervision, and monitoring of programs and activities under this system.

(B) HHSC has the final authority for the obligation and expenditure of funds and compliance with all applicable laws and rules.

(25) [~~(24)~~] HHSC ECI--Texas Health and Human Services Commission Early Childhood Intervention. The entity designated as the lead agency, as defined by 34 CFR §303.22. HHSC ECI is responsible for maintaining and implementing the statewide IDEA Part C system.

(26) [~~(25)~~] IDEA Part C--The Individuals with Disabilities Education Act, Part C, as amended in 2004.

(27) [~~(26)~~] IFSP--Individualized Family Service Plan as defined in 34 CFR §303.20. A written plan of care for providing ECI services and other medical, health, and social services to an eligible child and the child's family when necessary to enhance the child's development. The IFSP is considered complete when the parent has signed the IFSP and received a copy.

(28) [~~(27)~~] IFSP services--The individualized ECI services listed in the IFSP that have been determined by the IFSP team to be necessary to enhance an eligible child's development.

(29) [~~(28)~~] IFSP services pages--The standardized form designated by HHSC ECI that constitutes the required final pages of the IFSP used to record ECI services planned for the child.

(30) [~~(29)~~] IFSP team--An interdisciplinary team that meets the requirements in 34 CFR §303.24(b) and works collaboratively to develop, review, modify, and approve the IFSP. The IFSP team includes, at a minimum, the child's parent and at least two ECI professionals from different disciplines or professions.

(A) At least one of the ECI professionals must be the family's assigned service coordinator.

(B) At least one of the ECI professionals must be a Licensed Practitioner of the Healing Arts (LPHA). [~~an LPHA.~~]

(C) At least one ECI professional must have been involved in conducting the evaluation. This may be the LPHA or another professional.

(D) If the LPHA attending the IFSP meeting did not conduct the evaluation, the subrecipient must ensure that the most recent observations and conclusions of the LPHA who conducted the evaluation were communicated to the LPHA attending the initial IFSP meeting and incorporated into the IFSP.

(E) Other team members may participate by other means acceptable to the team.

(31) [~~(30)~~] Interdisciplinary team--A [~~In addition to the definition of multidisciplinary team as defined in 34 CFR §303.24, a~~] team that includes the child's parent and [~~consists of~~] at least two ECI professionals from different disciplines that meets the requirements of 34 CFR §303.24. [~~and the child's parent.~~]

(A) One of the ECI professionals must be an LPHA.

(B) The team may include a teacher for the deaf and hard of hearing, a teacher for students with visual impairments, and a certified orientation and mobility specialist from the child's LEA, as appropriate.

(C) Professionals on the team shall share a common perspective regarding infant and toddler development and developmental delay.

(D) Professionals on the team must work collaboratively to:

(i) conduct the evaluation and assessment;

(ii) develop the IFSP; and

(iii) provide ECI services.

(32) [~~(31)~~] LEA--Local educational agency as defined in 34 CFR §303.23.

(33) Limited personally identifiable information--For the notification of potential eligibility for ECSE, limited personally identifiable information includes:

(A) the child's and parent's names, addresses, and telephone numbers;

(B) the child's date of birth;

(C) the service coordinator's name; and

(D) the language or languages spoken by the child and family.

(34) [~~(32)~~] LPHA--Licensed practitioner of the healing arts. A licensed physician, registered nurse, licensed physical therapist, licensed occupational therapist, licensed speech language pathologist, licensed professional counselor, licensed clinical social worker, licensed psychologist, licensed dietitian, licensed audiologist, licensed physician assistant, licensed marriage and family therapist, licensed intern in speech language pathology, licensed behavior analyst, or advanced practice registered nurse who is an employee or a subcontractor of an ECI subrecipient. LPHA responsibilities are further described in §350.312 of this chapter (relating to Licensed Practitioner of the Healing Arts).

(35) [~~(33)~~] Medicaid--The medical assistance entitlement program administered by HHSC.

(36) [~~(34)~~] MOU--Memorandum of understanding. A written document evidencing the understanding or agreement of two or more parties regarding the subject matter of the agreement.

(37) [~~(35)~~] Native language--As defined in 34 CFR §303.25.

(A) When used with respect to an individual who is limited English proficient (as that term is defined in IDEA Part B, Section 602(18)), native language means:

(i) the language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child; and

(ii) for evaluations and assessments conducted pursuant to 34 CFR §303.321(a)(5) and (a)(6), the language normally used by the child, if determined developmentally appropriate for the child by qualified personnel conducting the evaluation or assessment.

(B) When used with respect to an individual who is deaf or hard of hearing, blind or visually impaired, or for an individual with no written language, "native language" means the mode of communication that is normally used by the individual (such as sign language, braille, or oral communication).

(38) [~~(36)~~] Natural environments--As defined in 34 CFR §303.26, settings that are natural or typical for a same-aged infant or toddler without a disability. A natural environment may include the home or community settings, include the daily activities of the child and family or caregiver, and must be consistent with the provisions of 34 CFR §303.126.

(39) [~~(37)~~] Parent--As defined in 20 U.S.C. [~~USC~~] §1401(23) and 34 CFR §303.27.

(40) Participating agency--As defined in 34 CFR §303.403(c).

(41) [~~(38)~~] Personally identifiable information--As defined in 34 CFR §99.3 and 34 CFR §303.29.

(42) [~~(39)~~] Pre-enrollment--All family-related activities from the time the referral is received up until the time the parent signs the initial IFSP.

(43) [~~(40)~~] Primary referral sources--As defined in 34 CFR §303.303(c).

(44) [~~(41)~~] Public agency--HHSC and any other state agency or political subdivision of the state that is responsible for providing ECI services to eligible children under IDEA Part C.

(45) [~~(42)~~] Qualifying medical diagnosis--A diagnosed medical condition that has a high probability of developmental delay as determined by HHSC, as described in §350.811 of this chapter (relating to Qualifying Medical Diagnosis).

(46) [~~(43)~~] Referral date--The date the child's name and sufficient information to contact the family was obtained by the subrecipient.

(47) [~~(44)~~] Routine caregiver--An adult who:

(A) has written authorization from the parent to participate in ECI services with the child, even in the absence of the parent;

(B) participates in the child's daily routines;

(C) knows the child's likes, dislikes, strengths, and needs; and

(D) may be the child's relative, child care [~~childcare~~] provider, or other person who regularly cares for the child.

(48) [~~(45)~~] SEA--State educational agency as defined by 34 CFR §303.3(b).

(49) [~~(46)~~] Service coordinator--An employee or subcontractor of an ECI subrecipient who:

(A) meets all applicable requirements in Subchapter C of this chapter (relating to Staff Qualifications);

(B) is assigned to be the single contact point for the family;

(C) is responsible for providing case management services as described in §350.405 of this chapter (relating to Case Management Services); and

(D) is from the profession most relevant to the child's or family's needs or is otherwise qualified to carry out all applicable responsibilities.

(50) [~~(47)~~] SRS--Specialized rehabilitative services. Rehabilitative services outlined in §350.501 of this chapter (relating

to Specialized Rehabilitative Services) that promote age-appropriate development by correcting deficits and teaching compensatory skills for deficits that directly result from medical, developmental, or other health-related conditions.

(51) [~~(48)~~] SST--Specialized skills training. As defined by 34 CFR 303.13(b)(14). SST seeks to reduce the child's functional limitations across developmental domains, including strengthening the child's cognitive skills, positive behaviors, and social interactions.

(52) [~~(49)~~] Subrecipient--A local private or public agency that is approved to contract with HHSC [~~with proper legal status~~] and is governed by a board of directors or governing authority that accepts funds from HHSC to administer an ECI program.

(53) [~~(50)~~] Surrogate parent--A person assigned to act as a surrogate for the parent in compliance with IDEA Part C and this chapter.

(54) [~~(51)~~] TAC--Texas Administrative Code. A compilation of all state agency rules in Texas.

(55) [~~(52)~~] TCM--Targeted case management. Case management activities that meet criteria in §350.405(c) of this chapter [~~subchapter~~] and are reimbursable by Medicaid when provided to Medicaid-enrolled children who are eligible for ECI.

(56) [~~(53)~~] TEA--Texas Education Agency. The state agency that oversees primary and secondary public education. It is headed by the commissioner of education.

(57) [~~(54)~~] Telehealth services--Health care services, other than telemedicine medical services, delivered by a health professional licensed, certified, or otherwise entitled to practice in Texas and acting within the scope of the health professional's license, certification, or entitlement to a patient who is located at a different physical location than the health professional using synchronous audio-visual telecommunications or information technology.

(58) [~~(55)~~] U.S.C. [~~USC~~]--United States Code. The official codification of the general and permanent federal statutes of the United States.

§350.105. Safety Regulations.

(a) The subrecipient [~~contractor~~] must develop and implement written policies [~~policy~~] and procedures to address accessibility and safety regulations for all buildings and offices where ECI programs are housed.

(1) Buildings must be physically accessible to persons with disabilities.

(2) Buildings must be inspected annually by a local or state fire authority. A safety and sanitation inspection must be completed annually. If the fire or safety and sanitation inspection indicates that hazards exist, these hazards must be corrected.

(3) Buildings must comply with all requirements of any applicable licensing or regulatory body for these types of activities carried on in the building.

(b) If the subrecipient [~~contractor~~] provides ECI [~~early childhood intervention~~] services in settings other than the child's home, the subrecipient [~~contractor~~] must develop and implement written policies [~~policy~~] and procedures that address accessibility and safety issues.

(c) The subrecipient must ensure that the transportation services system for children and families complies with all local and state legal requirements. [~~The contractor's system for transportation services for children and families must meet all local and state legal requirements.~~]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 11, 2026.

TRD-202603381
Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 424-6580

♦ ♦ ♦

SUBCHAPTER B. PROCEDURAL SAFEGUARDS AND DUE PROCESS PROCEDURES

26 TAC §§350.203, 350.204, 350.207, 350.211, 350.213, 350.215, 350.217 - 350.219, 350.221, 350.223, 350.227, 350.229, 350.231, 350.233, 350.235, 350.237, 350.239

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Occupations Code §55.004 and §55.0041, which requires state agencies that issue professional licenses or credentials to also offer them to military service members, military veterans, and military spouses who hold a current out-of-state license in good standing that is similar in scope of practice to the license issued by the state agency.

The amendments affect Texas Government Code §524.0151, Texas Occupations Code §55.004 and §55.0041, and Texas Human Resources Code Chapter 73.

§350.203. Responsibilities.

(a) The subrecipient must: [~~contractor shall be responsible for:~~]

(1) establish or adopt procedural safeguards that meet the requirements of 34 CFR §303.400; [~~establishing or adopting procedural safeguards that meet the requirements of the federal and state regulations listed in §350.101 of this chapter (relating to Purpose) and that also meet additional requirements of this subchapter;~~]

(2) implement [~~implementing~~] the procedural safeguards; and

(3) provide [~~providing~~] oral and written explanation to the parent regarding procedural safeguards during the pre-enrollment process and at other times when parental consent is required.

(b) The subrecipient [~~contractor~~] must make reasonable effort to provide, at no cost to the family:

(1) appropriate interpreter or translation services in the child's native language; [~~as defined in 34 CFR §303.25~~] or

(2) other communication assistance necessary for a parent or child with limited English proficiency or communication impairments to participate in ECI services. [~~early childhood intervention services. Interpreter, translation, and communication assistance services are provided at no cost to the family.~~]

(c) The subrecipient [~~contractor~~] must provide the family a copy of the Early Childhood Intervention Parent Handbook. [~~with the Early Childhood Intervention Parent Handbook.~~] The subrecipient [~~contractor~~] must document that the subrecipient explained the following to the family: [~~the following were explained:~~]

(1) the family's rights;

(2) the ECI [~~the early childhood intervention~~] process; and

(3) ECI [~~early childhood intervention~~] services.

§350.204. Prior Written Notice.

(a) The subrecipient must provide prior written notice to the parent in [~~In~~] accordance with 34 CFR §303.421[~~, prior written notice is required~~] to inform the parent of:

(1) any actions the subrecipient [~~contractor~~] proposes to take or not take;[~~,~~]

(2) the reason for taking or not taking the action;[~~,~~] and

(3) [~~to remind the parent about~~] the parent's rights regarding these actions.

(b) Actions referenced under subsection (a) of this section [~~These actions~~] include the needs assessment and identification of the child and family's needs, evaluation, IFSP meetings, and the provision of ECI [~~early childhood intervention~~] services. Through prior written notice, the subrecipient [~~contractor~~]:

(1) provides the parent with sufficient notice of meetings to allow the parent time to prepare for the meeting and to invite other persons [~~individuals~~] if desired; [~~they choose;~~]

(2) keeps the parent informed about any action the subrecipient [~~contractor~~] is proposing to take or not take; and

(3) provides the parent with sufficient notice of actions the subrecipient [~~contractor~~] will take unless the parent exercises the parent's [~~his or her~~] due process rights.

§350.207. Parental Consent.

(a) Written parental consent provides documentation that the parent has been informed of and agrees, in writing, to the proposed action. Consent is voluntary and can be withdrawn by the parent at any time. Any action for which the parent has withdrawn consent must be stopped immediately.

(b) In addition to the requirements in 34 CFR §303.420, written parental consent must be obtained before:

(1) beginning any screening, except when performing a developmental screening on a child in the conservatorship of DFPS; [~~the Texas Department of Family and Protective Services;~~]

(2) conducting any evaluation or assessment procedures;

(3) providing ECI [~~early childhood intervention~~] services listed in the IFSP [~~Individualized Family Service Plan (IFSP)~~];

(4) changing the type, intensity, or frequency of ECI [~~early childhood intervention~~] services;

(5) contacting medical professionals and other outside sources to coordinate and gather information about the child and family;

(6) reporting personally identifiable information, including disposition of referral, electronically to statewide databases unless release is authorized without consent in FERPA [~~the Family Education Rights and Privacy Act~~]; or

(7) releasing personally identifiable information except as allowed by §350.241 of this subchapter [~~chapter~~] (relating to Release of Records).

(c) As required by 34 CFR §303.420(b), the subrecipient [~~contractor~~] must adopt procedures designed to inform the parent of the nature of the recommended assessment or evaluation procedures and the recommended ECI [~~early childhood intervention~~] services that the parent has refused. The procedures may include:

(1) providing the parent relevant literature or other materials; and

(2) offering the parent peer counseling to enhance the parent's [~~their~~] understanding of the value of ECI [~~early childhood intervention~~] and the inability to participate in the IDEA [~~Individuals with Disabilities Education Act,~~] Part C programs without consent.

(d) If [~~a specific assessment or service is determined necessary by~~] the IFSP team determined a specific assessment or service is necessary, the subrecipient must [~~contractor may~~] not limit or deny that assessment or service because the parent has refused consent for another service or assessment.

§350.211. Parent.

If [~~When situations arise in which~~] more than one person meets the definition of parent under[~~, as defined in~~] 20 U.S.C. [~~USC~~] §1401 and in 34 CFR §303.27, the subrecipient [~~contractor~~] must have a method to resolve [~~of resolving~~] conflicts. This method must give priority [~~in a manner that gives proper deference~~] to the opinions and decisions of the person or persons with the strongest [~~individual or individuals who has the best~~] legal right to act as the child's parent. Any written [~~Written~~] rules or policies developed by the subrecipient [~~contractor~~] must not violate other state or federal laws.

(1) The biological or adoptive parent of a child [~~, unless such parent does not have legal authority to make health, educational or early childhood intervention services decisions for the child,~~] has priority to act as the parent for the purposes of this chapter, unless the biological or adoptive parent's legal authority to make decisions regarding health, education, or ECI services for the child has been removed.

(2) If a judicial decree or order identifies a specific person or persons to act as the child's parent to make health, educational, or ECI services, the subrecipient must recognize [~~early childhood intervention service decisions on behalf of a child, then the contractor acknowledges~~] that person or persons as [~~to be~~] the "parent."

(A) No [~~The exception to this rule is that no~~] state agency, [~~no~~] HHSC ECI subrecipient [~~contractor~~] or provider, [~~and no~~] public agency that provides any paid services to a child, or any family member of that child may serve [~~act~~] as the parent for the purposes of ECI.

(B) A person [~~Notwithstanding the preceding exception, an individual~~] who is a biological or adoptive parent or family member of the child, and who has also been identified by a judicial decree to act as the "parent" of the child, may act as the parent for purposes of ECI, even if that person receives paid services from a state agency, HHSC ECI subrecipient or provider, or public agency. [~~is not disqualified to act as parent.~~]

§350.213. Surrogate Parents.

(a) The subrecipient must [~~contractor shall~~] ensure that the rights of children eligible under this chapter are protected if:

(1) no parent can be identified; or

(2) the subrecipient, [~~contractor,~~] after reasonable efforts, cannot discover the whereabouts of a parent.

(b) The subrecipient [~~contractor~~] must determine the need for and assign a surrogate parent for the child consistent with 34 CFR §303.422 and existing state laws and regulations. This must include a method for:

(1) determining whether a child needs a surrogate parent;

(2) assigning a surrogate parent within the required 30-day timeframe; and

(3) providing training to ensure that the surrogate parent [~~fully~~] understands the [~~their~~] role and responsibilities for representing [~~to represent~~] the best interest of the child.

(c) The subrecipient must use the following criteria [~~Criteria~~] for selecting surrogates. [~~are as follows.~~]

(1) A person selected as surrogate must have no interest that conflicts with the interests of the child represented.

(2) A person assigned as a surrogate parent must not be: [~~an employee of any state agency or a person or an employee of a person providing early childhood intervention services to the child or any family member of the child.~~]

(A) an employee of any state agency;

(B) an employee or subcontractor of the HHSC ECI subrecipient providing services for the child; or

(C) an employee of a public agency that provides paid services to the child or any family member of the child.

(3) A person who qualifies to be a surrogate parent is not an employee solely because he or she is paid to serve as a surrogate parent.

(4) A person selected as a surrogate parent must have knowledge and skills that ensure adequate representation of the interests of the child.

[~~(5) The requirements of paragraphs (1) - (4) of this subsection ensure that the surrogate parent does not hold a job or a position that would either bias the decisions made for the child or make the surrogate parent vulnerable to the possibility of administrative retaliation for the execution of their responsibilities.~~]

[~~(6) If a person qualifies as a "parent" there is no need to appoint a "surrogate parent" and no need to meet the criteria in this subsection.~~]

(d) A surrogate parent may represent a child in all matters related to:

(1) the evaluation and assessment of the child for ECI services;

(2) development and implementation of the child's IFSPs, including annual evaluations and periodic reviews;

(3) the ongoing provision of ECI [~~early childhood intervention~~] services to the child; and

(4) any other rights established under this chapter.

§350.215. Early Childhood Intervention (ECI) Procedures for Filing Complaints.

(a) A person [~~An individual~~] or organization may submit [~~file~~] a written, signed complaint to HHSC, [~~with the Texas Health and Human Services Commission (HHSC)~~] alleging that a requirement of IDEA [~~the Individuals with Disabilities Education Act,~~] Part C, or applicable federal or [~~and~~] state regulation [~~regulations~~] has been violated. The complaint must state [~~be in writing, be signed, and include~~] the nature of the violation and include a statement of the facts supporting the allegation. [~~on which the complaint is based.~~]

(b) A person or organization may submit a written, signed complaint [~~may be filed~~] directly to [~~with~~] HHSC without first filing the complaint with the subrecipient [~~having been filed with the contractor~~] or local program.

(c) HHSC must receive the complaint [~~The alleged violation must have occurred not more than~~] one year of [~~before~~] the date of the alleged violation [~~that the complaint is received by the public agency~~] unless a longer period is reasonable because the alleged violation continues for that child or other children.

(d) Procedures for receipt of a complaint are as follows.

(1) All complaints received by HHSC related to ECI [~~concerning early childhood intervention~~] services must [~~shall~~] be forwarded to the HHSC Director of ECI.

(2) The HHSC Director of ECI must [~~who will~~] log and assign each complaint [~~all complaints~~], monitor [~~the~~] resolution [~~of those complaints~~], and retain copies [~~maintain a copy~~] of all complaints for seven years. [~~a seven-year period.~~]

(3) [~~(2)~~] A complaint must [~~should~~] be clearly distinguished from:

(A) a request for an administrative hearing under §100.693 of this title (relating to Administrative Hearings Concerning Individual Child Rights); [~~40 TAC Chapter 101, Subchapter E, Division 3 (relating to Division for Early Childhood Intervention Services)~~] and

(B) [~~from~~] a request for a hearing under §350.227 of this subchapter [~~chapter~~] (relating to Opportunity for a Hearing) regarding [~~concerning the~~] requirements of FERPA. [~~the Federal Education Rights and Privacy Act.~~]

§350.217. Procedures for Investigation and Resolution of Complaints.

(a) After receiving [~~receipt of~~] the complaint, the HHSC [~~Texas Health and Human Services Commission (HHSC)~~] Director of ECI [~~Early Childhood Intervention (ECI)~~] assigns [~~will assign~~] a staff person to conduct an individual investigation, on-site if necessary, to make a recommendation to the HHSC Director of ECI for resolution of the complaint. The child's and family's confidentiality must be [~~is~~] protected during the complaint resolution process.

(1) The complainant has [~~will have~~] the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.

(2) All relevant information is [~~will be~~] reviewed and an independent determination made as to whether a violation of the requirements of IDEA [~~the Individuals with Disabilities Education Act~~] occurred.

(b) The HHSC Director of ECI resolves [~~will resolve~~] the complaint within 60 days of receiving the complaint. [~~the receipt date.~~]

(c) The HHSC Director of ECI may extend the 60-day timeframe [~~An extension of the time limit under subsection (b) of this section shall be granted~~] only if exceptional circumstances exist with respect to a particular complaint, and all parties agree.

(d) Complainants shall be informed in writing of the final decision of the HHSC Director of ECI. The HHSC Director of ECI's written decision to the complainant must [~~will~~] address each allegation in the complaint and contain:

(1) findings of fact and conclusions; and

(2) reasons for the final decision.

(e) To ensure effective implementation of the HHSC Director of ECI's final decision and to achieve compliance with any corrective actions, the HHSC Director of ECI assigns [~~will assign~~] a staff person to provide technical assistance and appropriate follow-up to the parties involved in the complaint as necessary.

(f) As required by 34 CFR §303.432, when a [~~In resolving a~~] complaint results in a determination that the ECI subrecipient did not provide [~~in which there is a finding of failure to provide~~] appropriate services, the HHSC Director of ECI corrects [~~will remediate~~] the denial of those services. Correction may include [~~, including,~~] as appropriate:[~~,~~]

(1) compensatory services or [~~the awarding of~~] monetary reimbursement; [~~or~~]

(2) other corrective actions that address [~~action appropriate to~~] the needs of the child and the child's family; or

(3) services provided to all ECI-eligible children and families of those children in the future. [~~and appropriate future provision of services for all infants and toddlers with disabilities and their families.~~]

(g) When a complaint is filed, the HHSC Director of ECI will offer mediation services as an alternative to proceeding with the complaint investigation. Mediation may be used when both parties agree to it. A parent's right to a due process hearing or complaint investigation will not be denied or delayed because the parent chose to participate in mediation. The complaint investigation will continue and be resolved within 60 days even if mediation is used as the resolution process.

(h) If HHSC ECI receives a written complaint [~~is received~~] that is also the subject of a request for an administrative hearing under §100.693 of this title (relating to Administrative Hearings Concerning Individual Child Rights) [~~40 TAC Chapter 101, Subchapter E, Division 3 (relating to Division for Early Childhood Intervention Services)~~] or a request for a hearing under §350.227 of this subchapter [~~chapter~~] (relating to Opportunity for a Hearing) concerning the requirements of FERPA [~~the Federal Education Rights and Privacy Act~~], or if the complaint contains multiple issues, including [~~of which~~] one or more that are part of those hearings, the part of the complaint that is being addressed in those hearings is set aside until the conclusion of the hearings. However, any issue in the complaint that is not a part of such action must be resolved within the 60-day timeline using the complaint procedures.

§350.218. Mediation.

(a) A [~~At any time, a~~] party or all parties to a dispute about the provision of appropriate ECI services, about [~~involving a matter with respect to the provision of appropriate early childhood intervention services or~~] a potential or actual violation of IDEA [~~the Individuals with Disabilities Education Act,~~] Part C or other applicable federal or Texas statutes, [~~or~~] regulations, or rules, may request mediation at any time. The party or parties must make the request in writing and send the request to the HHSC Director of ECI. The request for mediation must meet the following requirements. [~~of that dispute by sending the request in writing to the Texas Health and Human Services Commission (HHSC) Director of Early Childhood Intervention (ECI). A request for mediation must:~~]

(1) The request must be signed by the party making the request. [~~be in writing and signed by the requesting party;~~]

(2) The request must describe the dispute to be mediated and provide enough detail to show that the dispute involves: [~~state the dispute to be mediated with some detail showing it is a matter with respect to the provision of appropriate early childhood intervention services to a particular child or children, or that it is a matter with respect to a potential or actual violation of the Individuals with Disabilities Education Act, Part C or other applicable federal or Texas statutes or regulations or rules;~~]

(A) the provision of appropriate ECI services to a specific child or children; or

(B) a potential or actual violation of IDEA Part C or other applicable federal or Texas statutes, regulations, or rules.

(3) The request must identify the opposing party or parties. If the opposing party or parties have agreed to mediation, the request must include the opposing party's or parties' signatures. [~~name the opposing party or parties and, if they have agreed to mediation, contain their signatures;~~]

(4) The request must provide contact information for all parties, as known by the party making the request. [~~give contact information for all parties to the extent known by the requestor; and~~]

(5) The request must show that a copy of the request [~~for mediation~~] has also been sent to all other parties, or that attempts have been made to send it [~~do so~~], if possible.

(b) If the request for mediation is also a complaint pursuant to §350.215 of this subchapter (relating to Early Childhood Intervention (ECI) Procedures for Filing Complaints), it will be handled both as a complaint and as a request for mediation under subsection (c) of this section. If the request for mediation is also a request for a due process hearing, it will be handled both as a request for a due process hearing and a request for mediation under subsection (c) of this section. If the request for mediation does not clearly designate itself as a complaint or request for a due process hearing, or if it does not comply with the filing requirements for those procedures, it will be handled only as a request for mediation under this section.

(c) If the parties to a request for a due process hearing under §100.693 of this title [~~as described in 40 TAC §101.1107~~] (relating to Administrative Hearings Concerning Individual Child Rights) reach an agreement [~~agree~~] to mediate the dispute according to §100.597 of this title [~~in accordance with 40 TAC §101.947~~] (relating to Mediation Procedures), mediation [~~those~~] procedures in §100.597 of this title [~~shall~~] apply. Mediation must [~~, but the mediation shall~~] also comply with [~~the~~] requirements in [~~of federal regulation~~] 34 CFR §303.431.

(d) If the parties to a complaint filed with HHSC under §350.215 of this subchapter agree to mediate the dispute in accordance with §350.217 of this subchapter (relating to Procedures for Investigation and Resolution of Complaints), the procedures in this section apply except for those in subsections (b) and (c) of this section.

(e) If not all parties have agreed to mediation, HHSC will make reasonable efforts to contact the other parties and give them the opportunity to agree to or to decline mediation. If neither HHSC nor the requesting party is able to obtain agreement to mediate by all parties within a reasonable time, HHSC may notify the requesting party and treat the original request for mediation as having been declined by the other party or parties.

(f) The parties may agree to mediate some or all of the disputes listed [~~described~~] in the [~~request for~~] mediation request. The parties [~~, and they~~] may also change which [~~amend the~~] disputes will [~~to~~] be mediated by agreeing to the change in writing.

(g) If HHSC is not a party to the dispute being mediated, HHSC will not be a party to any mediation resolution agreement and will not sign it, but HHSC may assist in the enforcement of it if requested.

§350.219. Confidentiality Notice to Parents.

During pre-enrollment, the subrecipient [~~contractor~~] must give the family a copy of the HHSC Early Childhood Intervention [~~ECI~~] Parent Handbook publication, which contains notice that fully informs the parent about the parent's [~~their~~] confidentiality rights as specified in 34 CFR §303.402. The subrecipient [~~contractor~~] must explain the contents of the HHSC Early Childhood Intervention [~~ECI~~] Parent Handbook when initially providing the publication to the family and annually thereafter.

§350.221. Access Rights.

(a) The subrecipient must give the child's parent the opportunity to inspect and review any records related to evaluations, assessments, eligibility determination, development and implementation of the IFSP, individual complaints regarding the child, and any other records under this chapter concerning the child and the child's family.

(1) Records described in this section are subject to FERPA. [~~The parent of a child eligible under this chapter must be afforded the opportunity to inspect and review any records relating to evaluations and assessments, eligibility determination, development and implementation of the IFSP, individual complaints dealing with the child, and any other area under this chapter involving records about the child and the child's family. The records are covered by FERPA.~~]

(2) Any participating agency, institution, or program that [~~which~~] collects, maintains, or uses personally identifiable information to determine eligibility for or provide ECI services must follow the requirements of this section. [~~from which information is obtained for the purpose of determining eligibility for or providing early childhood intervention services will be subject to these provisions.~~]

(3) The subrecipient must respond to a parent's request to inspect and review records without unnecessary delay and must do so before any meeting regarding an IFSP or hearing related to identification, evaluation, or placement of the child. In all cases, the subrecipient must comply within 10 days after the request is made. [~~The contractor shall comply with a request without unnecessary delay and before any meeting regarding an IFSP or hearing relating to the identification, evaluation, or placement of the child, and in no case, more than 10 days after the request has been made.~~]

(b) The right to inspect and review records under this section includes the parent's right to:

(1) receive a response from the subrecipient [~~participating contractor~~] to reasonable requests for explanations and interpretations of the records;

(2) request that the subrecipient [~~contractor~~] provide copies of the records containing the information if failure to provide those copies would [~~effectively~~] prevent the parent from exercising the right to inspect and review the records; and

(3) have the parent's representative inspect and review the records.

(c) The subrecipient [~~contractor~~] may assume [~~presume~~] that the parent has authority to inspect and review records relating to the parent's [~~his or her~~] child unless the subrecipient [~~agency~~] has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

(d) If a [~~any~~] record contains [~~includes~~] information about [~~on~~] more than one child, the parent of those children [~~shall~~] have the right to:

(1) inspect and review only the information relating to the parent's [~~their~~] child; and [~~or~~]

(2) [~~to~~] be informed about [~~of~~] that specific information.

(e) The subrecipient [~~contractor~~] must, on request, provide the parent a list of the types and locations of service records collected, maintained, or used by the subrecipient. [~~contractor.~~]

§350.223. Fees for Records.

(a) The subrecipient [~~contractor~~] must provide the parent [~~make available to parents~~] an initial copy of the child's ECI [~~early childhood intervention~~] services record at no cost to the parent [~~parents~~].

(b) The subrecipient [~~contractor~~] may charge a fee for copies of records that [~~which~~] are made for the parent under this section if the fee does not [~~effectively~~] prevent the parent from exercising the [~~their~~] right to inspect and review those records.

(c) The subrecipient [~~contractor~~] may not charge a fee to search for or to retrieve information under this section.

(d) The subrecipient [~~contractor~~] must provide copies of the child's ECI records, as defined by 34 CFR §303.403, to the parent [~~to parents~~] according to 34 CFR §303.405 and §303.409.

§350.227. Opportunity for a Hearing.

The subrecipient must [~~contractor shall~~], on request, provide the parent an opportunity for a hearing to challenge information in the child's ECI [~~early childhood intervention~~] records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. The subrecipient must ensure the hearing is [~~This hearing must be~~] conducted in accordance with FERPA.

§350.229. Minimum Requirements for Conducting a Hearing.

When conducting a hearing, the subrecipient must ensure the following FERPA requirements, at minimum, are met. [~~The hearing must meet at a minimum the following FERPA requirements.~~]

(1) The subrecipient [~~contractor~~] must hold the hearing within 30 days after receiving [~~it has received~~] the request for the hearing from the parent.

(2) The subrecipient [~~contractor~~] must give the parent notice of the date, time, and place, reasonably in advance of the hearing.

(3) The hearing may be conducted by any person, [~~individual~~] including an official of the subrecipient, [~~contractor,~~] who does not have a direct interest in the outcome of the hearing.

(4) The subrecipient [~~contractor~~] must give the parent a full and fair opportunity to present evidence relevant to the issues under FERPA, including[~~, but not limited to,~~] FERPA regulations at 34 CFR §99.21. The parent may, at the parent's [~~their~~] own expense, be assisted or represented by one or more persons [~~individuals~~] of the parent's [~~his or her~~] own choice, including an attorney.

(5) The subrecipient [~~contractor~~] must make a [~~its~~] decision in writing within 30 days.

(6) The decision must be based solely on the evidence presented at the hearing[~~,~~] and must include a summary of the evidence and the reasons for the decision.

§350.231. Results of Hearing.

(a) If the subrecipient[~~, as a result of the hearing, the contractor~~] decides, as a result of the hearing, that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child or family, the subrecipient [~~it~~] must amend the information accordingly and so inform the parent in writing.

(b) If the subrecipient[~~, as a result of the hearing, the contractor~~] decides, as a result of the hearing, that the information is accurate

and not misleading or otherwise in violation of the privacy or other rights of the child or family, the subrecipient [it] must inform the parent of the right to add a statement, in writing, about the parent's reasons for disagreeing with the subrecipient's decision. The subrecipient must maintain any statement placed in the record in accordance with 34 CFR §99.21 and all applicable requirements. [the right to place in the record it maintains on the child or family, a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the contractor.]

(c) The subrecipient must ensure that any [Any] explanation placed in the records of the child or family under this section must:

(1) be maintained by the subrecipient [contractor] as part of the records of the child or family as long as the record or contested portion is maintained; and

(2) be disclosed along with the contested portion of the records of the child or family if the subrecipient is disclosing those records to any party. [if the records of the child or family or the contested portion is disclosed by the contractor to any party, the explanation must also be disclosed to the party.]

§350.233. Release of Personally Identifiable Information.

(a) Unless authorized to do so under 34 CFR §99.31 or the Uninterrupted Scholars Act (20 U.S.C. 1232g(b)(1)(L)) [(Public Law 112-278)], the subrecipient must obtain parental consent [must be obtained] before personally identifiable information is:

(1) disclosed to anyone who is not an official or employee of HHSC ECI or an ECI participating agency that collects or uses the information; or [other than officials or employees of Early Childhood Intervention (ECI) participating agencies collecting or using the information; or]

(2) used for any purpose other than meeting a requirement under this chapter.

(b) The subrecipient [A contractor] may request that the parent provide a release to share information with others for legitimate purposes. When requesting this release, the subrecipient must: [However, when such a release is sought:]

(1) inform the parent [must be informed] of the [their] right to refuse to sign the release;

(2) ensure the release form clearly lists which agencies and providers the subrecipient may send the information to and specifies the type of information that might be given to each; [must list the agencies and providers to whom information may be given and specify the type of information that might be given to each;]

(3) provide the parent [must be given] the opportunity to limit the information provided under the release and to limit the agencies, providers, and persons with whom the subrecipient may share information, and the subrecipient must ensure the [information may be shared. The] release form provides [must provide] ample space for the parent to express in writing such limitations;

(4) allow the parent to revoke the release [must be revocable] at any time;

(5) provide a time limit for the consent to release information form [must have a time limit]:

(A) not to exceed seven years after the child exits services or other applicable record retention period, as described in §350.237 of this subchapter (relating to Record Retention Period) for billing records; or

(B) not to exceed one year for all other consents to release information; and

(6) not release the information if the parent refuses to consent to the release of all or some personally identifiable information[, the program will not release the information].

(c) The subrecipient [contractor] may disclose personally identifiable information without prior written parental consent if the disclosure meets one or more of the following conditions:

(1) the disclosure is to another HHSC ECI subrecipient [Texas Health and Human Services Commission (HHSC) ECI contractor] during a transfer of services;

(2) the disclosure is restricted to limited personally identifiable information, [limited personal identification,] as defined in §350.103 [§350.1203] of this chapter (relating to Definitions), being sent to the LEA [Local Education Agency (LEA)] for child find purposes or a child's transition from ECI to ECSE, unless the parent opted-out of the notification in accordance with §350.1213 of this chapter (relating to The Family's Right to Opt Out of the Local Educational Agency and State Educational Agency Notification); [LEA Notification Opt Out);]

(3) the disclosure is to DFPS [the Texas Department of Family and Protective Services] for the purpose of reporting or cooperating in the investigation of suspected child abuse or neglect;

(4) the disclosure is in response to a court order or subpoena;

(5) the disclosure is to a federal or state oversight entity, including:

(A) United States Department of Education, or its designee;

(B) [(A)] United States Department of Health and Human Services, or its designee;

(C) [(B)] Comptroller General of the United States, or its designee;

(D) [(C)] Office of the State Auditor of Texas, or its designee;

(E) [(D)] Office of the Texas Comptroller of Public Accounts, or its designee;

(F) [(E)] Medicaid Fraud Control Unit of the Texas Attorney General's Office, or its designee;

(G) [(F)] HHSC, including:

(i) Office of Inspector General;

(ii) Medicaid and CHIP Services [Managed Care Organization Program] personnel from HHSC, or designee;

(iii) any other state or federal entity identified by HHSC, or any other entity engaged by HHSC; and

(iv) any independent verification and validation contractor, audit firm, or quality assurance contractor acting on behalf of HHSC;

(H) [(G)] state or federal law enforcement agency; or

(I) [(H)] State of Texas Legislature general or special investigating committee or its designee; or

(6) the disclosure meets the requirements of the Uninterrupted Scholars Act (20 U.S.C. 1232g(b)(1)(L)), which provides that:

(A) the disclosure is to a caseworker or other representative of a State or local child welfare agency or tribal organization authorized to access the child's case plan;

(B) the child is in foster care and the child welfare agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student; and

(C) the disclosure must pertain to addressing the educational needs of the child.

§350.235. Safeguards.

(a) The subrecipient [~~contractor~~] must protect the confidentiality of personally identifiable information at all stages of record collection, storage, disclosure, and destruction [~~stages~~].

(b) The subrecipient must designate one [~~One~~] official to [~~for each contractor shall~~] assume responsibility for ensuring the confidentiality of any personally identifiable information.

(c) The subrecipient must ensure that all [~~All~~] persons who collect or use [~~collecting or using~~] personally identifiable information [~~must~~] receive training or instruction about [~~regarding~~] the state's policies and procedures.

(d) The subrecipient [~~Each contractor~~] must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

§350.237. Record Retention Period.

(a) The subrecipient [~~contractor~~] must retain records for seven years after the child has been dismissed from services unless a longer period is required by state or federal law.

(b) The subrecipient [~~A contractor~~] must allow HHSC and any authorized federal or state agency, or agency representatives, [~~all appropriate federal and state agencies or their representatives~~] to inspect, monitor, or evaluate all client records, books, and supporting documents related [~~pertaining~~] to the services provided. [~~The contractor and the subcontractors must make these documents available at reasonable times and for reasonable periods. Upon request, the contractor must submit copies of their records, at no cost, to HHSC ECI, the Texas Attorney General's Office, and representatives of the United States Department of Health and Human Services.~~]

(1) The subrecipient must ensure all documents are made available for inspection at reasonable times and for reasonable durations.

(2) The subrecipient must provide these records upon request and at no cost.

(c) The subrecipient [~~contractor~~] must maintain [~~keep~~] financial documents, [~~and~~] supporting documents, statistical records, and any other records relevant [~~pertinent~~] to [~~the~~] services for which a claim is [~~was~~] submitted to HHSC ECI or its agent.

(1) The subrecipient must retain all such records for at least [~~The records and documents must be kept for a minimum of~~] seven years after the end of the contract period, or for at least seven years after the end of the federal fiscal year in which services were provided if the subrecipient agreement or contract does not specify a [~~a contractor agreement/contract has no specific~~] termination date. [~~in effect.~~]

(2) If any litigation, claim, negotiations, open records request, administrative review, or audit involving these records begins before the seven year period ends, [~~expires,~~] the subrecipient must retain all [~~contractor must keep the~~] records and documents for at least [~~not less than~~] seven years or until matters [~~all litigation, claims, negotiations, open records request, administrative review, or audit finds~~] are resolved, whichever period is longer.

(3) A [~~The~~] case is considered resolved when a final order is issued in litigation, or HHSC ECI and the subrecipient [~~contractor~~] enter into a written agreement.

(4) For purposes of [~~In~~] this section, "contract period" [~~contract period~~] means the time span from the beginning date to [~~through~~] the ending date specified in the original agreement or contract; any extension is [~~agreement/contract; extensions are~~] considered a separate contract period. [~~periods.~~]

§350.239. Destruction of Information.

(a) "Destroy," ["~~Destruction,~~"] as used in this section, means to physically destroy or remove [~~physical destruction or removal of~~] personal identifiers from information so that the information is no longer personally identifiable.

(b) The subrecipient [~~contractor~~] must inform the parent when personally identifiable information collected, maintained, or used under this chapter is no longer needed to provide services to the child and family.

(c) The subrecipient must destroy information [~~must be destroyed~~] upon request of the parent; however, the subrecipient may maintain a permanent record of the child's name, address, telephone [~~phone~~] number, service dates, delivered ECI [~~early childhood intervention~~] services, and years completed and dismissed, [~~may be maintained~~] without time limitation.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Karen Ray
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Health and Human Services Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 424-6580

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SUBCHAPTER C. STAFF QUALIFICATIONS

26 TAC §§350.307, 350.309 - 350.311, 350.313, 350.314

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Occupations Code §55.004 and §55.0041, which requires state agencies that issue professional licenses or credentials to also offer them to military service members, military veterans, and military spouses who hold a current out-of-state license in good standing that is similar in scope of practice to the license issued by the state agency.

The amendments affect Texas Government Code §524.0151, Texas Occupations Code §55.004 and §55.0041, and Texas Human Resources Code Chapter 73.

§350.307. Personnel Grievances.

(a) The subrecipient must develop and maintain a procedure for reviewing [~~Each contractor must maintain a procedure for local review of~~] personnel grievances.

(b) The subrecipient [~~contractor~~] must inform staff of personnel grievance procedures.

§350.309. Minimum Requirements for All Direct Service Staff.

(a) The following terms in this section have the following meanings, unless the context clearly indicates otherwise. [~~For the purposes of this section, the following terms are defined as follows.~~]

(1) Consultation--Evaluation and development of staff knowledge, skills, and abilities in the context of case-specific problem solving.

[~~(2) Record review--A review of documentation in child records to evaluate compliance with the requirements of this chapter, and quality, accuracy, and timeliness of documentation. It also includes feedback to staff to identify areas of strength and areas that need improvement.~~]

(2) [~~(3)~~] Observation--Watching staff interactions with children and families and providing guidance and feedback about the interaction.

(3) Record review--A review of documentation in child records to evaluate compliance with the requirements of this chapter, and quality, accuracy, and timeliness of documentation. It also includes feedback to staff to identify areas of strength and areas that need improvement.

(b) The subrecipient must comply with HHSC ECI requirements related to health regulations for all direct service staff. The subrecipient must comply with 2 CFR Part 3485 and Texas Health and Safety Code Chapter 81.

(c) The subrecipient must comply with HHSC ECI requirements related to initial training requirements for direct service staff. Before providing services, all staff must:

(1) with the exception of teachers of the deaf or hard of hearing, teachers of students with visual impairment, and certified orientation and mobility specialists, complete orientation training as required by HHSC ECI;

(2) hold current certification in first-aid and cardiopulmonary resuscitation for children and infants; and

(3) complete universal precautions training that aligns with recommendations from the Centers for Disease Control and Prevention.

(d) The subrecipient must comply with HHSC ECI requirements related to continuing education requirements for direct service staff. All staff providing ECI services to children and families must maintain current certification in first aid and cardiopulmonary resuscitation for children and infants.

(e) With the exception of teachers of the deaf or hard of hearing, teachers of students with visual impairments, and certified orientation and mobility specialists, the subrecipient must verify that all newly employed staff:

(1) are qualified in terms of education and experience for their assigned scopes of responsibilities;

(2) are competent to perform the job-related activities before providing ECI services; and

(3) complete orientation training as required by HHSC ECI before providing ECI services.

(f) The subrecipient must comply with HHSC ECI requirements related to supervision of direct service staff.

(1) The [~~A~~] subrecipient must implement a system of supervision and oversight that consists of consultation, record review, and observation from a qualified supervisor.

(2) The subrecipient must ensure supervisors meet minimum qualifications. Supervisor qualifications are further described in §350.313(e) [~~§350.313(d)~~] and §350.315(e) of this subchapter (relating to Early Intervention Specialist and Service Coordinator, respectively).

(g) The subrecipient must follow all training requirements mandated by HHSC ECI.

§350.310. Criminal Background Checks.

(a) The subrecipient [~~contractor~~] must conduct [~~complete~~] a fingerprint-based criminal background check on every new hire, volunteer, or other person who will work [~~be working~~] under the authority [~~auspices~~] of the subrecipient [~~contractor~~] before [~~the person has~~] direct contact with children or families occurs. This requirement includes[~~, including~~] employees or subcontractors who previously completed [~~have had~~] a fingerprint-based check for [~~as a requirement of their~~] professional licensure.

(b) The subrecipient [~~contractor~~] must complete a fingerprint-based criminal background check renewal for [~~on~~] any employee, subcontractor, volunteer, or [~~any~~] other person [~~who will be~~] working under the authority [~~auspices~~] of the subrecipient [~~contractor~~] who has direct contact with children or families[~~,~~] at least once every 24 months, unless the subrecipient [~~contractor~~] uses Federal Bureau of Investigations (FBI) Rap Back service and receives notifications of [~~and gets alerts of any~~] new arrests and convictions.

(1) For any person working under the authority of the subrecipient that is [~~Employees who are~~] covered by the FBI Rap Back service, the subrecipient must complete a fingerprint-based criminal background check [~~checks~~] at least once every five years.

(2) The subrecipient must complete a [~~Employees deemed "unfingerprintable" by the Texas Department of Public Safety or other fingerprinting entity must have a~~] name-based background check [~~completed~~] every 24 months for any employee, volunteer, or other person deemed unable to be fingerprinted by the Texas Department of Public Safety or another fingerprinting entity.

(3) If the subrecipient [~~If at any time a contractor~~] has reason to suspect that an employee, subcontractor, volunteer, or other person with direct contact with children and families has been convicted of a crime listed [~~specified~~] in §745.661 of this title (relating to What types of criminal convictions may affect a subject's ability to be present at an operation?), the subrecipient [~~contractor~~] must immediately complete a fingerprint-based criminal background check renewal for the person [~~on the employee~~] in question.

(c) The subrecipient [~~contractor~~] must verify [~~ensure~~] that every LPHA who provides [~~all therapists providing~~] Medicaid services for [~~Early Childhood Intervention~~] children enrolled in ECI is properly [~~are correctly~~] enrolled with the Texas Medicaid Program. This requirement includes disclosing all criminal convictions and arrests as required by 1 TAC §371.1005 (relating to Disclosure Requirements). The HHSC [~~Texas Health and Human Services Commission (HHSC)~~] Office of Inspector General may recommend denial of [~~an~~] enrollment or re-enrollment based on criminal history, as specified in [~~accordance with~~] 1 TAC §371.1011 (relating to Recommendation Criteria).

(d) HHSC Child Care Regulation [~~Licensing~~] maintains three charts of criminal history requirements for persons [~~people~~] who regularly enter licensed child care facilities.

(1) The three charts set forth in §745.661 of this title are published on the HHSC website:

(A) Licensed or Certified Child Care Operations: Criminal History Requirements;

(B) Foster or Adoptive Placements: Criminal History Requirements; and

(C) Registered Child Care Homes and Listed Family Homes: Criminal History Requirements.

(2) The subrecipient [~~contractor~~] must review the [~~each employee's~~] criminal background check of each employee to verify [~~to ensure~~] that staff members who regularly enter regulated child care facilities or foster homes to provide ECI [~~early childhood intervention~~] services do not have any criminal convictions that would result in a prohibition from [~~an absolute bar to~~] entering those facilities or homes [~~them~~] in accordance [~~compliance~~] with §745.661 of this title.

(e) If a criminal background check reveals criminal convictions that are not on the HHSC Child Care Regulation [~~Licensing~~] charts of criminal history requirements or would result in the person [~~individual~~] being eligible for an [~~a~~] HHSC Child Care Regulation [~~Licensing~~] risk assessment, the program director may conduct a risk assessment. The risk assessment process must include, at a minimum, consideration of:

(1) the number of convictions;

(2) the nature and seriousness of the crime;

(3) the age of the person [~~individual~~] at the time the crime was committed;

(4) the relationship of the crime to the person's [~~individual's~~] fitness or capacity to serve in the role of an ECI [~~early childhood intervention~~] professional;

(5) the amount of time that has elapsed since the person's last conviction; and

(6) any relevant information the person [~~individual~~] provides or otherwise demonstrates.

§350.311. Licensed Professionals.

(a) The subrecipient [~~contractor~~] must comply with HHSC ECI requirements related to minimum qualifications for a licensed professional. [~~professionals.~~]

(b) The subrecipient [~~contractor~~] must verify and document that a licensed professional: [~~professionals~~]

(1) holds [~~hold~~] a current license issued by the State of Texas in good standing in the licensed professional's [~~his or her~~] discipline; and

(2) practices [~~practice~~] within the scope of the licensed professional's [~~his or her~~] specific state licensure laws and regulations.

(c) [~~(b)~~] A licensed professional must comply with the established licensing board requirements for the licensed professional's discipline for continuing education, providing and receiving supervision, and conduct.

§350.313. Early Intervention Specialist.

(a) The subrecipient must comply with HHSC ECI requirements related to minimum qualifications for an EIS.

(b) [~~(1)~~] A person [~~An individual~~] who meets one of the following criteria is eligible for EIS credentialing.

(1) [~~(A)~~] Was [~~Be~~] registered as an EIS before September 1, 2011.

(2) Obtained an approved military personnel work authorization verification form signed by HHSC ECI. HHSC ECI provides the work authorization verification form to military service members, military veterans, or military spouses who have applied to be an EIS with an out-of-state license that is in good standing and is similar in scope of practice to an EIS in accordance with Texas Occupations Code §55.004.

(3) [~~(B)~~] Has [~~Hold~~] a bachelor's or graduate degree from an accredited university with:

(A) [~~(i)~~] academic transcripts reflecting the successful completion of required coursework for an EIS, designated by HHSC ECI; or

(B) [~~(ii)~~] documentation reflecting at least three years of experience providing special instruction, as defined in 34 CFR §303.13(b)(14), to infants and toddlers with developmental delays or disabilities and the infants' and toddlers' families while employed by an IDEA Part C Program in the United States or a United States territory within the past 10 years. [~~three years of experience within the last ten years working for an IDEA Part C program in the United States or a United States territory providing special instruction, as defined in 34 CFR §303.13(b)(14), or SST, as defined in §350.501(a)(4) of this chapter (relating to Specialized Rehabilitative Services), to infants and toddlers with developmental delays or disabilities and their families.~~]

(4) [~~(C)~~] If a person [~~an individual~~] lacks some of the required coursework referenced in paragraph (3) [~~(1)(B)(i)~~] of this subsection, the person [~~they~~] may complete applicable contact hours of continuing education:

(A) [~~(i)~~] up to the maximum amount set by HHSC ECI; and

(B) [~~(ii)~~] that meets HHSC ECI requirements.

(c) [~~(b)~~] The subrecipient must comply with HHSC ECI requirements related to initial credentialing for an EIS.

(1) Before the subrecipient can create an employee record for an EIS on the EIS Registry, the EIS [~~An EIS~~] must read and sign the EIS code of ethics [~~prior to the creation of an employee record on the EIS Registry~~].

(2) An EIS must complete the current orientation to ECI training, as designated by HHSC ECI, and develop an Individualized Professional Development Plan (IPDP) [~~IPDP~~] with the [~~their~~] supervisor within 30 days after the EIS's hire date.

(3) An EIS must complete the EIS IPDP no more than one year after the [~~their~~] hire date.

(d) [~~(c)~~] The subrecipient must comply with HHSC ECI requirements related to the biennial renewal of the EIS credential. Every two years after obtaining the EIS credential, an EIS must complete a minimum of:

[~~(1) Every two years after obtaining the EIS credential, an EIS must complete a minimum of:~~]

(1) [~~(A)~~] 20 contact hours of continuing professional education (CPE) that has been approved by the [~~their~~] supervisor; and

(2) [~~(B)~~] three contact hours of CPE in ethics that has been approved by the [~~their~~] supervisor.

(e) [~~(d)~~] The subrecipient must comply with HHSC ECI requirements related to supervision of an EIS.

(1) The subrecipient must provide supervision for an EIS as defined in §350.309(f) of this subchapter (relating to Minimum Requirements for All Direct Service Staff) as required by HHSC ECI.

(2) An EIS supervisor must:

(A) have two years of experience providing ECI services, or two years of experience supervising staff who provide ECI services to children and families; and

(B) meet the minimum requirements in subsection (b) [~~(a)~~] of this section.

(f) [~~(e)~~] Requirements for EIS active status, EIS past due status, and EIS inactive status are as follows.

(1) Only an EIS with active status is allowed to provide ECI services to children and families.

(2) An EIS on past due status or inactive status may not perform any ECI services.

(A) An EIS goes on past due status when:

(i) the EIS fails to complete initial credentialing or renewal activities by the designated due date; or

(ii) the EIS transfers from another ECI program and the EIS's supervisor does not approve the EIS's [~~fails to complete the~~] orientation to ECI within 30 days after the EIS's [~~their~~] hire date[~~, unless the EIS has documentation that they have completed the current orientation module~~].

(B) An EIS goes on inactive status when:

(i) the EIS is no longer employed by a subrecipient; or

(ii) [~~has~~] the EIS credential is removed from the EIS's [~~their~~] record in the Texas Kids Intervention Database System.

(C) If, due to exceptional circumstances, an EIS is unable to submit documentation of completion of credentialing activities by the designated due date, the EIS's supervisor must contact the HHSC ECI EIS credentialing specialist as soon as the supervisor [~~he or she~~] is aware the due date will not be met. The credentialing specialist and the credentialing specialist's [~~his or her~~] supervisor will work with the EIS [~~EIS's~~] supervisor and the EIS to determine an appropriate course of action.

(g) [~~(f)~~] Requirements for reinstating EIS active status are as follows.

(1) If an [~~An~~] EIS is [~~who has been~~] on short-term past due or [~~status or short-term~~] inactive status, the EIS must submit the training in subsection (d) of this section for each [~~must submit the required contact hours of continuing professional education and ethics training for their~~] missed renewal date. [~~dates.~~]

(2) If an [~~An~~] EIS is [~~who has been~~] on long-term past due or [~~status or long-term~~] inactive status, the EIS must complete all initial credentialing activities in subsection (c) [~~(b)~~] of this section.

(3) EIS active status is considered reinstated after the information is entered into the EIS Registry and is approved by HHSC ECI.

(h) [~~(g)~~] The subrecipient must comply with HHSC ECI requirements related to ethics for an EIS.

(1) The subrecipient must establish and maintain disciplinary procedures that apply to all EISs upon violations of standards of conduct in §350.314 of this subchapter (relating to EIS Code of Ethics).

(2) An EIS who violates any of the standards of conduct is subject to the subrecipient's disciplinary procedures.

(3) The subrecipient must complete an EIS Code of Ethics Incident Report in the EIS Registry when an EIS violates any of the standards of conduct.

(i) [~~(h)~~] Subrecipients must contact HHSC ECI when hiring a new EIS to verify if an EIS Code of Ethics Incident Report has been recorded in the EIS Registry.

§350.314. EIS Code of Ethics.

An EIS must observe and comply with the following standards of conduct.

(1) An EIS must comply with the policies and procedures established by [~~of~~] both the subrecipient [~~contractor~~] and HHSC ECI.

(2) An EIS must provide services [~~operate~~] only within the limits of the EIS's [~~boundaries provided by their~~] education, training, and credentials.

(3) An EIS must take measures to avoid imposing or inflicting harm.

(4) An EIS must:

(A) truthfully represent the EIS's [~~their~~] services, professional credentials, and qualifications; and[~~. The EIS must~~]

(B) notify [~~inform~~] families about [~~of~~] the scope and any limitations of [~~their~~] credentials held by the EIS.

(5) An EIS must strive to maintain and improve [~~their~~] professional knowledge, skills, and abilities.

(6) An EIS must maintain the confidentiality of families served by the subrecipient's [~~contractor's~~] ECI program in accordance with the policies and procedures of HHSC ECI.

(7) An EIS must establish professional boundaries and avoid establishing dual relationships or conflicts of interest with families. An EIS must immediately report any [~~Any~~] prior relationships with a family member [~~must be reported~~] to the EIS's supervisor [~~immediately~~].

(8) An EIS must not engage in sexual or intimate relationships with any family member of a child enrolled in the ECI program that employs the EIS [~~Sexual or intimate relationships between an EIS and family members of a child enrolled in the contractor's ECI program that employs the EIS are prohibited~~] during the child's enrollment and for three years after the enrollment ends [~~child is no longer enrolled~~].

(9) An EIS must not enter into a financial relationship with any family member of a child enrolled in the ECI program that employs the EIS during the child's enrollment. [~~Financial relationships between the EIS and family members of a child enrolled in the contractor's ECI program that employs the EIS are prohibited during the child's enrollment.~~]

(10) An EIS must not use the [~~exploit their~~] position of trust and influence with a family to gain personal benefit [~~by benefiting~~] from relationships established as an EIS.

(11) An EIS must not provide direct service while impaired, including impairments that are due to the use of medication, illicit drugs, or alcohol.

(12) An EIS must not falsify documentation.

(13) An EIS must not deny services within the EIS's credentialed scope based on discrimination under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), Title IX of the Education

Amendments of 1972 (20 U.S.C. 1681 et seq.), or Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). [~~refuse to provide services for which they are credentialed on the basis of a child's or family's gender, race, ethnicity, color, religion, national origin, sexual orientation, political affiliation, socioeconomic status, or disability.~~]

(14) An EIS must make reasonable efforts to ensure that families receive appropriate services when the EIS is unavailable or anticipates discontinued employment with the subrecipient [~~contractor~~].

(15) An EIS has a professional obligation to report unethical behavior demonstrated by colleagues throughout the ECI system to the EIS's [~~their~~] program director and to the appropriate board or state agency.

(16) An EIS must report any suspected child abuse, neglect, or exploitation as directed by Texas Family Code §261.101.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Karen Ray
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SUBCHAPTER D. CASE MANAGEMENT FOR INFANTS AND TODDLERS WITH DEVELOPMENTAL DISABILITIES

26 TAC §§350.405, 350.409, 350.417

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Occupations Code §55.004 and §55.0041, which requires state agencies that issue professional licenses or credentials to also offer them to military service members, military veterans, and military spouses who hold a current out-of-state license in good standing that is similar in scope of practice to the license issued by the state agency.

The amendments affect Texas Government Code §524.0151, Texas Occupations Code §55.004 and §55.0041, and Texas Human Resources Code Chapter 73.

§350.405. Case Management Services.

(a) Case management services may be provided via telehealth with the prior written consent of the parent. If the parent declines to consent to telehealth services, case management must still be provided.

(b) All case management activities must be documented in the child's record. Case management activities include:

(1) coordinating the performance of evaluations and assessments;

(2) facilitating and participating in the development, review, and evaluation of the IFSP in accordance with Subchapter J of this chapter (relating to Individualized Family Service Plan);

(3) supporting families to meet their needs by:

(A) assisting families with identifying unmet needs;

(B) assisting families with identifying available providers of services and supports;

(C) making appropriate referrals and facilitating applications for services and supports; and

(D) assisting with initial and ongoing contact to obtain services from medical, social, and educational providers to address identified needs and achieve goals specified in the IFSP;

(4) following up with families and providers of services and supports to assist the child with timely access to services, and discussing the status of referrals to determine whether the services have met the child's identified needs, and whether ongoing assistance to ensure continued access will be necessary;

(5) monitoring and assessment of the delivery and effectiveness of services at least every six months after the IFSP is developed. This process must:

(A) be individualized and clearly related to the needs of the child and family;

(B) collect information from family members, ECI professionals, and other entities and individuals who provide services or supports to the child and family to assess whether:

(i) services are being provided in accordance with the child's IFSP;

(ii) services are adequate to meet the child's and family's needs;

(iii) all ECI professionals are effectively collaborating to address the child's and family's needs; and

(iv) parents and routine caregivers are able to use the interventions being presented;

(6) adjusting the IFSP if new needs, ineffectiveness, or barriers to services are identified;

(7) assisting the parent or routine caregiver in advocating for the child;

(8) coordinating with medical and other health providers to ensure services are effective in meeting the child's and family's needs; and

(9) facilitating the child's transition to ECSE or other appropriate community services and supports.

(c) TCM is case management that meets the following criteria.

(1) The contact occurs with the parent or routine caregiver.

(2) The contact occurs face-to-face or by telephone.

(3) Contacts made in one day total at least eight minutes in duration.

(4) The desired outcome of the contact is of direct benefit to a child who is eligible for ECI services.

(5) The [~~During the contact the~~] service coordinator performs a case management activity as described in subsection (b) [~~(a)~~] of this section.

(d) TCM must be offered to all families and documented in a child's record, regardless of the child's Medicaid enrollment.

(e) Case management activities not defined as TCM occur when the service coordinator performs a case management activity as defined in subsection (b) [~~(a)~~] of this section; and

(1) the contact is with individuals other than a parent or routine caregiver;

(2) the desired outcome of the contact is not of direct benefit to a child who is eligible for ECI services;

(3) the contact is less than eight minutes in duration; or

(4) the contact does not occur face-to-face or by telephone.

§350.409. Conditions for Case Management Provider Agency Participation.

In order to be reimbursed for services specified in §350.405 of this subchapter (relating to Case Management Services), a provider must:

(1) be a subrecipient of HHSC ECI [~~an Early Childhood Intervention contractor of the Texas Health and Human Services Commission~~];

(2) comply with all applicable federal and state laws and regulations governing the services provided;

(3) ensure that services are provided by qualified staff as specified in Subchapter C of this chapter (relating to Staff Qualifications); and

(4) be responsible for the service coordinator's compliance with this subchapter.

§350.417. Due Process.

(a) A Medicaid-eligible person who is denied eligibility for case management, whose request for case management is not processed promptly, or whose case management is terminated, suspended, or reduced, has the right to a fair hearing as described in [~~Medicaid-eligible individuals. Any Medicaid-eligible individual whose request for eligibility for case management is denied or is not acted upon with reasonable promptness, or whose case management has been terminated, suspended, or reduced is entitled to a fair hearing in accordance with~~] 1 TAC Chapter 357, Subchapter A (relating to Uniform Fair Hearing Rules).

(b) [~~All individuals.~~] If an ECI subrecipient [~~Early Childhood Intervention contractor~~] denies, involuntarily reduces, or ends [~~terminates~~] case management, an affected person may file a complaint, [~~for an individual, the individual has all rights to file complaints,~~] request mediation, or request a hearing. These actions must follow the requirements of [~~in accordance with~~] Subchapter B of this chapter (relating to Procedural Safeguards and Due Process Procedures) and §100.693 of this title (relating to Administrative Hearings Concerning Individual Child Rights). [~~in accordance with 40 TAC Chapter 101, Subchapter E, Division 3 (relating to Division for Early Childhood Intervention Services).~~]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER E. SPECIALIZED REHABILITATIVE SERVICES

26 TAC §350.505

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Occupations Code §55.004 and §55.0041, which requires state agencies that issue professional licenses or credentials to also offer them to military service members, military veterans, and military spouses who hold a current out-of-state license in good standing that is similar in scope of practice to the license issued by the state agency.

The amendment affects Texas Government Code §524.0151, Texas Occupations Code §55.004 and §55.0041, and Texas Human Resources Code Chapter 73.

§350.505. Conditions for Provider Agency Participation.

(1) comply with applicable federal and state laws and regulations governing the services provided;

(2) ensure that services are provided by an ECI [~~Early Childhood Intervention (ECI)~~] professional as defined in §350.103 of this chapter (relating to Definitions); and

(3) be responsible for the ECI professional's compliance with this subchapter.

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SUBCHAPTER G. REFERRAL, PRE-ENROLLMENT, AND DEVELOPMENTAL SCREENING

26 TAC §350.704, §350.705

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Occupations Code §55.004 and §55.0041, which requires state agencies that issue professional licenses or credentials to also offer them to military service members, military veterans, and military spouses who hold a current out-of-state license in good standing that is similar in scope of practice to the license issued by the state agency.

The amendments affect Texas Government Code §524.0151, Texas Occupations Code §55.004 and §55.0041, and Texas Human Resources Code Chapter 73.

§350.704. Referral Requirements.

(a) The subrecipient must:

(1) accept referrals for children younger than 36 months of age;

(2) document in the child's ECI record the referral date, source, and reason for referral; and

(3) contact the family in a timely manner after receiving the referral.

(b) The subrecipient must follow all requirements described in this chapter when a referral is received 45 days or more before the child's third birthday.

(c) When a referral is received less than 45 days before the child's third birthday, the subrecipient is not required to conduct pre-enrollment procedures, an evaluation, an assessment, or an initial IFSP meeting. With written parental consent, if the referral information indicates the toddler is potentially eligible for ECSE services:

(1) the subrecipient must refer the child to [~~notify~~] the LEA; and

(2) HHSC must coordinate [~~coordinates~~] the notification to TEA [~~the SEA~~].

§350.705. Child Referred before Birth.

Information received regarding an unborn child becomes a referral the day the subrecipient [~~contractor~~] is notified of the child's birth.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER H. ELIGIBILITY, EVALUATION, AND ASSESSMENT

26 TAC §§350.809, 350.813, 350.815, 350.816, 350.825

STATUTORY AUTHORITY

The amendments and new section are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Occupations Code §55.004 and §55.0041, which requires state agencies that issue professional licenses or credentials to also offer them to military service members, military veterans, and military spouses who hold a current out-of-state license in good standing that is similar in scope of practice to the license issued by the state agency.

The amendments and new section affect Texas Government Code §524.0151, Texas Occupations Code §55.004 and §55.0041, and Texas Human Resources Code Chapter 73.

§350.809. Initial Eligibility Criteria.

(a) To receive ECI services, a child must:

(1) live in Texas;

(2) be younger than 36 months of age; and

(3) meet initial eligibility criteria.

(b) [~~(a) A child must be younger than 36 months of age and meet initial eligibility criteria to receive ECI services.~~] Initial eligibility is established by:

(1) documentation confirming that the child has a medically diagnosed condition that is highly likely to result in a developmental delay; [~~of a medically diagnosed condition that has a high probability of resulting in developmental delay;~~]

(2) meeting the TEA criteria provided in 19 TAC §89.1040 (relating to Eligibility Criteria) for: [~~definition of deaf or hard of hearing or criteria for a visual impairment provided in 19 TAC §89.1040 (relating to Eligibility Criteria); or~~]

(A) deaf or hard of hearing;

(B) deaf-blindness; or

(C) visual impairment; or

(3) a developmental delay that the subrecipient has[~~, which must be~~] evaluated as described in 34 CFR §303.321 and [~~the delay is~~] determined based on:

(A) an evaluation using a standardized tool designated by HHSC ECI that indicates a delay of at least 25 percent in one or more of the following developmental areas:

(i) communication;

(ii) cognitive;

(iii) gross motor;

(iv) fine motor;

(v) social emotional; or

(vi) adaptive;

(B) an evaluation using a standardized tool designated by HHSC ECI that indicates a delay of at least 33 percent if the child's only delay is in expressive communication; or

(C) a qualitative determination of delay, as defined in §350.821 of this subchapter (relating to Qualitative Determination of Developmental Delay).

(c) [~~(b)~~] A child must meet the same eligibility standards in subsection (b)(3)(A) or (b)(3)(B) [~~(a)(3)(A) or (a)(3)(B)~~] of this section on the designated supplemental protocol [~~tool~~] to qualify for a qualitative determination of delay unless the child has an adjusted age or chronological age of under three months.

§350.813. Deaf or Hard of Hearing.

(a) The interdisciplinary team must [~~may~~] not determine that a child who [~~ineligible if the child~~] is suspected to be deaf or hard of hearing is not eligible for ECI until all evaluations and assessments required in §350.809 of this subchapter (relating to Initial Eligibility Criteria) and this section are complete and have been [~~completed and~~] reviewed by the interdisciplinary team.

(b) During each child's evaluation to determine eligibility, the [The] interdisciplinary team must identify whether the child has a [determine any] need for [further] hearing testing by analyzing risk factors and evaluation results. [during every evaluation to determine eligibility.]

(1) Evaluation results must include the items listed in §350.809 of this subchapter. [(relating to Initial Eligibility Criteria).]

(2) The interdisciplinary team may use a [A] hearing screening tool [may be used] when an evaluation tool is not administered for a child who is eligible based on a medical diagnosis or a child who meets the criteria of having a visual impairment as defined by 19 TAC §89.1040 (relating to Eligibility Criteria).

(c) If the interdisciplinary team determines the child needs [The subrecipient must refer the child to a licensed audiologist if the child has been identified as having a need for further] hearing testing and the child has not had a hearing test within the past six months, the subrecipient must refer the child to a licensed audiologist and help the family get a hearing test. [prior to identifying the need.]

(1) The [If necessary to access a licensed audiologist, the] subrecipient may refer the child to the child's primary health care provider to help access a licensed audiologist.

(2) The referral must be made:

(A) within five business [working] days; and

(B) with written parental consent.

(d) If the interdisciplinary team determines that a child has a high probability of being deaf or hard of hearing, but the child's record does not include the necessary documentation to be determined eligible as deaf or hard of hearing, the subrecipient must refer the child to the LEA.

(1) The referral must be made:

(A) as soon as possible; and

(B) with written parental consent.

(2) If the child has not been tested by an audiologist, the subrecipient must:

(A) assist the family in obtaining a hearing test; and

(B) send the test results to the LEA within five business days after the subrecipient receives the hearing test.

(e) [(d)] A child is eligible for ECI under the criteria of deaf or hard of hearing if the child's record [If the subrecipient receives a hearing test that] indicates the child is experiencing a developmental delay because of hearing loss or impairment, or the child [deaf or hard of hearing or receives documentation that the child] has a physical or mental [medical] condition that has a high probability of resulting in a developmental delay and sensory impairment, in accordance with 34 CFR §303.21. [the subrecipient mustenroll the child and make a referral to the LEA.]

[(1) The referral must be made within five business days after the subrecipient receives:]

[(A) the hearing test, in which case the referral must include results of the hearing test; or]

[(B) documentation indicating the child has a medical condition that has a high probability of resulting in a developmental delay and sensory impairment.]

[(2) Per 20 USC §1232g(b)(1)(A), parental consent is not required for this referral, but the parent must be notified that the referral is being made.]

[(3) If the child has not been tested by an audiologist, the subrecipient must assist the family in obtaining a hearing test and send the test results to the LEA within five business days of receiving the hearing test.]

(f) The subrecipient must refer the child to the LEA within five business days when the subrecipient receives one or more of the following. Per 20 U.S.C. §1232g(b)(1)(A), parental consent is not required to make this referral, but the subrecipient must notify the parent that the referral is being made.

(1) Information from a physician, physician's assistant, advance practice registered nurse, or audiologist documenting that the child is deaf or hard of hearing.

(2) An audiogram documenting the child's hearing loss.

(3) Documentation from a medical provider that the child has a physical or mental condition that has a high probability of resulting in a developmental delay and being deaf or hard of hearing.

(g) [(e)] The subrecipient must also refer any child who uses amplification to the LEA.

(h) [(f)] The certified teacher of the deaf and hard of hearing [Certified Teacher of the Deaf and Hard of Hearing] from the LEA participates in the service planning process as part of the interdisciplinary team and, with written parental consent, completes any necessary evaluations.

§350.815. Visual Impairment.

(a) The interdisciplinary team must [may] not determine a child who is suspected to be blind or visually impaired is not eligible for ECI [ineligible if the child is suspected to be blind or visually impaired] until all evaluations and assessments required in §350.809 of this subchapter (relating to Initial Eligibility Criteria) and this section are complete [have been completed] and have been reviewed by the interdisciplinary team.

(b) During each child's evaluation to determine eligibility, the [The] interdisciplinary team must identify whether the child has a [determine any] need for further vision testing by analyzing risk factors and evaluation [results during every evaluation to determine eligibility].

(1) Evaluation results must include the items listed in §350.809 of this subchapter. [(relating to Initial Eligibility Criteria).]

(2) The interdisciplinary team may use a [A] vision screening tool [may be used] when an evaluation tool is not administered for a child who is eligible based on a qualifying medical diagnosis or because the child meets the definition of deaf or hard of hearing in 19 TAC §89.1040 (relating to Eligibility Criteria).

(c) If the interdisciplinary team determines the child needs [The subrecipient must refer the child to an ophthalmologist or optometrist if the child has been identified as having a need for further] vision testing and the child has not had a vision test within the past six months, the subrecipient must refer the child to an ophthalmologist or optometrist and help the family receive the vision test. [prior to identifying the need.]

(1) The subrecipient [If necessary to access an ophthalmologist or optometrist, the subrecipient] may refer the child to the child's primary health care provider to help access an ophthalmologist or optometrist.

(2) The referral must be made:

(A) within five business [~~working~~] days; and

(B) with written parental consent.

(d) If the interdisciplinary team determines that a child has a high probability of a visual impairment, but the child's record does not include the necessary documentation to be determined eligible with a visual impairment, the subrecipient must refer the child to the LEA.

(1) The referral must be made:

(A) as soon as possible; and

(B) with written parental consent.

(2) If the child has not been tested by an ophthalmologist, an optometrist, or a medical physician, the subrecipient must:

(A) assist the family in obtaining a vision test; and

(B) send the test results to the LEA within five business days after the subrecipient receives the vision test.

(e) [~~(d)~~] A child is eligible for ECI under the criteria for visual impairment if the child's record indicates the child is experiencing a developmental delay because of vision loss or impairment, or [~~If the subrecipient receives a vision test that indicates the child is blind or visually impaired or receives documentation that~~] the child has a physical or mental condition that has a high probability of resulting in a developmental delay and a sensory impairment, in accordance with 34 CFR §303.21. [~~the subrecipient must enroll the child and make a referral to the LEA. With written parental consent consistent with §350.207 of this chapter (relating to Parental Consent), the subrecipient must also refer the child to the local office of the Health and Human Services Blind Children's Vocational Discovery and Development Program.~~]

[~~(1) The referral must be made within five business days after the subrecipient receives:~~]

[~~(A) a vision test that indicates the child is blind or visually impaired, in which case the referral must include results of the vision test; or~~]

[~~(B) documentation indicating the child has a medical condition that has a high probability of resulting in a developmental delay and sensory impairment.~~]

[~~(2) Per 20 USC §1232g(b)(1)(A), parental consent is not required for the referral to the LEA, but the parent must be notified that the referral is being made.~~]

[~~(3) If the child has not been tested by an ophthalmologist, an optometrist, or a medical physician, the subrecipient must assist the family in obtaining a vision test and send the test results to the LEA within five business days of receiving the vision test.~~]

(f) The subrecipient must refer the child to the LEA within five business days when the subrecipient receives one or more of the following. Per 20 U.S.C. §1232g(b)(1)(A), parental consent is not required to make this referral, but the subrecipient must notify the parent that the referral is being made.

(1) Information from a physician, physician's assistant, or advance practice registered nurse documenting that the child has a visual impairment.

(2) Documentation of a visual impairment from an ophthalmologist or optometrist.

(3) Documentation from a medical provider that the child has a physical or mental condition that has a high probability of resulting in a developmental delay and a visual impairment.

(g) [~~(e)~~] The certified teacher of students with visual impairments and the certified orientation and mobility specialist from the LEA participate in the service planning process as part of the interdisciplinary team and, with written parental consent, complete any necessary evaluations.

(h) With written parental consent, the subrecipient must also refer a child with a visual impairment to the local office of the HHSC Blind Children's Vocational Discovery and Development Program.

§350.816. Deaf-blindness.

(a) The interdisciplinary team must determine that a child is eligible for ECI under the criteria for deaf-blindness if the child meets the eligibility criteria for deaf or hard of hearing as defined in §350.813 of this subchapter (relating to Deaf or Hard of Hearing) and for visual impairment as defined in §350.815 of this subchapter (relating to Visual Impairment).

(b) The subrecipient must refer the child to the LEA within five business days when the subrecipient receives one or more of the following. Per 20 U.S.C. §1232g(b)(1)(A), parental consent is not required to make this referral, but the subrecipient must notify the parent that the referral is being made.

(1) Information from a physician, physician's assistant, or advance practice registered nurse documenting that the child is deaf-blind or is deaf or hard of hearing and has a visual impairment.

(2) Documentation of a visual impairment from an ophthalmologist or optometrist and an audiogram documenting a child's hearing loss.

(3) Documentation from a medical provider that a child has a physical or mental condition that has a high probability of resulting in a developmental delay and being deaf or hard of hearing and having a visual impairment.

(c) The certified teacher of students who are deaf-blind and the certified orientation and mobility specialist from the LEA participate in the service planning process as part of the interdisciplinary team and, with written parental consent, complete any necessary evaluations. If a certified teacher of students who are deaf-blind is not available, the interdisciplinary team must include:

(1) a certified teacher of students who are deaf or hard of hearing; and

(2) a certified teacher of students with visual impairments.

(d) With written parental consent, the subrecipient must also refer the child to the local office of the HHSC Blind Children's Vocational Discovery and Development Program.

§350.825. Eligibility Statement.

(a) The interdisciplinary team must document eligibility decisions regarding a child on an eligibility statement containing the elements required by HHSC ECI.

(b) The eligibility statement must document the eligibility criteria that applies to the child. Only one of the following eligibility types may be listed on the eligibility statement:

(1) a qualifying medical diagnosis;

(2) meeting the criteria for deaf or hard of hearing, deaf-blindness, or a visual impairment as defined by the TEA; or

(3) completion of the elements required by HHSC ECI for a determination of developmental delay.

(c) The eligibility statement must be:

(1) completed for every child evaluated;

(2) maintained in the child's record; and

(3) updated when eligibility is re-determined.

(d) The eligibility statement is valid:

(1) for 12 months if the child is younger than 21 months of age when eligibility is determined;

(2) until the child's third birthday for a child whose eligibility was determined at 21 months of age or older; or

(3) for six months from the initial eligibility determination if eligibility was based on a qualitative determination of developmental delay.

(e) If new information about additional qualifying criteria is discovered, the new information is documented in the child's record. The eligibility statement does not need to be changed or updated until eligibility is re-determined.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER J. INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP)

26 TAC §§350.1009, 350.1017, 350.1020

STATUTORY AUTHORITY

The amendments and new section are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Occupations Code §55.004 and §55.0041, which requires state agencies that issue professional licenses or credentials to also offer them to military service members, military veterans, and military spouses who hold a current out-of-state license in good standing that is similar in scope of practice to the license issued by the state agency.

The amendments and new section affect Texas Government Code §524.0151, Texas Occupations Code §55.004 and §55.0041, and Texas Human Resources Code Chapter 73.

§350.1009. Participants in Initial and Annual Individualized Family Service Plan Meetings.

(a) The initial IFSP meeting and each annual meeting to evaluate the IFSP must be conducted by the IFSP team as defined in §350.103 of this chapter (relating to Definitions) and 34 CFR §303.343(a).

(b) With parental consent, the subrecipient must also invite to the initial IFSP meeting and annual meetings to evaluate the IFSP:

(1) Early Head Start or Migrant Head Start staff members, if the family is jointly served by either of these programs; and

(2) representatives from other agencies serving or providing case management to the child or family, including Medicaid managed care programs.

(c) If a child:

(1) is documented to be deaf or hard of hearing as described in §350.809(b)(2) [~~§350.809(2)~~] of this chapter (relating to Initial Eligibility Criteria), the IFSP team for an initial IFSP meeting and annual IFSP evaluation meetings must include a certified teacher of the deaf and hard of hearing; [~~or~~]

(2) has a documented visual impairment as described in §350.809(b)(2) [~~§350.809(2)~~] of this chapter [~~(relating to Initial Eligibility Criteria)~~], the IFSP team for an initial IFSP meeting and annual IFSP evaluation meetings must include a certified teacher of students with visual impairments and a certified orientation and mobility specialist; or[~~,~~]

(3) is documented to be deaf-blind as described in §350.809(b)(2) of this chapter, the IFSP team for an initial IFSP meeting and annual IFSP evaluation meetings must include a certified teacher of students who are deaf-blind and a certified orientation and mobility specialist. If a certified teacher of students who are deaf-blind is not available, the interdisciplinary team must include:

(A) a certified teacher of students who are deaf or hard of hearing; and

(B) a certified teacher of students with visual impairments.

(d) If the LEA has not completed the evaluations or assessments within 45 days after the ECI subrecipient receives a referral for a child who is deaf or hard of hearing, has a visual impairment, or is deaf-blind, the subrecipient must:

(1) convene the initial IFSP meeting without the:

(A) certified teacher of students with visual impairments;

(B) certified teacher of students who are deaf or hard of hearing;

(C) certified orientation and mobility specialist; or

(D) certified teacher of students who are deaf-blind;

(2) plan IFSP services that do not need participation from the representatives from the LEA; and

(3) coordinate a periodic review with the LEA as soon as possible after the evaluations and assessments have been completed to plan hearing or vision services.

(e) [~~(d)~~] Unless there is documentation that the LEA has waived notice, the subrecipient must:

(1) provide the certified teacher and certified orientation and mobility specialist, if applicable, required in subsection (c) of this section at least a 10-day written notice before:

(A) the initial IFSP meeting; [~~,~~]

(B) any annual meetings to evaluate the IFSP; [~~,~~] or

(C) any review and evaluation when issues will be addressed that are related to or affected by the child being deaf, hard of hearing, deaf-blind, or having a visual impairment; [~~or visually impaired;~~] and

(2) keep documentation of the notice in the child's record.

(f) [(e)] The IFSP team cannot plan deaf and hard of hearing or vision services or make any changes that affect those services if the certified teacher or certified orientation and mobility specialist required in subsection (c) of this section is not in attendance.

(g) [(f)] The certified teacher and the certified orientation and mobility specialist required in subsection (c) of this section are [is] not required to attend an IFSP review when the following criteria are met, but the subrecipient must obtain the teacher's input.

(1) The IFSP review does not affect the child's vision or hearing services.

(2) Changes made during the IFSP review are not affected by the child's hearing or visual status.

(h) When changes to the IFSP do not affect the child's deaf or hard of hearing or vision services, the IFSP team must route the IFSP to the certified teacher and the certified orientation and mobility specialist required in subsection (c) of this section within two business days after the IFSP meeting for review and signature.

[(g) The IFSP team must route the IFSP within two business days to the certified teacher required in subsection (c) of this section for review and signature when changes to the IFSP do not affect the child's deaf and hard of hearing or vision services.]

(i) [(h)] The certified teacher of the deaf and hard of hearing, [and] the certified teacher of the students with visual impairments, the certified teacher of students who are deaf-blind, and the certified orientation and mobility specialist required in subsection (c) of this section may submit a request within 10 [five] days of the IFSP meeting to have another IFSP meeting if the teacher disagrees with any portion of the IFSP.

§350.1017. Periodic Reviews.

(a) The IFSP team must complete each periodic review in a meeting or by another means that is acceptable to the parents and other participants: [Each periodic review must be conducted by individuals who meet the requirements in 34 CFR §303.343(b) and be completed in compliance with 34 CFR §303.342(b). The periodic review may be carried out by a meeting or by another means that is acceptable to the parents and other participants.]

(1) in accordance with 34 CFR §303.342(b); and

(2) with persons who meet the requirements in 34 CFR §303.343(b), including:

(A) the child's parent;

(B) other family members as requested by the parent;

(C) a person outside the family as requested by the parent; and

(D) the service coordinator assigned to the family.

(b) The child's record must contain documentation that includes all required elements designated by HHSC ECI.

(1) Participation in the periodic review may be accomplished by a team member attending the meeting face-to-face or by telephone or by providing input and information in advance of the meeting.

(2) If a team member participates by means other than a face-to-face meeting, the team member must:

(A) provide [give] the service coordinator the [his or her] most recent observations and conclusions about the child; [,] and

(B) [the team member must] document how and when the information was shared.

(3) If the team member is an LPHA who is not providing ongoing services to the child, the team member [he or she] must have assessed the child face-to-face within the previous 45 days.

(c) The IFSP team must conduct a periodic review [A periodic review is required] at least every six months.

(d) The IFSP team must conduct a periodic review at any time [Additional periodic reviews of the IFSP are conducted more frequently than six-month intervals] if requested by the parent or other IFSP team members.

(e) The periodic review of the IFSP consists of the following actions, which must be documented in the child's ECI record and be provided to the parent:

(1) a review of the child's progress toward meeting each goal on the IFSP and the child's functional abilities related to the goal;

(2) a review of the current developmental needs of the child; [and the needs of the family related to their ability to meet the developmental concerns and priorities;]

(3) a review of the family's needs related to the family's ability to meet the child's developmental concerns and priorities;

(4) [(3)] a review of the case management needs of the child and the family;

(5) [(4)] the development of new goals or the modification of existing goals, as appropriate, that must be dated and attached to the IFSP; and

(6) [(5)] the reasons for any modification to the planned services [plan] or the rationale for not changing the planned services [plan].

(f) If the IFSP team adds transition steps and transition services as part of the periodic review, the team must follow the requirements in §350.1207(d) of this chapter (relating to Transition Planning).

(g) If the IFSP team determines that changes to the type, intensity, or frequency of services are required:

(1) the IFSP team must complete [completes] the IFSP services pages and provide [provides] a signed copy to the parent;

(2) the IFSP team must document the rationale for:

(A) a change in intensity or frequency of a service;

(B) the addition of a new service; or

(C) the discontinuation of a service; and

(3) the subrecipient must continue to provide planned ECI services not affected by the change while the IFSP team finalizes revisions to [develops] the IFSP [revision] and gathers required signatures.

(h) If services remain the same, the documentation must describe the rationale for making no changes and for recommending continued services.

(i) If new goals are developed, the documentation must be provided to the parent.

(j) A change of service coordinator does not require a periodic review.

§350.1020. Re-Establishing IFSP Services.

(a) If the subrecipient receives a request from a family to reinstate services within three months after the date the child's IFSP ser-

vices were suspended or the child was disenrolled or discharged from ECI, the ECI subrecipient may forgo re-determining the child's eligibility and the comprehensive needs assessment.

(1) The child's eligibility date will be the child's eligibility date prior to exiting ECI services.

(2) Before reinstating any services other than case management, the subrecipient must:

(A) verify that the child's qualifying medical condition or vision or auditory status has not changed, if applicable;

(B) conduct a periodic review, including an assessment by an LPHA; and

(C) ensure assessments required by provider's practice acts are completed as needed.

(b) If the subrecipient receives a request from a family to reinstate services more than three months after the date the child was disenrolled or discharged from ECI, the subrecipient must treat the request to reinstate services as a new referral for the child and complete an evaluation to determine eligibility. If the child is eligible, the IFSP team must develop a new IFSP.

(c) In situations where only certain IFSP services were suspended and others remained active, and the subrecipient receives a request from a family to reinstate the suspended services more than three months after the suspension date, the subrecipient must follow the requirements in subsection (a) of this section.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER K. SERVICE DELIVERY

26 TAC §350.1105

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Occupations Code §55.004 and §55.0041, which requires state agencies that issue professional licenses or credentials to also offer them to military service members, military veterans, and military spouses who hold a current out-of-state license in good standing that is similar in scope of practice to the license issued by the state agency.

The amendment affects Texas Government Code §524.0151, Texas Occupations Code §55.004 and §55.0041, and Texas Human Resources Code Chapter 73.

§350.1105. Capacity to Provide Early Childhood Intervention Services.

The subrecipient [~~contractor~~] must have the capacity to provide all ECI [~~early childhood intervention~~] services in 34 CFR §303.13 and additional ECI [~~early childhood intervention~~] services described in this chapter. These services are as follows. [~~the following:~~]

(1) Assistive Technology Device and Service--As defined in 34 CFR §303.13(b)(1).

(2) Audiology Services--As defined in 34 CFR §303.13(b)(2), plus services provided by LEA [~~local educational agency~~] personnel, including sign language and cued language services as defined in 34 CFR §303.13(b)(12).

(3) Behavioral Intervention--Services delivered through a structured plan to strengthen developmental skills while specifically addressing severely challenging behaviors as determined by the IFSP [~~Individualized Family Service Plan (IFSP)~~] team. The behavior plan is developed by the IFSP team [~~(that includes the plan supervisor)~~] to:

(A) identify goals;

(B) conduct a functional assessment to determine the motivation for the behavior;

(C) develop a hypothesis;

(D) design support plans; and

(E) implement, monitor, and evaluate outcomes.

(4) Counseling--As family training, counseling, and home visits are defined in 34 CFR §303.13(b)(3). Counseling is provided when the nature and quality of the parent-child relationship interferes significantly with the ECI-enrolled [~~Early Childhood Intervention~~] child's development. Counseling focuses on the parent-child relationship or other critical care-giving relationships and helps the child meet developmental outcomes.

(5) Family Education and Training--As family training, counseling, and home visits are defined in 34 CFR §303.13(b)(3). Family education and training is provided when the family needs information about general parenting techniques or environmental concerns. Information provided follows a specific scope and sequence. Information may be based on general child care, developmental education, or other specific curriculum. Family Education and Training can be provided to parents in group settings without the children present.

(6) Health Services--As defined in 34 CFR §303.16.

(7) Medical Services--As defined in 34 CFR §303.13(b)(5).

(8) Nursing Services--As defined in 34 CFR §303.13(b)(6).

(9) Nutrition Services--As defined in 34 CFR §303.13(b)(7).

(10) Occupational Therapy--As defined in 34 CFR §303.13(b)(8).

(11) Physical Therapy--As defined in 34 CFR §303.13(b)(9).

(12) Psychological Services--As defined in 34 CFR §303.13(b)(10).

(13) Service Coordination--As defined in 34 CFR §303.13(b)(11) and includes all requirements in 34 CFR §303.34.

(14) Social Work Services--As defined in 34 CFR §303.13(b)(13).

(15) Sign Language and Cued Language--As defined in 34 CFR §303.13(b)(12).

(16) Specialized Skills Training--As defined in §350.103 of this chapter (relating to Definitions) [~~Subchapter E of this chapter (relating to Specialized Rehabilitative Services)~~] plus the provision of special instruction as defined in 34 CFR §303.13(b)(14).

(17) Speech-Language Pathology Services--As defined in 34 CFR §303.13(b)(15) and can include sign language and cued language services as defined in 34 CFR §303.13(b)(12).

(18) Targeted Case Management--As defined in Subchapter D of this chapter (relating to Case Management for Infants and Toddlers with Developmental Disabilities).

(19) Transportation and Related Costs--As defined in 34 CFR §303.13(b)(16).

(20) Vision Services--As defined in 34 CFR §303.13(b)(17) plus services provided by LEA [~~local educational agency~~] personnel.

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SUBCHAPTER L. TRANSITION

26 TAC §§350.1203, 350.1205, 350.1209, 350.1211, 350.1213, 350.1216, 350.1217

STATUTORY AUTHORITY

The amendments and new section are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Occupations Code §55.004 and §55.0041, which requires state agencies that issue professional licenses or credentials to also offer them to military service members, military veterans, and military spouses who hold a current out-of-state license in good standing that is similar in scope of practice to the license issued by the state agency.

The amendments and new section affect Texas Government Code §524.0151, Texas Occupations Code §55.004 and §55.0041, and Texas Human Resources Code Chapter 73.

§350.1203. Definitions.

The following terms in this subchapter [~~words and terms, when used in this subchapter, will~~] have the following meanings, unless the context clearly indicates otherwise.

(1) Community transition meeting--A meeting held to discuss how the subrecipient will assist the family with transitioning from ECI services to community services, activities, places, or programs that the family would like the child to participate in after exiting ECI services.

(2) LEA notification--A notification sent to the LEA of a child who is potentially eligible for ECSE services. The LEA treats this notification as a referral for ECSE services.

[~~(3) LEA notification opt out--The parent's choice not to allow the subrecipient to send the child's limited personally identifiable information to the LEA to meet requirements in §350.1211 of this subchapter (relating to Local Education Agency Notification of Potential Eligibility for Early Childhood Special Education Services).~~]

(3) [~~(4)~~] LEA transition conference--A meeting to discuss ECSE services and eligibility determination for children who are potentially eligible for ECSE services.

[~~(5) Limited personally identifiable information--The child's and parent's names, addresses, and phone numbers; child's date of birth; service coordinator's name; and language spoken by the child and family.~~]

(4) SEA notification--A notification sent to TEA of a child who is potentially eligible for ECSE services.

(5) [~~(6)~~] Transition planning--The process of identifying and documenting appropriate steps and transition services to support the child and family to smoothly and effectively transition from ECI services to ECSE services or other community services, activities, places, or programs that the family would like the child to participate in after exiting ECI services.

§350.1205. Transition Education and Information for the Family.

(a) At the first meeting with the family after a child is referred to ECI, the subrecipient [~~the referral, the contractor~~] must explain to the family:

(1) circumstances that would cause the child to no longer meet the eligibility requirements for early intervention services; and

(2) the ECI [~~Early Childhood Intervention~~] transition process.

(b) The subrecipient [~~contractor~~] must provide the enrolled family with an overview of transition concepts and activities, including:

(1) ways to plan ahead and help the child adjust to and function in new settings;

(2) future placement options for the child such as ECSE services through the LEA, [~~Local Education Agency (LEA) special education services,~~] community child care settings, private therapy, and home care;

(3) referral and contact information for [~~relevant advocacy groups,~~] local resources, parent support organizations, Medicaid programs, including waiver programs offering long-term services and supports if the child has a condition that would make them eligible for waiver programs, and other governmental agencies; and

(4) requirements for the LEA notification and SEA notification of potential eligibility for ECSE and the family's right to opt out of these notifications. [~~LEA Notification requirements and the LEA Notification Opt Out option.~~]

(c) The subrecipient [~~contractor~~] must document the transition conversation with the family in a progress note.

§350.1209. State Educational [~~Education~~] Agency Notification.

HHSC ECI must coordinate [~~coordinates~~] the SEA notification for [~~of~~] children potentially eligible for ECSE[~~,~~] in compliance with 34 CFR §303.209(b).

(1) HHSC must notify TEA [~~will send notification~~] of children who are potentially eligible for ECSE: [~~services to the SEA~~]

(A) at least 90 days before the [~~each~~] child's third birthday; [~~,~~] or

(B) as soon as possible for children who are determined eligible for ECI services more than 45 but less than 90 days before the child's third birthday.

(2) With written parental consent, HHSC ECI will refer the child directly to TEA if: [If a referral is received for a child fewer]

(A) the child is referred less than 45 days before the child's third birthday; and

(B) the child may be potentially eligible for ECSE services. [, HHSC will, with written parental consent, refer the child directly to the SEA.]

(3) If a family opts out of the LEA notification as described in §350.1213 of this subchapter (relating to The Family's Right to Opt Out of the Local Educational Agency and State Educational Agency Notification), HHSC ECI must not send the SEA notification to TEA.

§350.1211. Local Educational [Education] Agency Notification of Potential Eligibility for Early Childhood Special Education Services.

(a) The IFSP team must determine [determines] if a child who is 24 months [two years] old or older receiving ECI services is potentially eligible for ECSE.

(b) If the IFSP team determines the child is potentially eligible for ECSE, the subrecipient must send a notification of potential eligibility for ECSE [provide notification] to the LEA as soon as possible, unless the parent opts out of the disclosure as described in §350.1213 of this subchapter (relating to The Family's Right to Opt Out of the Local Educational [Education] Agency and State Educational Agency Notification).

(1) The notification must include all required elements designated by HHSC ECI, which includes sharing the child's limited personally identifiable information. [Written parental consent is not required for the subrecipient to send the LEA Notification.]

(2) The subrecipient does not need to obtain written parental consent to send the notification with [Written parental consent is required before sending information other than the child's] limited personally identifiable information to the LEA.

(c) With parental consent, the subrecipient must provide the date the child enrolled for IDEA Part C services. The subrecipient may provide this date with the notification of potential eligibility or when the subrecipient provides other information to the LEA as described in §350.1216 of this subchapter (relating to Early Childhood Intervention Referrals to the Local Educational Agency). [For a child whose parent has not opted out of the disclosure as described in §350.1213 of this subchapter:]

[(1) the subrecipient must notify the LEA at least 90 days before the child's third birthday that the child is potentially eligible for ECSE services; and]

[(2) the subrecipient must send the LEA for the area in which the child resides the LEA Notification, which contains the child's limited personally identifiable information as defined in §350.1203(5) of this subchapter (relating to Definitions).]

(d) If the subrecipient determines a child is eligible for ECI services less than 90 days and more than 45 days before the child's third birthday, the subrecipient must determine as soon as possible whether the child is potentially eligible for ECSE services and notify the LEA in accordance with subsection (b) of this section.

(e) If the subrecipient receives a referral for a child fewer than 45 days before the child's third birthday, the subrecipient must determine whether the child is [and the child may be] potentially eligible for ECSE based on information included in the child's referral.[:]

(1) The subrecipient is not required to conduct pre-enrollment procedures, an evaluation, an assessment, or an initial IFSP meeting. [the subrecipient must, with written parental consent, refer the child directly to the LEA; and]

(2) If the child is potentially eligible for ECSE based on information included in the child's referral, the subrecipient must, with written parental consent, refer the child directly to the LEA. [the subrecipient is not required to conduct pre-enrollment procedures, an evaluation, an assessment, or an initial IFSP meeting.]

(3) If the subrecipient is not able to determine potential eligibility for ECSE based on information included in the child's referral, the subrecipient must, with written parental consent, refer the child directly to the LEA.

[(f) To assist the LEA in determining eligibility, the subrecipient, with written parental consent, must send the LEA the most recent:]

[(1) evaluations;]

[(2) assessments; and]

[(3) IFSPs.]

§350.1213. The Family's Right to Opt Out of the Local Educational [Education] Agency and State Educational Agency Notification.

(a) The parent may choose not to allow [the subrecipient to]:

(1) the subrecipient to send the child's limited personally identifiable information in a notification of potential eligibility to the LEA; and

(2) HHSC ECI to send the child's limited personally identifiable information in a notification of potential eligibility to TEA. [notify the LEA of their child's potential eligibility for ECSE services.]

(b) The subrecipient must explain the LEA notification and TEA notification before the parent signs the initial IFSP and annually as part of the annual meeting to review the IFSP. The subrecipient must also explain:

(1) the parent's right to opt out of the LEA notification to the parent and the consequences of opting out; and [inform the parent of the LEA Notification requirements before the parent signs the initial IFSP and annually as part of the annual meeting to review the IFSP; and]

(2) that by opting out of the LEA notification, HHSC ECI will not send the notification to TEA. [explain the option to opt out of the LEA Notification to the parent and the consequences of this option.]

(c) The parent must inform the subrecipient of the [their] decision to opt out of the LEA and TEA notification [Notification] in writing before the scheduled LEA notification date.

(d) The subrecipient must provide the parent with written communication regarding the LEA notification at least 10 days before the date the subrecipient is scheduled to send the notification. The written communication must include [Notification that includes] the following information:

(1) what information will be disclosed to the LEA and TEA;

(2) the scheduled LEA notification [Notification] date;

(3) a clear statement that the parent must inform the subrecipient of the [their] decision to opt out of the LEA notification and TEA notification [Notification] in writing before the scheduled LEA notification date; and

(4) an explanation that the child's limited personally identifiable information will be sent to the LEA and TEA [~~for LEA Notification~~], unless the parent has opted out [~~informs the subrecipient of their decision to opt out of the LEA Notification before the scheduled notification date~~].

[~~(e) The subrecipient must provide the parent the written communication regarding LEA Notification as required in subsection (d) of this section at least 10 days before limited personally identifiable information is scheduled to be released for the LEA Notification.~~]

(e) [~~(f)~~] If the parent opts out of the LEA notification [~~Notification~~] at any time before the scheduled notification date, the subrecipient must:

(1) not send the notification of potential eligibility and the child's limited personally identifiable information to the LEA;

(2) inform the parent that even if the parent [~~he or she~~] opts out of the LEA notification, the parent [~~Notification, he or she~~] can later request that the notification of potential eligibility with the child's limited personally identifiable information be sent to the LEA and TEA; and

(3) document in the child's record:

(A) the date the written communication regarding the LEA notification and TEA notification [~~Notification~~] was provided to the parent; and

(B) the parent's written request to opt out of LEA notification [~~Notification~~].

(f) [~~(g)~~] If the subrecipient determines a child is eligible for ECI more than 45 days but less than 90 days before the child's third birthday and the IFSP team determines the child is potentially eligible for ECSE [~~special education~~] services, the subrecipient must:

(1) immediately inform the parent of the LEA notification and TEA notification [~~Notification~~] requirements;

(2) explain the option to opt out of the LEA notification and TEA notification [~~Notification~~] to the parent and the consequences of this option; and

(3) comply with all other requirements in this section related to the family's right to opt out of the LEA notification and TEA notification [~~Notification~~].

§350.1216. Early Childhood Intervention Referrals to the Local Educational Agency.

(a) With written parental consent, the subrecipient must refer all children who are potentially eligible for ECSE to the LEA as soon as possible after sending the notification of potential eligibility to the LEA.

(b) The referral sent by the subrecipient to the LEA must include the child's most recent:

(1) evaluations;

(2) assessments; and

(3) IFSPs.

§350.1217. Local Educational [~~Education~~] Agency Transition Conference.

(a) With parental approval, the subrecipient must convene the LEA transition conference for each child enrolled in ECI who may be eligible for ECSE. Parental approval is an affirmative response that the parent may give to the subrecipient verbally. [~~If the parent gives approval to convene the LEA transition conference, the subrecipient must:~~]

[~~(1) meet the requirements in 34 CFR §303.342(d) and (e) and §303.343(a), which require:~~]

[~~(A) the face-to-face attendance of the parent and the service coordinator; and~~]

[~~(B) at least one other ECI professional who is a member of the IFSP team who may participate through other means as permitted in 34 CFR §303.343(a)(2);~~]

[~~(2) send an invitation at least 14 days in advance to the appropriate representatives for the LEA that serves the area where the child resides;~~]

[~~(3) conduct the LEA transition conference at least 90 days before the child's third birthday. The transition conference may occur up to nine months before the child's third birthday; and~~]

[~~(4) document the date of the conference in the child's record.~~]

(b) The subrecipient must ensure the LEA transition conference meets the requirements in 34 CFR §303.342(d) and (e) and §303.343(a), which require: [~~conduct the LEA transition conference, even if the representatives for the LEA that serves the area where the child resides do not attend, and provide the parent information about ECSE and related services, including a description of the:~~]

(1) face-to-face attendance of the parent and service coordinator; and [~~eligibility definitions;~~]

(2) attendance of at least one other ECI professional who is a member of the IFSP team who may participate through other means as permitted in 34 CFR §303.343(a)(2). [~~timelines;~~]

[~~(3) process for consenting to an evaluation and eligibility determination; and~~]

[~~(4) extended year services.~~]

(c) The subrecipient must: [~~is not required to conduct the LEA transition conference for children referred to the subrecipient's ECI program less than 90 days before the child's third birthday.~~]

(1) send written notice to the appropriate representatives for the child's LEA at least 14 days before the conference, unless a different timeline is specified in a written local agreement between the LEA and the subrecipient;

(2) conduct the LEA transition conference at least 90 days, but no more than nine months, before the child's third birthday; and

(3) document the date of the conference in the child's record.

(d) The subrecipient may encourage the LEA representative to participate in the meeting by telephone if unable to attend the meeting face-to-face. [~~The 14-day timeline for inviting the LEA representative may be changed by written local agreement between the LEA and the subrecipient.~~]

[~~(1) If the subrecipient becomes aware of a consistent pattern of the LEA representative not attending transition conferences, the subrecipient must make efforts to meet with the LEA to reach a cooperative agreement to maximize LEA participation.~~]

[~~(2) The subrecipient may encourage the LEA representative to participate in the meeting by phone if unable to attend the meeting face-to-face.~~]

(e) If the LEA representative cannot attend the transition conference, the subrecipient must still conduct the conference and provide information about ECSE and related services to the parent, including

a description of the: [parent gives approval to have an LEA transition conference, but does not give written consent to release records to the LEA, then the subrecipient may release only limited personally identifiable information to the LEA. With written parental consent, the subrecipient may release other personally identifiable information to the LEA.]

(1) eligibility definitions;

(2) timelines;

(3) process for consenting to an evaluation and eligibility determination; and

(4) ECSE extended year services.

(f) If the subrecipient identifies a consistent pattern of the LEA representative not attending transition conferences, the subrecipient must make efforts to meet with the LEA representative to improve the LEA representative's participation.

(g) With written parental consent, the subrecipient must release the child's ECI records and other personally identifiable information to the LEA.

(h) If the parent provides approval to have an LEA transition conference, but does not provide written consent to release records to the LEA, then the subrecipient may only release limited personally identifiable information to the LEA.

(i) The subrecipient is not required to conduct the LEA transition conference if:

(1) the child is referred to a subrecipient less than 135 days before the child's third birthday; and

(2) the subrecipient determines the child is eligible for ECI and enrolls the child less than 90 days before the child's third birthday.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 11, 2026.

TRD-202603391
Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 424-6580

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SUBCHAPTER N. FAMILY COST SHARE SYSTEM

26 TAC §§350.1407, 350.1409, 350.1417, 350.1419, 350.1421, 350.1423, 350.1425, 350.1427, 350.1429, 350.1431, 350.1435, 350.1437, 350.1439

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Occupations Code §55.004 and §55.0041, which requires state agencies that issue professional licenses or credentials to also offer them to military service members, military veterans, and military spouses who hold a current out-of-state license in good standing that is similar in scope of practice to the license issued by the state agency.

The amendments affect Texas Government Code §524.0151, Texas Occupations Code §55.004 and §55.0041, and Texas Human Resources Code Chapter 73.

§350.1407. Family Cost Share System Administration.

(a) The subrecipient [contractor] must administer the family cost share system in compliance with the requirements in this title, HHSC policy concerning ECI, and the contract.

(b) In compliance with 34 CFR §303.510(a) and (b) and §303.203(b)(1), IDEA Part C funding is the payor of last resort for ECI [early childhood intervention] services. The subrecipient [contractor] must:

(1) establish third-party billing systems, determine client eligibility for all third-party reimbursement sources, and complete and submit reimbursement requests to corresponding third-party sources, including private insurance, Medicaid programs, CHIP, and TRICARE;

(2) coordinate funding sources for services required under IDEA Part C; and

(3) use other funding for which the clients are eligible before billing services to the HHSC contract, which includes distribution of IDEA Part C funds.

§350.1409. Parent Rights Related to the Family Cost Share System.

(a) The parent has the right to:

(1) receive certain ECI [early childhood intervention] services at no cost in accordance with 34 CFR §303.521(b);

(2) refuse any ECI [early childhood intervention] services the parent does [they do] not wish to receive;

(3) receive information about any method the subrecipient [contractor] may use to verify the family's allowable deductions;

(4) receive information about how the subrecipient determines the family's [contractor's process for determining their] maximum charge before signing the family cost share agreement;

(5) provide written consent before [not have their] personally identifiable information is released for billing purposes [without prior written consent]; and

(6) not have [their] private insurance billed without prior written consent.

(b) If the family has an inability to pay, all IDEA Part C services are provided with no out-of-pocket charge to the parent. The family's inability to pay for ECI [early childhood intervention] services will not result in the delay or denial of ECI [early childhood intervention] services to the child or the family.

(c) If the parent disagrees with the subrecipient's [contractor's] determination of the family's ability to pay, the calculated adjusted income, or the assigned maximum charge, the parent can:

(1) request a review by the subrecipient's program director or other manager [contractor manager or program director];

(2) file an informal or formal complaint with the subrecipient [contractor];

(3) contact the HHSC Office of the Ombudsman for help resolving a problem or concern with the subrecipient [~~contractor~~];

(4) file a formal complaint with HHSC, in compliance with §350.215 of this chapter (relating to Early Childhood Intervention (ECI) Procedures for Filing Complaints) and 34 CFR §303.434;

(5) participate in mediation, in compliance with §350.218 of this chapter (relating to Mediation) and 34 CFR §303.431; and

(6) participate in a due process hearing, in compliance with §350.227 of this chapter (relating to Opportunity for a Hearing), §350.229 of this chapter (relating to Minimum Requirements for Conducting a Hearing), and 34 CFR §303.436 or §303.441, whichever is applicable.

(d) The subrecipient [~~contractor~~] must provide the parent a copy of the ECI Family Cost Share publication before the subrecipient [~~contractor~~] initially bills the child's third-party payor to pay for ECI [~~early childhood intervention~~] services.

(e) The ECI Family Cost Share publication:

(1) explains the family cost share process;

(2) describes the parent's procedural safeguards and related due process rights;

(3) notifies the parent that:

(A) parental consent must be obtained before the subrecipient [~~contractor~~] releases personally identifiable information to third-party payors;

(B) if the parent does not consent to the use of public or private insurance under 34 CFR §303.520(a)(2), the subrecipient [~~contractor~~] must still offer the [~~make available those Part C~~] services on the IFSP that [~~to which~~] the parent has consented to;

(C) the parent has the right to withdraw [~~their~~] consent at any time;

(D) by using the parent's public insurance to pay for ECI services, the parent may incur potential costs for co-pays; [~~as a result of using their public insurance and potential costs such as co-pays, co-insurance, or deductibles as a result of using their private insurance to pay for early childhood intervention services; and~~]

(E) by using the parent's private insurance to pay for ECI services, the parent may incur potential costs such as co-pays, co-insurance, or deductibles; and

(F) [~~(E)~~] if the child has private insurance in addition to Medicaid, the private insurance is the primary payor and must be billed before filing a claim with Medicaid.

§350.1417. Family Cost Share Agreement.

(a) The parent must sign a family cost share agreement. The parent's signature acknowledges the [~~their~~] assigned maximum charge and provides written attestation that:

(1) information regarding third-party coverage, family size, gross income, and allowable deductions is true and accurate; or

(2) the parent chooses not to provide information regarding:

(A) third-party coverage;

(B) gross income and family size; or

(C) allowable deductions.

(b) The subrecipient [~~contractor~~] must not initiate IFSP services subject to out-of-pocket payment until the parent signs the family cost share agreement.

(c) At the annual meeting to evaluate the IFSP, the subrecipient [~~contractor~~] must review the family cost share agreement, obtain current public and private insurance information, and re-calculate the family's assigned maximum charge. The parent must update and sign the [~~their~~] family cost share agreement if family size, gross income, deductions, or third-party coverage is modified.

(d) The parent must report changes to family size, gross income, deductions, and third-party coverage as soon as possible. When the parent reports a change, the subrecipient [~~contractor~~] must review the family cost share agreement, obtain current public or private insurance information, and re-calculate the family's assigned maximum charge. The parent must update and sign the [~~their~~] family cost share agreement.

(e) When the parent signs an updated family cost share agreement, the new maximum charge takes effect the beginning of the following month.

(f) If the child is in the conservatorship of the state, the subrecipient [~~contractor~~] assigns the family a maximum charge of $0.

(1) The foster parent must sign the family cost share agreement acknowledging the $0 maximum charge and attesting to the child's third-party status and foster care status.

(2) The foster parent is not required to attest to family size, gross income, or allowable deductions.

§350.1419. Private Insurance.

(a) The subrecipient [~~contractor~~] must obtain written parental consent to bill and to release personally identifiable information to private insurance.

(b) The subrecipient [~~contractor~~] must obtain written parental consent when:

(1) initially seeking to use [~~their~~] private insurance; and

(2) each time there is an increase (in frequency, length, duration, or intensity) in the provision of services in the IFSP that requires the subrecipient [~~contractor~~] to obtain written parental consent.

(c) If the parent does not provide consent to bill and release personally identifiable information to private insurance, the subrecipient bills the family up to the family's maximum charge, based on the family's placement on the sliding fee scale.

(d) [~~(c)~~] If private insurance denies payment of a [~~the~~] claim, the subrecipient [~~contractor~~] must bill the family up to the family's [~~their~~] maximum charge, based on the family's [~~their~~] placement on the sliding fee scale.

(e) [~~(d)~~] The subrecipient [~~contractor~~] must adjust the amount billed to the family if the subrecipient [~~contractor~~] or parent successfully disputes a denied claim.

(f) [~~(e)~~] The subrecipient [~~contractor~~] must not deny or delay a child's services if:

(1) the family does not have private insurance; or

(2) the parent does not give consent to bill or to release personally identifiable information to the [~~their~~] private insurance. [~~If the parent does not give consent, the contractor bills the family up to their maximum charge, based on their placement on the sliding fee scale.~~]

(g) [(f)] The subrecipient must not charge a [A] family with private insurance [will not be charged] disproportionately more than a family without private insurance.

(h) [(g)] If a child has only private insurance, and the subrecipient has confirmed that the private insurance plan does not pay for certain ECI services, the subrecipient is not required to bill the private insurance plan for those services. [is covered by private insurance only, once the contractor has verified that the private insurance plan will not pay for certain Early Childhood Intervention (ECI) services for a child, the contractor is not required to continue to bill the private insurance plan for those services for that child. The contractor must continue to bill for any services that the private insurance company does cover. The contractor must verify coverage for ECI services with the private insurance plan at least annually.]

(1) The subrecipient must continue to bill the private insurance plan for any ECI services that are covered.

(2) The subrecipient must check with the private insurance plan at least once each year to confirm coverage for ECI services.

§350.1421. Insurance Premiums.

The policyholder is responsible for paying health care premiums based on the [their] individual policy. When [The contractor includes insurance premiums when] calculating the family's allowable deductions, the subrecipient includes insurance premiums, but insurance premiums do not count toward meeting the maximum charge. Neither HHSC nor the subrecipient [contractor] pays the family's private insurance premium.

§350.1423. Co-pays, Co-Insurance, and Deductibles.

(a) The subrecipient [contractor] collects co-pays, co-insurance, and deductibles as set by the family's insurance plan, up to the family's maximum charge. The maximum charge includes and is not in addition to co-pays, co-insurance, and deductibles.

(b) HHSC absorbs any additional costs that exceed the family's maximum charge, including costs for services not covered by insurance, co-pays, co-insurance, and deductibles.

§350.1425. Public Benefits and Insurance.

(a) Medicaid, CHIP, [Children's Health Insurance Program (CHIP),] and TRICARE are public insurance programs.

(b) The subrecipient [contractor] must assist the parent to:

(1) identify and access other available funding sources to pay for a child's ECI [early childhood intervention] services; and

(2) enroll a potentially eligible child in Medicaid or CHIP.

(c) The subrecipient [contractor] must not require a parent to enroll in public benefits or insurance programs as a condition of receiving ECI [early childhood intervention] services.

(d) If the child is not already receiving public insurance, the subrecipient [contractor] must obtain written parental consent before billing. The subrecipient [contractor] must waive the maximum charge while eligibility is being determined, not to exceed 90 days.

(e) The subrecipient [contractor] must obtain written parental consent to release personally identifiable information to Medicaid, CHIP, and TRICARE. If the parent does not give consent to release personally identifiable information, the subrecipient [contractor] bills the parent up to the family's [their] maximum charge, based on the family's [their] placement on the sliding fee scale.

(f) The subrecipient [contractor] must not bill the parent if the child is enrolled in Medicaid and the parent gives consent to release personally identifiable information to Medicaid.

(g) If the child is in foster care or kinship care, the subrecipient [contractor] must obtain consent to release personally identifiable information to bill Medicaid.

(h) If the child has private insurance in addition to Medicaid, the private insurance is the primary payor. The subrecipient [contractor] must bill the private insurance every time before filing a claim with Medicaid for all services other than targeted case management or SST [specialized skills training].

(i) If the child has CHIP or TRICARE and the parent gives consent to release personally identifiable information, the subrecipient [contractor] must bill the family for services not paid for by CHIP or TRICARE and for any co-pays, up to the family's maximum charge, based on the family's [their] placement on the sliding fee scale.

(j) If the child becomes ineligible for Medicaid, CHIP, or TRICARE, the subrecipient [contractor] bills the parent up to the family's [their] maximum charge, based on the family's [their] placement on the sliding fee scale.

(k) The subrecipient [contractor] must not deny or delay a child's services if:

(1) the family does not have public insurance; or

(2) the parent does not give consent to release personally identifiable information to the [their] public insurance. If the parent does not give consent, the subrecipient [contractor] bills the family up to the family's [their] maximum charge, based on the family's [their] placement on the sliding fee scale.

(l) A family with public insurance must [will] not be charged disproportionately more than a family without public or private insurance.

§350.1427. Maximum Charge.

(a) Before initiating ECI [early childhood intervention] services, the subrecipient [contractor] determines the family's ability or inability to pay and calculates the family's [their] out-of-pocket maximum charge.

(b) The family's maximum charge is the total amount of money billed to the family for services delivered in one calendar month. The maximum charge includes payments for services not covered by insurance, co-pays, co-insurance, and deductibles.

(c) The family's assigned maximum charge does not increase if the family has more than one child receiving IFSP services, subject to the Family Cost Share out-of-pocket payment.

§350.1429. Family Size and Adjusted Income.

(a) The family size equals:

(1) the total number of persons [people] living in the home, including the child's parent(s) and the child; and

(2) other persons [individuals] who are financial dependents of the parent.

(b) The family's annual gross income equals the total of all income received by the family. The gross income includes all income classified as taxable income by the Internal Revenue Service before federal allowable deductions are applied. If the parent does not attest to the family's annual gross income, the subrecipient [contractor] must bill the family the full cost of services.

(c) The family's allowable deductions are limited to the family's expenses in the following categories:

(1) child care [childcare] and respite;

(2) costs and fees associated with the adoption of a child;

(3) court-ordered child support payments paid by the parent in the home for financially dependent children who were not included in the family size calculation; and

(4) medical or dental expenses that are to primarily alleviate or prevent a physical or mental illness or defect. Allowable deductions for medical and dental expenses are limited to the cost of:

(A) diagnosis, cure, alleviation, treatment, or prevention of disease;

(B) treatment of any affected body part or function;

(C) medical services legally delivered by physicians, surgeons, dentists, and other medical practitioners;

(D) medications, medical supplies, and diagnostic devices;

(E) medical and dental health care premiums;

(F) transportation to receive medical or dental care; and

(G) medical or dental debt that the family is paying on an established payment plan.

(d) The subrecipient [~~contractor~~] calculates the allowable deductions using the actual amounts the family paid over the previous 12 months and are expected to continue during the IFSP period and projections for new expenses expected to occur during the IFSP period. If the parent does not attest to the family's allowable deductions, the subrecipient [~~contractor~~] determines the maximum charge based on the family's gross income. The subrecipient [~~contractor~~] may implement written local policies requiring verification of allowable deductions in addition to the family's required written attestation.

(e) The family's annual adjusted income equals the family's annual gross income minus the family's allowable deductions.

§350.1431. Texas Health and Human Services Commission Early Childhood Intervention Sliding Fee Scale.

(a) The subrecipient must provide the family with a copy of the HHSC ECI sliding fee scale. Based on family size and income, placement on the HHSC ECI sliding fee scale determines the family's maximum charge for services received in one calendar month.

(b) [~~(1)~~] The HHSC ECI sliding fee scale assigns a set dollar amount as the maximum charge for adjusted income ranges less than or equal to 1000 percent of the federal poverty level.

[~~(2) HHSC calculates the maximum charge for each income range by applying a fixed percentage (ranging from 0.25 to 5 percent) to the mid-point income within each range based on the U.S. Department of Health and Human Services' most recently published federal poverty levels.~~]

(c) [~~(b)~~] The family's maximum charge shall be pursuant to Figure: 26 TAC §350.1431(c) [~~§350.1431(b)~~] identified in this subsection. If the parent refuses to attest in writing that information about their third-party coverage, family size, and gross income is true and accurate, then the family monthly maximum payment equals the full cost of services.

Figure: 26 TAC §350.1431(c)

[~~Figure: 26 TAC §350.1431(b)~~]

§350.1435. Suspension of Services for Nonpayment.

(a) The subrecipient [~~contractor~~] must suspend IFSP [~~Individualized Family Service Plan (IFSP)~~] services subject to an out-of-pocket payment as identified in §350.1413 of this subchapter (relating to Individualized Family Service Plan [~~IFSP~~] Services Subject to Out-of-Pocket Payment [~~from the Family~~]) when the balance remains delinquent for 90 days. If the parent uses [~~their~~] public or private insurance, the 90-day time period begins the date the subrecipient [~~contractor~~] receives notice that the claims are denied for reimbursement and all appeals are exhausted.

(b) Before suspending IFSP services, the subrecipient [~~contractor~~] must inform the parent that:

(1) the parent [~~he or she~~] has the option to request a:

(A) review of the family cost share agreement, as described in §350.1417 of this subchapter (relating to Family Cost Share Agreement); or

(B) reconsideration and adjustment of the family cost share obligation, as described in §350.1437 of this subchapter (relating to Extraordinary Circumstances);

(2) IFSP services subject to an out-of-pocket payment will be suspended when a balance is delinquent for 90 days; and

(3) the subrecipient [~~contractor~~] cannot guarantee the same schedule or the same individual service provider if IFSP services are later reinstated.

(c) Respite vouchers will be denied during a suspension period.

(d) A notation must be made on the family cost share agreement that IFSP services subject to an out-of-pocket payment have been suspended due to non-payment.

(e) The subrecipient [~~contractor~~] must reinstate suspended IFSP services when the family's account is paid in full or the family negotiates an acceptable payment plan with the subrecipient, as required in §350.1020 of this chapter (relating to Re-Establishing IFSP Services). [~~contractor. The IFSP team must reassess the appropriateness of the IFSP before reinstating IFSP services if IFSP services are suspended for more than six months.~~] The subrecipient [~~contractor~~] must document the reinstatement of IFSP services date on [~~the IFSP and~~] the family cost share agreement.

(f) The subrecipient [~~contractor~~] must maintain written local policy for collecting delinquent family cost share accounts. Documentation must reflect all reasonable attempts to collect unpaid balances. Reasonable attempts include multiple attempts at written notification, telephone [~~phone~~] notification, and e-mail.

§350.1437. Extraordinary Circumstances.

(a) The subrecipient [~~contractor~~] must develop a local process to reconsider and adjust the current or overdue family cost share obligation based on extraordinary circumstances.

(b) Only the program director or designated administrator has authority to reconsider and adjust the family cost share obligation. The reconsideration may include an assessment of the parent's ability to pay the family cost share obligation in any particular month or months [~~month(s)~~].

(c) Extraordinary circumstances that require a reconsideration of the family cost share obligation are:

(1) increase or decrease in income;

(2) unexpected short-term medical expenses;

(3) unanticipated child care [~~childcare~~] or respite expenses;

(4) change in family size;

(5) catastrophic loss such as fire, flood, or tornado;

(6) short-term financial hardship such as major repair to the family home or car; or

(7) other extenuating circumstances for which the family requests reconsideration.

(d) The parent must attest in writing that information regarding extraordinary circumstances is true and accurate. The subrecipient [~~contractor~~] may implement written local policy requiring verification of extraordinary circumstances from families, or the subrecipient [~~contractor~~] may rely solely on the family's required written attestation. The subrecipient [~~contractor~~] must deny a request for reconsideration if the parent refuses to provide written attestation that the information related to extraordinary circumstances is true and accurate.

(e) The family's last signed IFSP and family cost share agreement remain in effect during the reconsideration process.

§350.1439. Program Fiscal and Recordkeeping Policies.

(a) The subrecipient [~~contractor~~] must:

(1) use revenue received from the family cost share system only for ECI [~~early childhood intervention~~] services within the HHSC ECI system;

(2) not supplant any other local fund sources; and

(3) report fees collected to HHSC ECI as program income.

(b) The family cost share agreement and any financial records related to income, deductions, and payment history must [~~shall~~] be kept separate from the child's other educational records, and these records must not be forwarded to a school district or other non-ECI service provider(s) at any time unless requested by the family. All financial records must be maintained in a manner consistent with FERPA [~~the Family Educational Rights and Privacy Act~~].

(c) If a family transfers between HHSC ECI subrecipients, the transferring subrecipient must send [~~contractors,~~] the family cost share agreement, other financial records, and the IFSP [~~are transferred~~] to the receiving subrecipient [~~HHSC ECI contractor~~].

(d) The family cost share agreement and financial records are subject to subpoena.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 11, 2026.

TRD-202603392
Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 424-6580

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CHAPTER 742. MINIMUM STANDARDS FOR LISTED FAMILY HOMES

SUBCHAPTER D. NOTIFICATIONS AND LIABILITY INSURANCE [~~REQUIREMENTS~~]

26 TAC §742.403, §742.407

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes amendments to §742.403, concerning What are the liability insurance requirements; and §742.407, concerning When must I notify parents that I do not carry liability insurance.

BACKGROUND AND PURPOSE

The purpose of the proposal is to implement House Bill 2789, Section 4, 89th Legislature, Regular Session, 2025.

Section 4 amended Texas Human Resources Code (HRC) §42.0495 by reducing the liability insurance coverage requirement for a listed family home from $300,000 to $100,000 for each occurrence of negligence and removing the requirement that a listed family home annually file with HHSC proof of liability insurance coverage.

The proposed amendments in Chapter 742 update liability insurance requirements for listed family homes. The proposed amendments update the requirements for a listed family home to provide notice that the home does not carry liability insurance coverage or has stopped carrying the insurance. The proposed amendments remove a grandfather clause for homes that received a permit before April 25, 2021, related to parental notification of the home's inability to obtain liability insurance.

The proposed amendments change the title of each rule because HHSC Child Care Regulation (CCR) plans to stop using rule titles written as a question. The proposed amendments replace pronouns with what the pronouns mean to increase clarity.

The proposed amendments have been written in plain language to improve understanding and effectiveness of the rules.

The proposal also changes the title of Subchapter D to "Notifications and Liability Insurance."

SECTION-BY-SECTION SUMMARY

The proposed amendment to §742.403 changes the title of the rule to "Liability Insurance Requirements." The proposed amendment removes paragraphs (1) and (2) to remove the requirements for a listed family home to have at least $300,000 of liability insurance coverage and to provide proof of insurance coverage to CCR each year. The proposed amendment adds new rule language that requires a listed family home to have liability insurance coverage of at least $100,000 for each occurrence of negligence. These changes implement HRC §42.0495. The proposed amendment replaces the rule removed from paragraph (1)(B) with new rule language. The proposed new language clarifies that liability insurance must cover injury to a child while the child is on the premises of the listed family home or in the care of the home when off the premises. The proposed amendment makes clarifying edits to explain when the listed family home is not required to maintain liability insurance.

The proposed amendment to §742.407 changes the rule title to "Lack of Liability Insurance Notification Requirements." The proposed amendment in subsection (a) updates and clarifies the requirement for a listed family home that does not carry liability insurance coverage to give written notice to a child's parent before admitting the child into care. The proposed amendment in subsection (a) removes the Texas Administrative Code (TAC) reference to §742.403 and the title of §742.403. These changes reduce the need for HHSC to amend rules when TAC references or the titles of rules change. The proposed amendment removes subsection (b) to remove an obsolete grandfather clause for a listed family home issued a permit before April 25, 2021. The proposed amendment in subsection (c), renumbered as subsection (b), updates the requirement and clarifies that if a listed family home previously carried liability insurance, and stops carrying the insurance, then the home must give written notice to the parent of each child that the home does not carry the insurance.

The proposed amendment in renumbered subsection (b) clarifies that "within 30 days" means within 30 days after the date the home stops carrying the insurance. The proposed amendment in subsection (d), renumbered as subsection (c), updates a website, removes a form number, and makes the rule easier to read and understand.

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rules will be in effect:

(1) the proposed rules will not create or eliminate a government program;

(2) implementation of the proposed rules will not affect the number of HHSC employee positions;

(3) implementation of the proposed rules will result in no assumed change in future legislative appropriations;

(4) the proposed rules will not affect fees paid to HHSC;

(5) the proposed rules will not create a new regulation;

(6) the proposed rules will limit and repeal existing regulations;

(7) the proposed rules will not change the number of individuals subject to the rules; and

(8) the proposed rules will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

LOCAL EMPLOYMENT IMPACT

The proposed rules will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these rules because the rules do not impose a cost on regulated persons; are amended to reduce the burden or responsibilities imposed on regulated persons by the rules; are amended to decrease a person's cost for compliance with the rules; and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rules.

PUBLIC BENEFIT AND COSTS

Rachel Ashworth-Mazerolle, Associate Commissioner for Child Care Regulation, has determined that for each year of the first five years the rule is in effect, the public will benefit from rules that (1) reduce the amount of liability insurance a child care operation must carry, which may increase the number of child care operations able to obtain liability insurance; and (2) comply with state law.

Trey Wood has also determined that for the first five years the rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules because the rules do not require a child care operation to purchase equipment, supplies, or hire additional personnel to comply with the rules.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to *HHSRulesCoordinationOffice@hhs.texas.gov*.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R009" in the subject line.

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendments implement Texas Government Code §524.0151 and HRC §§42.042(a) and 42.0495.

§742.403. Liability Insurance Requirements. [~~What are the liability insurance requirements?~~]

A listed family home must have liability insurance coverage of at least $100,000 for each occurrence of negligence, unless the listed family home has [~~Unless you have~~] an acceptable reason not to maintain liability [~~have the~~] insurance as provided by Texas Human Resources Code (HRC) §42.0495. Liability insurance must cover injury to a child while on the premises or in the care of the listed family home. [~~, you must:~~]

[~~(1) Have liability insurance coverage:~~]

[~~(A) Of at least $300,000 for each occurrence of negligence; and~~]

[~~(B) That covers injury to a child that occurs while the child is in your care, regardless of whether the injury occurs on or off the premises of your home; and~~]

[~~(2) Provide proof of coverage to Licensing each year by the anniversary date of the issuance of your permit to operate a listed family home.~~]

§742.407. Lack of Liability Insurance Notification Requirements. [When must I notify parents that I do not carry liability insurance?]

(a) If a listed family home does [you do] not carry liability insurance coverage [that meets the requirements of §742.403 of this subchapter (relating to What are the liability insurance requirements?)], the home [then you] must give written notice to [notify] a child's parent [in writing that you do not carry liability insurance] before admitting the [you admit a] child into [your] care.

[(b) If you received your permit to operate a listed family home before April 25, 2021, and cannot obtain the liability insurance by that date, then you must notify the parents of children in your care that you do not carry the insurance by May 25, 2021.]

(b) [(c)] If a listed family home [you] previously carried [the] liability insurance and stops [you subsequently stop] carrying the [liability] insurance, then the home [you] must give written notice to [notify] the parent of each child in [your] care that the home does [you do] not carry the insurance[, in writing,] within 30 days after the date the home stops [you stop] carrying the insurance [it].

(c) [(d)] A listed family home [You] may use the [use Form 2962, Attachment A,] *Parental Notification of Lack of Required Liability Insurance* form[, located] on the Child Care Regulation Provider [Licensing's provider] website. A listed family home [to notify parents. Regardless of whether you use this form, you] must keep proof that the home [be able to demonstrate that you] provided written notice to the parent of each child in [your] care, even if the home uses a different form or method to provide the written notice.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Karen Ray
Chief Counsel
Health and Human Services Commission
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For further information, please call: (512) 438-3269

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CHAPTER 744. MINIMUM STANDARDS FOR SCHOOL-AGE AND BEFORE OR AFTER-SCHOOL PROGRAMS

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes amendments to §§744.203, 744.501, 744.603, 744.901, and 744.1103; and the repeal of §744.625.

BACKGROUND AND PURPOSE

The purpose of the proposal is to (1) implement House Bill (HB) 2789, Sections 2 and 3, 89th Legislature, Regular Session, 2025; and (2) partially implement HB 163, 89th Legislature, Regular Session, 2025.

HB 2789, Section 2 amended Texas Human Resources Code (HRC) §42.043(b) to remove the requirement for a child in care to have a tuberculosis (TB) test. HB 2789, Section 3 amended HRC §42.049(a) to reduce the liability insurance coverage requirement for a licensed or registered child care operation from $300,000 to $100,000 for each occurrence of negligence.

HB 163 repealed statutory provisions in Texas Health and Safety Code §773.0145(a) and (b), regarding possession and administration of unassigned epinephrine in a child-care facility as defined by Texas Human Resources Code (HRC) §42.002.

Therefore, the proposed amendments and repeal in Chapter 744 (1) remove requirements related to TB testing; (2) update liability insurance requirements; and (3) remove the requirement for a child care operation to have operational policies and procedures for maintaining and administering unassigned epinephrine auto-injectors.

TB-related rules are also being removed because the Texas Department of State Health Services no longer recommends universal TB screening for settings with populations at low risk of TB such as schools and child care operations.

The proposed amendments change the title of each rule because HHSC Child Care Regulation (CCR) plans to stop using rule titles written as a question. The proposed amendments remove cross references and the titles of other rules cross-referenced. These changes avoid the need for HHSC to amend rules when Texas Administrative Code references or the titles of these rules change.

The proposed amendments have been written in plain language to improve understanding and effectiveness of the rules. The proposed amendments replace pronouns with what the pronouns mean to improve clarity.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §744.203, What are the liability insurance requirements, changes the rule title to "Liability Insurance Requirements." The proposed amendment reduces the required amount of liability insurance coverage for a child care operation from $300,000 to $100,000 for each occurrence of negligence. The proposed amendment makes clarifying edits to explain when the operation is not required to maintain liability insurance and when proof of coverage must be provided to CCR.

The proposed amendment to §744.501, What written operational policies must I have, changes the rule title to "Operational Policies and Procedures Requirements." The proposed amendment removes policy requirements related to unassigned epinephrine auto-injectors and renumbers paragraphs.

The proposed amendment to §744.603, What records must I have for children in my care and how long must I keep them, changes the rule title to "Children's Records." The proposed amendment removes requirements for a child care operation to maintain TB screening and testing records for children and renumbers paragraphs.

The proposed repeal of §744.625, Must children in my care have a tuberculosis (TB) examination, removes the requirement for children in care to have a TB test.

The proposed amendment to §744.901, What information must I maintain in my personnel records, changes the rule title to "Personnel Records." The proposed amendment removes paragraph (3) to remove the requirement for a child care operation to maintain documentation that an employee, caregiver, substitute, or volunteer is free of active TB. The proposed amendment renumbers paragraphs (4) - (11) as paragraphs (3) - (10) because of the removal of paragraph (3). The proposed amendment removes form numbers to avoid a need to amend the rules if the form numbers change. The proposed amendment removes duplicative content that exists in another rule.

The proposed amendment to §744.1103, What minimum qualifications must each of my employees meet, changes the rule title to "Employee Minimum Qualifications." The proposed amendment removes paragraph (2) to remove the requirement for an employee to have a current record of a TB examination that shows that the employee is free of contagious TB. The proposed amendment renumbers paragraphs (3) and (4) as paragraphs (2) and (3) because of the removal of paragraph (2). The proposed amendment removes form numbers and a reference to Subchapter F in Chapter 745 to avoid a need to amend the rule if these change.

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rules will be in effect:

(1) the proposed rules will not create or eliminate a government program;

(2) implementation of the proposed rules will not affect the number of HHSC employee positions;

(3) implementation of the proposed rules will result in no assumed change in future legislative appropriations;

(4) the proposed rules will not affect fees paid to HHSC;

(5) the proposed rules will not create a new regulation;

(6) the proposed rules will limit and repeal existing regulations;

(7) the proposed rules will not change the number of individuals subject to the rules; and

(8) the proposed rules will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

LOCAL EMPLOYMENT IMPACT

The proposed rules will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these rules because the rules do not impose a cost on regulated persons; are amended to reduce the burden or responsibilities imposed on regulated persons by the rules; are amended to decrease a person's cost for compliance with the rules; and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rules.

PUBLIC BENEFIT AND COSTS

Rachel Ashworth-Mazerolle, Associate Commissioner for Child Care Regulation, has determined that for each year of the first five years the rule is in effect, the public will benefit from rules that (1) reduce the amount of liability insurance an operation must carry, which may increase the number of child care operations able to obtain liability insurance; (2) reduce a child care operation's administrative duties by removing requirements related to TB testing; and (3) comply with state law.

Trey Wood has also determined that for the first five years the rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules because the rules do not require an operation to purchase equipment, supplies, or hire additional personnel to comply with the rules.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to *HHSRulesCoordinationOffice@hhs.texas.gov*.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R009" in the subject line.

SUBCHAPTER B. ADMINISTRATION AND COMMUNICATION

DIVISION 1. PERMIT HOLDER RESPONSIBILITIES

26 TAC §744.203

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§744.203. Liability Insurance Requirements. *[~~What are the liability insurance requirements?~~]*

A child care operation [~~Unless you have an acceptable reason not to have the insurance, you~~] must:

(1) have [~~Maintain~~] liability insurance coverage of at least $100,000 [~~in the amount of $300,000~~] for each occurrence of negli-

gence, unless the operation has an acceptable reason not to maintain liability insurance as provided by Texas Human Resources Code (HRC) §42.0495. Liability insurance must cover [~~that covers~~] injury to a child while [~~the child is~~] on the [~~your~~] premises or in the [~~your~~] care of the child care operation; and

(2) provide [~~Provide~~] proof of coverage to Child Care Regulation [~~Licensing~~] each year no later than [~~by~~] the anniversary date of the issuance of the operation's [~~your~~] permit.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Karen Ray
Chief Counsel
Health and Human Services Commission
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DIVISION 4. OPERATIONAL POLICIES

26 TAC §744.501

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§744.501. Operational Policies and Procedures Requirements. [~~What written operational policies must I have?~~]

A child care operation [~~You~~] must develop written operational policies and procedures that address [~~at a minimum address each of the following~~]:

(1) hours [~~Hours~~], days, and months of operation;

(2) [~~Procedures for~~] the release of children;

(3) dispensing medication, or a policy statement that the operation does not dispense medication;

(4) handling medical emergencies;

(5) providing notification to parents as required in this chapter;

(6) providing and applying, as needed, insect repellent and sunscreen on a child, including what types will be used, if applicable;

(7) providing parents an opportunity to participate in the operation's activities;

(8) providing opportunities for parents to review and discuss the operation's policies and procedures with the director;

(9) enrolling children, including how and when parents will be notified of policy changes;

(10) conducting health checks, if applicable;

(11) supporting inclusive services for children with special care needs that address the requirements outlined in this chapter;

(12) [~~(3)~~] illness [~~Illness~~] and exclusion criteria;

[~~(4) Procedures for dispensing medication or a statement that medication is not dispensed;~~]

[~~(5) Procedures for handling medical emergencies;~~]

[~~(6) Procedures for parental notifications;~~]

(13) [~~(7)~~] discipline [~~Discipline~~] and guidance [~~that is~~] consistent with the requirements in [~~Subchapter G of~~] this chapter [~~(relating to Discipline and Guidance). A copy of Subchapter G may be used for your discipline and guidance policy, unless you use disciplinary and training measures specific to a skills-based program, as specified in §744.2109 of this chapter (relating to May I use disciplinary measures that are fundamental to teaching a skill, talent, ability, expertise, or proficiency?)~~];

(14) [~~(8)~~] suspension [~~Suspension~~] and expulsion of children;

(15) [~~(9)~~] meals [~~Meals~~] and food service practices;

(16) [~~(10)~~] immunization [~~Immunization~~] requirements for children[~~, including tuberculosis screening and testing if required by your regional Texas Department of State Health Services or local health authority~~];

[~~(11) Enrollment procedures, including how and when parents will be notified of policy changes;~~]

(17) [~~(12)~~] transportation [~~Transportation~~], if applicable;

(18) [~~(13)~~] water [~~Water~~] activities, if applicable;

(19) [~~(14)~~] field [~~Field~~] trips, if applicable;

(20) [~~(15)~~] animals [~~Animals~~], if applicable;

[~~(16) Procedures for providing and applying, as needed, insect repellent and sunscreen, including what types will be used, if applicable;~~]

(21) [~~(17)~~] parent [~~Parent~~] rights that are consistent with the rules in [~~Division 5 of~~] this subchapter [~~relating to Parent Rights~~]);

[~~(18) Procedures for parents to review and discuss with the director any questions or concerns about the policies and procedures of the operation;~~]

[~~(19) Procedures for parents to participate in the operation's activities;~~]

(22) [~~(20)~~] instructions [~~Instructions~~] on how a parent may access the:

(A) minimum [~~Minimum~~] standards in this chapter online;

(B) Texas Abuse, [~~and~~] Neglect, and Exploitation Hotline; and

(C) HHSC website;[~~.~~]

(23) [~~(21)~~] the operation's emergency [~~Emergency~~] preparedness plan; and

[~~(22) Procedures for conducting health checks, if applicable;~~]

(24) [~~(23)~~] information [~~Information~~] on vaccine-preventable diseases for employees that addresses the requirements in this

chapter, unless the [your] operation is in the home of the permit holder, the director, or a caregiver. [The policy must address the requirements outlined in §744.2581 of this chapter (relating to What must a policy for protecting children from vaccine-preventable diseases include?);]

[(24) If your operation maintains and administers unassigned epinephrine auto-injectors to use when a child in care has an emergency anaphylaxis reaction, policies for maintenance, administration, and disposal of unassigned epinephrine auto-injectors that comply with the unassigned epinephrine auto-injector requirements set by the Texas Department of State Health Services, as specified in Texas Administrative Code, Title 25, Chapter 40, Subchapter C (relating to Epinephrine Auto-Injector Policies in Youth Facilities) and Texas Health and Safety Code §773.0145; and]

[(25) Procedures for supporting inclusive services to children with special care needs. The policy must address the requirements outlined in §744.2009 of this chapter (relating to What are my responsibilities when planning activities for a child in care with special care needs?).]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Karen Ray
Chief Counsel
Health and Human Services Commission
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For further information, please call: (512) 438-3269

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SUBCHAPTER C. RECORD KEEPING
DIVISION 1. RECORDS OF CHILDREN

26 TAC §744.603

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§744.603. Children's Records. [What records must I have for children in my care and how long must I keep them?]

(a) A child care operation [You] must maintain the following records for every [each] child enrolled [in your operation]:

(1) a child care [A child-care] enrollment agreement as required in this division [specified in §744.503 of this title (relating to Must I provide parents with a copy of my operational policies?)];

(2) admission [Admission] information as required in this division [specified in §744.605 of this title (relating to What admission information must I obtain for each child?)];

(3) immunization [Immunization] records;

[(4) Tuberculosis screening and testing information, if required by your regional Texas Department of State Health Services or local health authority;]

(4) [(5)] Child Care Regulation [Licensing] *Incident/Illness Report* form, if applicable;

(5) [(6)] a [A] daily tracking system for when a child's care begins and ends, as required in this division [specified in §744.627 of this title (relating to Must I have a system for signing children in and out of my care?)];

(6) [(7)] medication [Medication] administration records, if applicable; and

(7) [(8)] a [A] copy of any health-care professional's [professional] recommendations or orders for providing specialized medical assistance to the child, including any approved deviation from a minimum standard based on a health-care professional's recommendation or order. [In some instances, minimum standards allow for a deviation from a minimum standard with written documentation from a health-care professional. You must also maintain this written documentation in the child's record.]

(b) A child care operation must keep all [These] records listed in subsection (a) of this section [must at a minimum be kept] at the operation. All records must [and] be available during the operation's [your] hours of operation. The [for the] following retention periods apply [of time]:

(1) medication [Medication] administration records must be kept for at least three months after [administering] the medication is administered;

(2) a health-care professional's [Health-care professional] recommendations or orders for specialized medical assistance must be kept for at least three months after the date a health-care professional indicates a child no longer needs [has indicated that the] specialized medical assistance [is no longer needed]; and

(3) all [All] other records listed [noted] in subsection (a) of this section must be kept for at least three months after the date of the child's last day in care.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Karen Ray
Chief Counsel
Health and Human Services Commission
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26 TAC §744.625

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The repeal implements Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§744.625. Must children in my care have a tuberculosis (TB) examination?

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Karen Ray
Chief Counsel
Health and Human Services Commission
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DIVISION 4. PERSONNEL RECORDS

26 TAC §744.901

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§744.901. Personnel Records. [What information must I maintain in my personnel records?]

A child care operation must maintain a personnel record [You must have the following records at the operation and available for review during your hours of operation] for each employee, caregiver, substitute, and volunteer. The personnel record must include [as specified in this chapter]:

(1) documentation that shows [Documentation showing] the dates of employment or service [the first and last day on the job];

(2) documentation that shows [Documentation showing] how the employee or caregiver meets [the] minimum age and education qualifications, if applicable;

[(3) A copy of a health card or health care professional's statement verifying the employee is free of active tuberculosis, if required by the regional Texas Department of State Health Services tuberculosis program or local health authority;]

(3) [(4)] a [A] notarized *Affidavit for Applicants for Employment with a Licensed Operation or Registered Child Care* [*Child Care*] *Home* form, [(Form 2985)] as required by [specified in] Texas Human Resources Code (HRC) §42.059;

(4) [(5)] a [A] *Pre-Employment Affidavit for Applicants for Employment at Certain Child Care Operations* form [(Form 2912)] as required by HRC [specified in Texas Human Resources Code] §42.0563;

(5) [(6)] a [A] record of training hours as described in [, including documentation required by §744.1331 of] this chapter [(relating to What documentation must I provide to Licensing to verify that employees have met training requirements?)];

(6) [(7)] a [A statement] signed and dated statement from [by] the employee confirming the employee received the operation's operational and personnel policies; [showing he has received a copy of the operation's:]

[(A) Operational policies; and]

[(B) Personnel policies;]

(7) [(8)] proof [Proof] of request for background checks required by Chapter 745 [, Subchapter F] of this title [(relating to Background Checks)];

(8) [(9)] a [A] copy of [a] photo identification;

(9) [(10)] a [A] copy of the person's current driver's license if the person transports a child in care; and

(10) [(11)] a [A] statement signed and dated by the employee verifying the date the employee attended [training during] orientation training that includes an overview of the operation's policy on [regarding] the prevention, recognition, and reporting of child maltreatment, as required by [as outlined in] §744.1303 of this chapter (relating to What must orientation for employees at my operation include?).

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Karen Ray
Chief Counsel
Health and Human Services Commission
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SUBCHAPTER D. PERSONNEL
DIVISION 2. EMPLOYEES AND CAREGIVERS

26 TAC §744.1103

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§744.1103. Employee Minimum Qualifications. [What minimum qualifications must each of my employees meet?]

Each employee must:

(1) meet [Meet] the background check requirements in Chapter 745 [, Subchapter F] of this title[(relating to Background Checks)];

[(2) Have a current record of a tuberculosis (TB) examination, showing the employee is free of contagious TB, if required by the Texas Department of State Health Services or local health authority;]

(2) [(3)] complete [Complete] a notarized *Affidavit for Applicants for Employment with a Licensed Operation or Registered Child Care* [*Child-Care*] *Home* form prior to employment [(Form 2985) before you hire the employee], as required by [specified in] Texas Human Resources Code (HRC) §42.059; and

(3) [(4)] complete [Complete] a *Pre-Employment Affidavit for Applicants for Employment at Certain Child Care Operations* form prior to employment [(Form 2912) before you hire the employee], as required by HRC [specified in Texas Human Resources Code] §42.0563.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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CHAPTER 745. LICENSING
SUBCHAPTER D. APPLICATION PROCESS

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes amendments to §745.249, concerning What are the liability insurance requirements for a licensed operation, registered child-care home, or listed family home; and §745.347, concerning How long is an initial license valid; and the repeal of §745.349, concerning What if I am not able to care for children during the initial period.

BACKGROUND AND PURPOSE

The purpose of the proposal is to implement House Bill 2789, Sections 3, 4, and 5, 89th Legislature, Regular Session, 2025.

Sections 3 and 4 amended Texas Human Resources Code (HRC) §42.049(a) to reduce the liability insurance coverage requirement for a licensed or registered child care operation from $300,000 to $100,000 for each occurrence of negligence, and HRC §42.0495 to (1) reduce the liability insurance coverage requirement for a listed family home from $300,000 to $100,000 for each occurrence of negligence; and (2) remove the requirement that a listed family home annually file with HHSC proof of liability insurance coverage. Section 5 amended HRC §42.051(b) to increase the period of validity of an initial license from 6 months to 12 months.

The proposed amendments in Chapter 745 update (1) liability insurance requirements at the time of application for licensed operations, registered child care homes, and listed family homes; and (2) the period of initial license validity from 6 to 12 months.

The proposed repeal of §745.349 removes a rule related to actions HHSC may take when an operation does not have children in care during the initial license period.

The proposed amendments change the title of each rule because HHSC Child Care Regulation (CCR) plans to stop using rule titles written as a question. The proposed amendments replace pronouns with what the pronouns mean to improve clarity.

The proposed amendments have been written in plain language to improve understanding and effectiveness of the rules.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §745.249 changes the rule title to "Liability Insurance Requirements." The proposed amendment reduces the amount of required liability insurance coverage for a licensed operation, registered child care home, or listed family home from $300,000 to $100,000 for each occurrence of negligence. The proposed amendment removes the requirement for an operation to provide proof of coverage to CCR each year because that requirement exists elsewhere in minimum standard rules. The proposed amendment clarifies that liability insurance must cover injury to a child while the child is on the premises of the operation or home or in the care of the operation or home when off the premises. The proposed amendment makes clarifying edits to explain when the listed family home is not required to maintain liability insurance. The proposed amendment changes the spelling of "child-care" to "child care" because of a program initiative.

The proposed amendment to §745.347 changes the rule title to "Initial License Duration." The proposed amendment changes the period of validity of an initial license from six to 12 months. The proposed amendment changes "a maximum of one year" to "a maximum of 18 months" in the rule that allows CCR to renew an initial license for up to an additional six months, as provided by HRC §42.051(b). This change is needed because an initial license period is increasing from six to 12 months. The proposed amendment makes editorial changes to replace the terms "we" and "you" to stop using these pronouns in the rule and to improve the readability of the rule.

The proposed repeal of §745.349 removes licensure actions CCR may take if unable to determine compliance during the initial license period because an operation does not have children in care. The rule is no longer necessary due to the increase of an initial license period from six months to 12 months and the continued option for CCR to renew an initial license for an additional six months.

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rules will be in effect:

(1) the proposed rules will not create or eliminate a government program;

(2) implementation of the proposed rules will not affect the number of HHSC employee positions;

(3) implementation of the proposed rules will result in no assumed change in future legislative appropriations;

(4) the proposed rules will not affect fees paid to HHSC;

(5) the proposed rules will not create a new regulation;

(6) the proposed rules will expand, limit, and repeal existing regulations;

(7) the proposed rules will not change the number of individuals subject to the rules; and

(8) the proposed rules will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

LOCAL EMPLOYMENT IMPACT

The proposed rules will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these rules because the rules do not impose a cost on regulated persons; are amended to reduce the burden or responsibilities imposed on regulated persons by the rules; are amended to decrease a person's cost for compliance with the rules; and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rules.

PUBLIC BENEFIT AND COSTS

Rachel Ashworth-Mazerolle, Associate Commissioner for Child Care Regulation, has determined that for each year of the first five years the rules are in effect, the public will benefit from rules that (1) reduce the amount of liability insurance an operation must carry, which may increase the number of child care operations able to obtain liability insurance; and (2) comply with state law.

Trey Wood has also determined that for the first five years the rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules because the proposed rules do not require an operation to purchase equipment, supplies, or hire additional personnel to comply with the rules.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to *HHSRulesCoordinationOffice@hhs.texas.gov*.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R009" in the subject line.

DIVISION 3. SUBMITTING THE APPLICATION MATERIALS

26 TAC §745.249

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §§42.042, 42.049(a), and 42.0495.

§745.249. Liability Insurance Requirements. [~~What are the liability insurance requirements for a licensed operation, registered child-care home, or listed family home?~~]

(a) A [~~Unless you have an acceptable reason not to have the insurance as specified in §745.251 of this division (relating to What are acceptable reasons not to have liability insurance?),~~ a] licensed operation, registered child care [~~child-care~~] home, or listed family home must[~~:~~]

[~~(1)~~] have [~~Have~~] liability insurance coverage [~~in the amount~~] of at least $100,000 [~~$300,000~~] for each occurrence of negligence, unless the operation has an acceptable reason not to maintain liability insurance. Liability insurance must cover [~~that covers~~] injury to a child while [~~the child is~~] on the [~~your~~] premises or in the [~~your~~] care of the operation. [~~; and~~]

[~~(2) Provide proof of coverage to Licensing each year by the anniversary date of the issuance of your permit.~~]

(b) A listed family home that only provides care to related children under Chapter 313 of the Texas Labor Code (relating to Requirements for Providers of Relative Child Care) does not have to meet these liability insurance requirements.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 14, 2026.

TRD-202603511
Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 438-3269

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DIVISION 7. THE DECISION TO ISSUE OR DENY A PERMIT

26 TAC §745.347

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §§42.042, 42.049(a), and 42.0495.

§745.347. Initial License Duration. [~~How long is an initial license valid?~~]

(a) An initial license is valid for 12 [~~six~~] months from the date Child Care Regulation (CCR) issues the license [~~we issue it~~].

(b) CCR [~~We~~] may renew an initial license for [~~up to~~] an additional six months. An operation [~~You~~] may only have an initial license for a maximum of 18 months [~~one year~~].

(c) An [~~The~~] initial license expires on the date CCR issues or denies [~~when we issue or deny you~~] a full license to the operation, even if the [~~period for the~~] initial license period has not expired [~~yet expired at the time the full license is issued or denied~~].

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 438-3269

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26 TAC §745.349

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The repeal implements Texas Government Code §524.0151 and HRC §§42.042, 42.049(a), and 42.0495.

§745.349. What if I am not able to care for children during the initial period?

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Karen Ray
Chief Counsel
Health and Human Services Commission
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For further information, please call: (512) 438-3269

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CHAPTER 746. MINIMUM STANDARDS FOR CHILD CARE [~~CHILD-CARE~~] CENTERS

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes amendments to §§746.203, 746.501, 746.603, 746.629, 746.901, and 746.1105; and the repeal of §746.627.

BACKGROUND AND PURPOSE

The purpose of the proposal is to (1) implement House Bill (HB) 2789, Sections 2, 3, and 9, 89th Legislature, Regular Session, 2025; and (2) partially implement Section 27 of Senate Bill (SB) 1619, 89th Legislature, Regular Session, 2025.

HB 2789, Section 2 amended Texas Human Resources Code (HRC) §42.043(b) to remove the requirement for a child in care to have a tuberculosis (TB) test. Section 3 amended HRC §42.049(a) to reduce the liability insurance coverage requirement for a licensed or registered child care operation from $300,000 to $100,000 for each occurrence of negligence. Section 9 repealed HRC §42.0431(b) to remove requirements for a licensed child care center and licensed child care home to maintain screening records for vision, hearing, and any other special senses or communication disorders for children attending the facility and for HHSC to inspect those records in accordance with protocol agreements between HHSC and the Texas Department of State Health Services.

SB 1619, Section 27 amended HRC §42.067(a) by adding the term "epinephrine delivery system" to expand the allowable epinephrine devices to include epinephrine nasal spray in addition to an epinephrine auto-injector.

The proposed amendments and repeal in Chapter 746 (1) remove requirements related to TB testing in child care centers; (2) update liability insurance requirements for child care centers; (3) update and remove requirements related to vision and hearing screening records in child care centers; and (4) update epinephrine terminology and policy requirements in child care centers.

TB-related rules are also being removed because the Texas Department of State Health Services no longer recommends universal TB screening for settings with populations at low risk of TB such as schools and child care operations.

The proposed amendments change the title of each rule because HHSC Child Care Regulation (CCR) plans to stop using rule titles written as a question. The proposed amendments remove cross references to other rules and the titles of rules cross-referenced. These changes avoid the need for HHSC to amend rules when Texas Administrative Code (TAC) references or rule titles change. The proposal changes the spelling of "child-care" to "child care" in the title of Chapter 746, the title of Division 2 in Subchapter D, and throughout the proposed amendments because of a program initiative.

The proposed amendments have been written in plain language to improve understanding and effectiveness of the rules. The

proposed amendments replace pronouns with what the pronouns mean to improve clarity.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §746.203, What are the liability insurance requirements, changes the rule title to "Liability Insurance Requirements." The proposed amendment reduces the amount of required liability insurance coverage for a child care center from $300,000 to $100,000 for each occurrence of negligence. The proposed amendment makes clarifying edits to explain when the operation is not required to maintain liability insurance and when proof of coverage must be provided to CCR.

The proposed amendment to §746.501, What written operational policies must I have, changes the rule title to "Operational Policies and Procedures Requirements." The proposed amendment removes the requirement to have a policy for TB screening and testing, and renumbers paragraphs. The proposed amendment adds a statutory reference to HRC §42.0431 in the requirement for a child care center to have policies for hearing and vision screening. The proposed amendment updates the policy requirement, statutory and rule references, and terminology if the operation maintains and administers an unassigned epinephrine delivery system. The proposed amendment updates language related to gang-free zones to align with statutory requirements in the Texas Penal Code.

The proposed amendment to §746.603, What records must I have for children in my care and how long must I keep them, changes the rule title to "Children's Records." The proposed amendment removes requirements for a child care center to maintain records of TB screening and testing and vision and hearing screening results, and renumbers paragraphs. The proposed amendment updates and clarifies the record retention periods.

The proposed repeal of §746.627, Must children in my care have a tuberculosis (TB) examination, removes the requirement for children in care to have a TB examination.

The proposed amendment to §746.629, Must children in my care have vision and hearing screening, changes the rule title to "Vision and Hearing Screening Requirements." The proposed amendment clarifies for a child care center that 25 TAC Chapter 37, Subchapter C, are the state rules that implement Texas Health and Safety Code, Chapter 36. The proposed amendment updates the website that may be accessed for specific information on vision and hearing screening. The proposed amendment removes the requirements in subsection (b) for a child care center to maintain vision and hearing screening records for each child in care. The proposed amendment updates the formatting of the rule because of the removal of subsection (b).

The proposed amendment to §746.901, What information must I maintain in my personnel records, changes the rule title to "Personnel Records." The proposed amendment removes paragraph (3) to remove the requirement for a child care center to maintain documentation that an employee, caregiver, substitute, or volunteer is free of active TB. The proposed amendment renumbers paragraphs (4) - (11) as paragraphs (3) - (10) because of the removal of paragraph (3). The proposed amendment removes form numbers to avoid amending the rules if the form numbers change. The proposed amendment removes duplicative content that exists in another rule.

The proposed amendment to §746.1105, What minimum qualifications must each of my child-care center employees meet, changes the rule title to "Employee Minimum Qualifications." The proposed amendment removes paragraph (2) to remove the requirement for an employee to have a current record of a TB examination that shows that the employee is free of contagious TB. The proposed amendment renumbers paragraphs (3) and (4) as paragraphs (2) and (3) because of the removal of paragraph (2). The proposed amendment removes form numbers and a reference to Subchapter F in Chapter 745 to avoid a need to amend the rule if these change.

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rules will be in effect:

(1) the proposed rules will not create or eliminate a government program;

(2) implementation of the proposed rules will not affect the number of HHSC employee positions;

(3) implementation of the proposed rules will result in no assumed change in future legislative appropriations;

(4) the proposed rules will not affect fees paid to HHSC;

(5) the proposed rules will not create a new regulation;

(6) the proposed rules will limit and repeal existing regulations;

(7) the proposed rules will not change the number of individuals subject to the rules; and

(8) the proposed rules will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

LOCAL EMPLOYMENT IMPACT

The proposed rules will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these rules because the rules do not impose a cost on regulated persons; are amended to reduce the burden or responsibilities imposed on regulated persons by the rules; are amended to decrease a person's cost for compliance with the rules; and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rules.

PUBLIC BENEFIT AND COSTS

Rachel Ashworth-Mazerolle, Associate Commissioner for Child Care Regulation, has determined that for each year of the first five years the rule is in effect, the public will benefit from rules that (1) reduce the amount of liability insurance an operation must

carry, which may increase the number of child care operations able to obtain liability insurance; (2) reduce a child care operation's administrative duties by removing requirements related to TB testing and vision and hearing screenings; and (3) comply with state law.

Trey Wood has also determined that for the first five years the rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules because the rules do not require an operation to purchase equipment, supplies, or hire additional personnel to comply with the rules.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to *HHSRulesCoordinationOffice@hhs.texas.gov*.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R009" in the subject line.

SUBCHAPTER B. ADMINISTRATION AND COMMUNICATION

DIVISION 1. PERMIT HOLDER RESPONSIBILITIES

26 TAC §746.203

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §§42.042(a), 42.049(a), and 42.067(a).

§746.203. Liability Insurance Requirements. [~~What are the liability insurance requirements?~~]

A child care center [~~Unless you have an acceptable reason not to have the insurance, you~~] must:

(1) have [~~Maintain~~] liability insurance coverage of at least $100,000 [~~in the amount of $300,000~~] for each occurrence of negligence, unless the child care center has an acceptable reason not to maintain liability insurance as provided by Texas Human Resources Code (HRC) §42.0495. Liability insurance must cover [~~protect against that covers~~] injury to a child while [~~the child is~~] on the [~~your~~] premises or in the [~~your~~] care of the child care [~~child-care~~] center; and

(2) provide [~~Provide~~] proof of coverage to Child Care Regulation [~~Licensing~~] each year no later than [~~by~~] the anniversary date of the issuance of the center's [~~your~~] permit.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 438-3269

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DIVISION 4. OPERATIONAL POLICIES

26 TAC §746.501

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §§42.042(a), 42.049(a), and 42.067(a).

§746.501. Operational Policies and Procedures Requirements. [~~What written operational policies must I have?~~]

(a) A child care center [~~You~~] must develop written operational policies and procedures that address [~~. The center's policies and procedures must include that at a minimum address each of the following~~]:

(1) hours [~~Hours~~], days, and months of operation;

(2) [~~Procedures for~~] the release of children;

(3) dispensing medication, or a policy statement that the center does not dispense medication;

(4) handling medical emergencies;

(5) providing notification to parents as required in this chapter;

(6) providing and applying, as needed, insect repellent and sunscreen on a child, including what types will be used, if applicable;

(7) providing parents an opportunity to participate in the center's activities;

(8) providing opportunities for parents to review and discuss the center's policies and procedures with the director;

(9) enrolling children, including how and when parents will be notified of policy changes;

(10) conducting health checks, if applicable;

(11) supporting inclusive services for children with special care needs that address the requirements outlined in this chapter;

(12) [~~(3)~~] illness [~~Illness~~] and exclusion criteria;

[~~(4) Procedures for dispensing medication or a statement that medication is not dispensed;~~]

[~~(5) Procedures for handling medical emergencies;~~]

[~~(6) Procedures for parental notifications;~~]

(13) [~~(7)~~] discipline [~~Discipline~~] and guidance [~~that is~~] consistent with the requirements in [~~Subchapter L of~~] this chapter [~~.(relating to Discipline and Guidance). A copy of Subchapter L may be used for your discipline and guidance policy~~];

(14) [~~(8)~~] suspension [~~Suspension~~] and expulsion of children;

(15) [~~(9)~~] safe [~~Safe~~] sleep policy for infants from birth through 12 months old that is consistent with the rules in [~~Subchapter H of~~] this chapter about [~~(relating to Basic Requirements for Infants) that relate to~~] sleep requirements and restrictions[~~, including sleep positioning, and crib requirements and restrictions, including mattresses, bedding, blankets, toys, and restrictive devices~~];

(16) [~~(10)~~] meals [~~Meals~~] and food service practices;

(17) [~~(11)~~] immunization [~~Immunization~~] requirements for children[~~, including tuberculosis screening and testing if required by your regional Texas Department of State Health Services or local health authority~~];

(18) [~~(12)~~] hearing [~~Hearing~~] and vision screening requirements that comply with Texas Human Resources Code (HRC) §42.0431;

[~~(13) Enrollment procedures, including how and when parents will be notified of policy changes;~~]

(19) [~~(14)~~] transportation [~~Transportation~~], if applicable;

(20) [~~(15)~~] water [~~Water~~] activities, if applicable;

(21) [~~(16)~~] field [~~Field~~] trips, if applicable;

(22) [~~(17)~~] animals [~~Animals~~], if applicable;

(23) [~~(18)~~] promotion [~~Promotion~~] of indoor and outdoor physical activity that is consistent with the rules in [~~Subchapter F of~~] this chapter and includes [~~(relating to Developmental Activities and Activity Plan); your policies must include~~]:

(A) the [~~The~~] benefits of physical activity and outdoor play;

(B) the [~~The~~] duration of physical activity at the center [~~your operation~~], both indoor and outdoor;

(C) the [~~The~~] type of physical activity (structured and unstructured) that children may engage in at the center [~~your operation~~];

(D) each [~~Each~~] setting in which the center's [~~your~~] physical activity program will take place;

(E) the [~~The~~] recommended clothing and footwear that will allow a child to participate freely and safely in physical activities;

(F) the [~~The~~] criteria the center uses [~~you will use~~] to determine when extreme weather conditions pose a significant health risk that prohibits or limits outdoor play; and

(G) a [~~A~~] plan to ensure physical activity occurs on days when extreme weather conditions prohibit or limit outdoor play;[~~.~~]

[~~(19) Procedures for providing and applying, as needed, insect repellent and sunscreen, including what types will be used, if applicable;~~]

(24) [~~(20)~~] parent [~~Parent~~] rights that are consistent with the rules in this subchapter [~~Division 5 of this subchapter (relating to Parent Rights)~~];

[~~(21) Procedures for parents to review and discuss with the child-care center director any questions or concerns about the policies and procedures of the child-care center;~~]

[~~(22) Procedures for parents to participate in the child-care center's operation and activities;~~]

(25) [~~(23)~~] instructions [~~Instructions~~] on how a parent may access the:

(A) minimum [~~Minimum~~] standards in this chapter online;

(B) Texas Abuse, [~~and~~] Neglect, and Exploitation Hotline; and

(C) HHSC website;[~~.~~]

(26) [~~(24)~~] the center's [~~Your~~] emergency preparedness plan;

(27) [~~(25)~~] breastfeeding support, including: [~~Your provisions to provide~~]

(A) providing a comfortable place with an adult sized seat in the [~~your~~] center or within a classroom that enables a mother to breastfeed her child; and[~~. In addition, your policies must inform parents that they have the right to breastfeed or provide breast milk for their child while in care;~~]

(B) the rights of parents to breastfeed or provide breast milk for a child while in care;

(28) [~~(26)~~] preventing [~~Preventing~~] and responding to abuse and neglect of children, including:

(A) required [~~Required~~] annual training for employees;

(B) methods [~~Methods~~] for increasing employee and parent awareness of issues regarding child abuse and neglect, including warning signs that a child may be a victim of abuse or neglect and factors indicating a child is at risk for abuse or neglect;

(C) methods [~~Methods~~] for increasing employee and parent awareness of techniques to prevent [~~prevention techniques for~~] child abuse and neglect;

(D) strategies [~~Strategies~~] for coordination between the center and [~~appropriate~~] community organizations; and

(E) actions [~~Actions~~] that the parent of a child who is a victim of abuse or neglect should take to obtain assistance and intervention, including procedures for reporting child abuse or neglect;

[~~(27) Procedures for conducting health checks, if applicable;~~]

(29) [~~(28)~~] information [~~Information~~] on vaccine-preventable diseases for employees that addresses [~~, unless your center is in the home of the permit holder. The policy must address~~] the

requirements [outlined] in [§746.3611 of] this chapter [(relating to What must a policy for protecting children from vaccine-preventable diseases include?)]; and

(30) [(29)] if the center [If your operation] maintains and administers an unassigned epinephrine delivery system [auto-injectors] to use when a child in care has an emergency anaphylaxis reaction, policies for the [maintenance,] administration [, and disposal] of an unassigned epinephrine delivery system [auto-injectors] that complies [comply] with the unassigned epinephrine delivery system [auto-injectors] requirements set by HRC §42.067. [the Texas Department of State Health Services, as specified in Texas Administrative Code, Title 25, Chapter 40, Subchapter C (relating to Epinephrine Auto-Injector Policies in Youth Facilities) and in Texas Health and Safety Code §773.0145; and]

[(30) Procedures for supporting inclusive services to children with special care needs. The policy must address the requirements outlined in §746.2202 of this chapter (relating to What are my responsibilities when planning activities for a child in care with special care needs?).]

(b) A child care center [You] must include the following notification in the center's operational policies: [also inform the parents that any area within 1,000 feet of a child-care center is a gang-free zone, where criminal offenses related to organized criminal activity are subject to a harsher penalty under the Texas Penal Code. You may inform the parents by:]

(1) any area within 1,000 feet of a child care center is a gang-free zone; and

(2) Texas Penal Code provides for harsher penalties for organized criminal activities that are committed within 1,000 feet of any child care facility.

[(1) Providing this information in the operational policies;]

[(2) Distributing the information in writing to the parents; or]

[(3) Informing the parents verbally as part of an individual or group parent orientation.]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER C. RECORD KEEPING
DIVISION 1. RECORDS OF CHILDREN

26 TAC §746.603, §746.629

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendments implement Texas Government Code §524.0151 and HRC §§42.042(a), 42.049(a), and 42.067(a).

§746.603. Children's Records. [What records must I have for children in my care and how long must I keep them?]

(a) A child care center [You] must maintain the following records for every [each] child enrolled [in your child-care center]:

(1) child care [Child-care] enrollment agreement as required [specified] in this chapter [§746.503 of this title (relating to Must I provide parents with a copy of my operational policies?)];

(2) admission [Admission] information as required [specified] in this division [§746.605 of this title (relating to What admission information must I obtain for each child?)];

(3) statement [Statement] of the child's health from a health-care professional;

(4) immunization [Immunization] records;

[(5) Tuberculosis screening and testing information, if required by your regional Texas Department of State Health Services or local health authority;]

[(6) Vision and hearing screening results, if applicable;]

(5) [(7)] Child Care Regulation [Licensing] *Incident/Illness Report* form, if applicable;

(6) [(8) A] daily tracking system for when a child's care begins and ends, as required [specified] in [§746.631 of] this division [title (relating to Must I have a system for signing children in and out of my care?)];

(7) [(9)] medication [Medication] administration records, if applicable; and

(8) [(10)] a [A] copy of any health-care professional's [professional] recommendations or orders for providing specialized medical assistance to the child, including any approved deviation from a minimum standard based on a health-care professional's recommendation or order. [In some instances minimum standards allow for a deviation from a minimum standard with written documentation from a health-care professional. You must also maintain this written documentation in the child's record.]

(b) The child care center must keep all records listed in subsection (a) of this section at the child care center. All [These] records [must at a minimum be kept at the child-care center and] must be available during the child care center's hours of operation. The [and for the] following retention periods apply [of time]:

(1) medication [Medication] administration records must be kept for at least three months after [administering] the medication is administered;

(2) a health-care professional's [Health-care professional] recommendations or orders for specialized medical assistance must be kept for at least three months after the date a health-care professional indicates a child no longer needs [has indicated that the] specialized medical assistance [is no longer needed]; and

(3) all [All] other records listed [noted] in subsection (a) of this section must be kept for at least three months after the date of the child's last day in care.

§746.629. Vision and Hearing Screening Requirements. [~~Must children in my care have vision and hearing screening?~~]

[~~(a)~~] The Special Senses and Communication Disorders Act, Texas Health and Safety Code, Chapter 36, requires a screening or a professional examination for possible vision and hearing problems for children of certain ages and grades. State rules that implement Texas Health and Safety Code, Chapter 36 can be found in [~~Refer to~~] 25 TAC Chapter 37, Subchapter C [~~,~~] (relating to Vision and Hearing Screening). Specific information [~~, for specifics~~] on vision and hearing screening [~~. This information~~] may be accessed on the Texas Department of State Health Services Vision and Hearing Screening website [~~Internet at: www.dshs.state.tx.us/vhs/~~].

[~~(b) You must keep one of the following at the child-care center for each child required to be screened:~~]

[~~(1) The individual visual acuity and sweep check results;~~]

[~~(2) A signed statement from the child's parent that the child's screening records are current and on file at the pre-kindergarten program or school the child attends away from the center. The statement must be dated and include the name, address, and telephone number of the pre-kindergarten program or school; or~~]

[~~(3) An affidavit stating that the vision or hearing screening conflicts with the tenets or practices of a church or religious denomination of which the affiant is an adherent or member.~~]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Karen Ray
Chief Counsel
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For further information, please call: (512) 438-3269

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CHAPTER 746. MINIMUM STANDARDS FOR CHILD-CARE CENTERS
SUBCHAPTER C. RECORD KEEPING
DIVISION 1. RECORDS OF CHILDREN

26 TAC §746.627

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The repeal implements Texas Government Code §524.0151 and HRC §§42.042(a), 42.049(a), and 42.067(a).

§746.627. Must children in my care have a tuberculosis (TB) examination?

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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CHAPTER 746. MINIMUM STANDARDS FOR CHILD CARE [~~CHILD-CARE~~] CENTERS
SUBCHAPTER C. RECORD KEEPING
DIVISION 4. PERSONNEL RECORDS

26 TAC §746.901

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §§42.042(a), 42.049(a), and 42.067(a).

§746.901. Personnel Records. [~~What information must I maintain in my personnel records?~~]

A child care center must maintain a personnel record [~~You must have the following records at the child-care center and available for review during hours of operation~~] for each employee, caregiver, substitute, and volunteer. The personnel record must include: [as specified in this chapter:]

(1) documentation that shows [~~Documentation showing~~] the dates of employment or service [~~the first and last day on the job~~];

(2) documentation that shows [~~Documentation showing~~] how the employee or caregiver meets [~~the~~] minimum age and education qualifications, if applicable;

[~~(3) A copy of a health card or health care professional's statement verifying the employee is free of active tuberculosis, if required by the regional Texas Department of State Health Services TB program or local health authority;~~]

(3) [~~(4)~~] a [~~A~~] notarized *Affidavit for Applicants for Employment with a Licensed Operation or Registered Child Care [~~Child-Care~~] Home* form, [~~(Form 2985)~~] as required by [~~specified in~~] Texas Human Resources Code (HRC) §42.059;

(4) [~~(5)~~] a [~~A~~] *Pre-Employment Affidavit for Applicants for Employment at Certain Child Care Operations* form [~~(Form 2912)~~] as required by HRC [~~specified in Texas Human Resources Code~~] §42.0563;

(5) [~~(6)~~] a [~~A~~] record of training hours as described in [~~, including documentation required by §746.1329 of~~] this chapter

[(relating to What documentation must I provide to Licensing to verify that employees have met training requirements?)];

(6) [(7)] a [A statement] signed and dated statement from [by] the employee confirming the employee received the child care center's operational and personnel policies; [showing he has received a copy of the child-care center's:]

[(A) Operational policies; and]

[(B) Personnel policies;]

(7) [(8)] proof [Proof] of request for background checks required by Chapter 745 [, Subchapter F] of this title [(relating to Background Checks)];

(8) [(9)] a [A] copy of [a] photo identification;

(9) [(10)] a [A] copy of the person's current driver's license if the person transports a child in care; and

(10) [(11)] a [A] statement signed and dated by the employee verifying the date the employee attended orientation training [during orientation] that includes an overview of the child care center's [your] policy on the prevention, recognition, and reporting of child maltreatment, as required by [outlined in] §746.1303 of this chapter (relating to What must orientation for employees at my child-care center include?).

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER D. PERSONNEL
DIVISION 2. CHILD CARE [CHILD-CARE] CENTER EMPLOYEES AND CAREGIVERS

26 TAC §746.1105

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §§42.042(a), 42.049(a), and 42.067(a).

§746.1105. Employee Minimum Qualifications. [What minimum qualifications must each of my child-care center employees meet?]

Each [child-care center] employee must:

(1) meet [Meet] the background check requirements in Chapter 745 [, Subchapter F] of this title [(relating to Background Checks)];

[(2) Have a current record of a tuberculosis examination, showing the employee is free of contagious TB, if required by the Texas Department of State Health Services or local health authority;]

(2) [(3)] complete [Complete] a notarized *Affidavit for Applicants for Employment with a Licensed Operation or Registered Child Care [Child-Care] Home* form prior to employment [(Form 2985) before you hire the employee], as required by Texas [specified in] Human Resources Code (HRC) §42.059; and

(3) [(4)] complete [Complete] a *Pre-Employment Affidavit for Applicants for Employment at Certain Child Care Operations* form prior to employment [(Form 2912) before you hire the employee], as required by HRC [specified in Texas Human Resources Code] §42.0563.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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CHAPTER 747. MINIMUM STANDARDS FOR CHILD CARE [CHILD-CARE] HOMES

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes amendments to §§747.209, 747.213, 747.603, 747.633, 747.901, 747.905, 747.909, 747.1007, 747.1107, 747.1207, and 747.1401; and the repeal of §747.629 and §747.631.

BACKGROUND AND PURPOSE

The purpose of the proposal is to implement House Bill 2789, Sections 2, 3, and 9, 89th Legislature, Regular Session, 2025.

Section 2 amended Texas Human Resources Code (HRC) §42.043(b) to remove the requirement for a child in care to have a tuberculosis (TB) test. Section 3 amended HRC §42.049(a) to reduce the liability insurance coverage requirement for a licensed or registered child care operation from $300,000 to $100,000 for each occurrence of negligence. Section 9 repealed HRC §42.0431(b) to remove requirements for a licensed child care center and licensed child care home to maintain screening records for vision, hearing, and any other special senses or communication disorders for children attending the facility and for HHSC to inspect those records in accordance with protocol agreements between HHSC and the Texas Department of State Health Services.

The proposed amendments and repeals in Chapter 747 (1) remove requirements related to TB testing in child care homes; (2) update liability insurance requirements for child care homes, including removing a grandfather clause related to parental notification of a child care home's inability to obtain liability insurance; and (3) update and remove requirements related to vision and hearing screening records in licensed child care homes.

TB-related rules are also being removed because the Texas Department of State Health Services no longer recommends uni-

versal TB screening for settings with populations at low risk of TB such as schools and child care operations.

The proposed amendments change the title of each rule because HHSC Child Care Regulation (CCR) plans to stop using rule titles written as a question. The proposed amendments remove cross references to other rules and the titles of rules cross-referenced. These changes avoid the need for HHSC to amend rules when Texas Administrative Code references or rule titles change. The proposal changes the spelling of "child-care" to "child care" in the title of Chapter 747, the title of Division 1 and Division 2 in Subchapter D, and throughout the proposed amendments because of a program initiative.

The proposed amendments have been written in plain language to improve understanding and effectiveness of the rules. The proposed amendments replace pronouns with what the pronouns mean to improve clarity.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §747.209, What are the liability insurance requirements, changes the rule title to "Liability Insurance Requirements." The proposed amendment reduces the amount of required liability insurance coverage for a child care home from $300,000 to $100,000 for each occurrence of negligence. The proposed amendment makes clarifying edits to explain when the operation is not required to maintain liability insurance and when proof of coverage must be provided to CCR.

The proposed amendment to §747.213, When must I notify parents that I do not carry liability insurance, changes the rule title to "Lack of Liability Insurance Notification Requirements." The proposed amendment removes subsection (b) to remove a grandfather clause that required a child care home issued a permit before April 25, 2021 to notify parents of children in care by May 25, 2021 if the home did not carry liability insurance. The proposed amendment renumbers paragraphs (c) and (d) to (b) and (c) because of the removal of subsection (b). The proposed amendment updates the name and removes the form number for the Parental Notification of Lack of Required Liability Insurance form.

The proposed amendment to §747.603, What records must I have for children in my care and how long must I keep them, changes the rule title to "Children's Records." The proposed amendment removes requirements for a child care home to maintain records of TB screening and testing and vision and hearing screening results. The proposed amendment makes clarifying edits to describe how long different types of records must be kept by the child care home.

The proposed repeal of §747.629, Must children in my care have a tuberculosis (TB) examination, removes the requirement for children in care to have a TB examination.

The proposed repeal of §747.631, Must children in my registered child-care home have vision and hearing screening, removes an obsolete rule explaining that children in a registered child care home are not required to have a vision and hearing screening. The rule is obsolete because the proposed amendment to §747.633 clarifies that the vision and hearing screening requirement applies only to licensed child care homes.

The proposed amendment to §747.633, Must children in my licensed child-care home have vision and hearing screening, changes the rule title to "Vision and Hearing Screening Requirements for Licensed Child Care Homes." The proposed amendment removes subsection (b) to remove the requirement for a licensed child care home to maintain vision and hearing screening records for each child in care. The proposed amendment updates the formatting of the rule because of the removal of subsection (b).

The proposed amendment to §747.901, What information must I maintain in my personnel records, changes the rule title to "Personnel Records." The proposed amendment removes paragraph (3) to remove the requirement for a child care home to maintain documentation that an assistant caregiver or substitute caregiver is free of active TB. The proposed amendment renumbers paragraphs (4) - (10) as paragraphs (3) - (9) because of the removal of paragraph (3). The proposed amendment removes form numbers to avoid a need to amend the rules if the form numbers change. The proposed amendment removes duplicative content that exists in another rule.

The proposed amendment to §747.905, What records must I keep for my household members who are not counted in the child/caregiver ratio, changes the rule title to "Required Records for Household Members Not Counted in the Child to Caregiver Ratio." The proposed amendment removes paragraph (1) to remove the requirement for a child care home to maintain documentation that a household member who is not counted in the child to caregiver ratio is free of active TB. The proposed amendment renumbers paragraphs (2) and (3) as paragraphs (1) and (2) because of the removal of paragraph (1). The proposed amendment updates the requirement for each child care home to maintain proof the home requested a background check by adding "as required by Chapter 745 of this title" to replace "a DFPS Background Check."

The proposed amendment to §747.909, What records must I maintain on myself, changes the rule title to "Required Records for Primary Caregiver." The proposed amendment removes paragraph (1) to remove the requirement for the primary caregiver to have documentation that shows that the primary caregiver is free of contagious TB. The proposed amendment renumbers paragraphs (2) and (3) as paragraphs (1) and (2) because of the removal of paragraph (1).

The proposed amendment to §747.1007, What qualifications must I meet to be the primary caregiver of a registered child care home, changes the rule title to "Registered Child Care Home Primary Caregiver Qualifications." The proposed amendment removes paragraph (6) to remove the requirement for the primary caregiver of a registered child care home to have a current record of a TB examination that shows the primary caregiver is free of contagious TB. The proposed amendment renumbers paragraph (7) as paragraph (6) because of the removal of paragraph (6).

The proposed amendment to §747.1107, What qualifications must I meet to be the primary caregiver of a licensed child care home, changes the rule title to "Licensed Child Care Home Primary Caregiver Qualifications." The proposed amendment removes paragraph (6) to remove the requirement for the primary caregiver of a licensed child care home to have a current record of a TB examination that shows the primary caregiver is free of contagious TB. The proposed amendment deletes Figure 26 TAC §747.1107(8) and moves the education and experience requirements the figure contains for the primary caregiver in a licensed child care home to renumbered paragraph (7).

The proposed amendment to §747.1207, What minimum qualifications must an assistant caregiver meet, changes the rule title to "Assistant Caregiver Minimum Qualifications." The proposed

amendment removes paragraph (5) to remove the requirement for an assistant caregiver to have a current record of a TB examination that shows that the caregiver is free of contagious TB. The proposed amendment renumbers paragraphs (6) and (7) as paragraphs (5) and (6) because of the removal of paragraph (5); and removes form numbers in renumbered paragraphs (5) and (6).

The proposed amendment to §747.1401, Must members of my household meet specific qualifications, changes the rule title to "Household Members Minimum Qualifications." The proposed amendment removes the requirement in subsection (a)(1) for household members of a child care home to have a current record of a TB examination that shows the primary caregiver is free of contagious TB. The proposed amendment reorganizes subsection (a) to include the requirement removed from subsection (a)(2), for the household member to complete orientation to the child care home.

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rules will be in effect:

(1) the proposed rules will not create or eliminate a government program;

(2) implementation of the proposed rules will not affect the number of HHSC employee positions;

(3) implementation of the proposed rules will result in no assumed change in future legislative appropriations;

(4) the proposed rules will not affect fees paid to HHSC;

(5) the proposed rules will not create a new regulation;

(6) the proposed rules will limit and repeal existing regulations;

(7) the proposed rules will not change the number of individuals subject to the rules; and

(8) the proposed rules will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

LOCAL EMPLOYMENT IMPACT

The proposed rules will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these rules because the rules do not impose a cost on regulated persons; are amended to reduce the burden or responsibilities imposed on regulated persons by the rules; are amended to decrease a person's cost for compliance with the rules; and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rules.

PUBLIC BENEFIT AND COSTS

Rachel Ashworth-Mazerolle, Associate Commissioner for Child Care Regulation, has determined that for each year of the first five years the rule is in effect, the public will benefit from rules that (1) reduce the amount of liability insurance an operation must carry, which may increase the number of child care operations able to obtain liability insurance; (2) reduce a child care operation's administrative duties by removing requirements related to TB testing and vision and hearing screenings; and (3) comply with state law.

Trey Wood has also determined that for the first five years the rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules because the proposed rules do not require an operation to purchase equipment, supplies, or hire additional personnel to comply with the rules.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to *HHSRulesCoordinationOffice@hhs.texas.gov*.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R009" in the subject line.

SUBCHAPTER B. ADMINISTRATION AND COMMUNICATION

DIVISION 1. PRIMARY CAREGIVER RESPONSIBILITIES

26 TAC §747.209, §747.213

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendments implement Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§747.209. Liability Insurance Requirements. [What are the liability insurance requirements?]

A child care home must: [Unless you have an acceptable reason not to have the insurance, you must:]

(1) have [Maintain] liability insurance coverage of at least $100,000 [in the amount of $300,000] for each occurrence of negligence, unless the operation has an acceptable reason not to maintain liability insurance. Liability insurance must cover [that covers] injury to a child while [the child is] on the [your] premises or in the [your] care of the child care home; and

(2) provide [Provide] proof of coverage to Child Care Regulation [Licensing] each year no later than [by] the anniversary date of the issuance of the home's [your] permit.

§747.213. Lack of Liability Insurance Notification Requirements. [When must I notify parents that I do not carry liability insurance?]

(a) If a child care home does [you do] not carry liability insurance coverage [that meets the requirements of §747.209 of this division (relating to What are the liability insurance requirements?)], the home [then you] must give written notice to a child's parent [notify the parent of each child in your care in writing that you do not carry liability insurance] before admitting [you admit] the child into [your] care.

[(b) If you received your permit before April 25, 2021 and cannot obtain the liability insurance by that date, then you must notify the parent of each child in your care in writing that you do not carry the insurance by May 25, 2021.]

(b) [(c)] If a child care home [you] previously carried [the] liability insurance and stops [subsequently stop] carrying the liability insurance, then the home [you] must give written notice to [notify] the parent of each child in [your] care [in writing] that the home does [you do] not carry the insurance within 14 days after the date the home stops [you stop] carrying the insurance [it].

(c) [(d)] A child care home [You] may use the *Parental Notification of Lack of Liability Insurance form* [Form 2962, Verification of Liability Insurance, located] on the Child Care Regulation Provider [Licensing provider] website to provide written notice as required in this section[, to notify parents]. A child care home [Regardless of whether you use this form, you] must keep proof that the home [be able to demonstrate that you] provided written notice to the parent of each child in [your] care, even if the home uses a different form or method to provide the written notice[, as required in §747.801(14) of this chapter (relating to What records must I keep at my child-care home?)].

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER C. RECORD KEEPING
DIVISION 1. RECORDS OF CHILDREN

26 TAC §747.603, §747.633

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendments implement Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§747.603. Children's Records. [What records must I have for children in my care and how long must I keep them?]

(a) A child care home [You] must maintain the following records for every [each] child enrolled [in your child-care home]:

(1) child care [Child-care] enrollment agreement as required [specified] in this chapter [§747.503 of this title (relating to Must I provide parents with a copy of my operational policies?)];

(2) admission [Admission] information as required [specified] in this division [§747.605 of this title (relating to What admission information must I obtain for each child?)];

(3) statement [Statement] of the child's health from a health-care professional;

(4) immunization [Immunization] records;

[(5) Tuberculosis screening and testing information, if required by your regional Texas Department of State Health Services or local health authority;]

[(6) Vision and hearing screening results, if applicable;]

(5) [(7)] Child Care Regulation [Licensing] *Incident/Illness Report* form, if applicable;

(6) [(8)] medication [Medication] administration records, if applicable; and

(7) [(9)] a [A] copy of any health-care professional's [professional] recommendations or orders for providing specialized medical assistance to the child, including any approved deviation from a minimum standard based on a health-care professional's recommendation or order. [In some instances, minimum standards allow for a deviation from a minimum standard with written documentation from a health-care professional. You must also maintain this written documentation in the child's record.]

(b) A child care home must keep all records listed in subsection (a) of this section at the child care home. All [These] records [must at a minimum be kept at the child-care home and] must be available [for review] during the child care home's [operating] hours of operation. The [, and for the] following retention periods apply [of time]:

(1) medication [Medication] administration records must be kept for at least three months after [administering] the medication is administered;

(2) a health-care professional's [Health-care professional] recommendations or orders for specialized medical assistance must be kept for at least three months after the date a health-care professional indicates a child no longer needs [has indicated that the] specialized medical assistance [is no longer needed]; and

(3) all [All] other records listed in subsection (a) of this section must be kept [noted above] for at least three months after the date of the child's last day in care.

§747.633. Vision and Hearing Screening Requirements for Licensed Child Care Homes. [Must children in my licensed child-care home have vision and hearing screening?]

[(a)] The Special Senses and Communication Disorders Act, Texas Health and Safety Code, Chapter 36, requires a screening or a professional examination for possible vision and hearing problems for children of certain ages and grades. State rules that implement Texas Health and Safety Code, Chapter 36 can be found in [Refer to] 25 TAC, Chapter 37, Subchapter C [,] (relating to Vision and Hearing Screening). Specific information [, for specifies] on vision and hearing screening[. This information] may be accessed on the Texas Department of State Health Services Vision and Hearing Screening website [Internet at: www.dshs.state.tx.us/vhs/].

[(b) You must keep one of the following at the child-care home for each child required to be screened:]

[(1) The individual visual acuity and sweep check results; or]

[(2) A signed statement from the child's parent that the child's screening records are current and on file at the pre-kindergarten program or school the child attends away from the child-care home. The statement must be dated and include the name, address, and telephone number of the pre-kindergarten program or school; or]

[(3) An affidavit stating that the vision or hearing screening conflicts with the tenets or practices of a church or religious denomination of which the affiant is an adherent or member.]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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CHAPTER 747. MINIMUM STANDARDS FOR CHILD-CARE HOMES
SUBCHAPTER C. RECORD KEEPING
DIVISION 1. RECORDS OF CHILDREN

26 TAC §747.629, §747.631

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The repeals implement Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§747.629. Must children in my care have a tuberculosis (TB) examination?

§747.631. Must children in my registered child-care home have vision and hearing screening?

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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CHAPTER 747. MINIMUM STANDARDS FOR CHILD CARE [CHILD-CARE] HOMES
SUBCHAPTER C. RECORD KEEPING
DIVISION 4. RECORDS ON CAREGIVERS AND HOUSEHOLD MEMBERS

26 TAC §§747.901, 747.905, 747.909

STATUTORY AUTHORITY

The amendments are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendments implement Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§747.901. Personnel Records. [What information must I maintain in my personnel records?]

A child care home must maintain a personnel record [You must keep at least the following at the child-care home] for each assistant caregiver and substitute caregiver. The personnel record must include[, as specified in this chapter]:

(1) documentation that shows [Documentation showing] the dates of employment [the first and last day on the job];

(2) documentation that shows [Documentation showing] how the caregiver meets the minimum age and education qualifications, if applicable;

[(3) A copy of a health card or health care professional's statement verifying the caregiver is free of active tuberculosis, if required by the regional Texas Department of State Health Services tuberculosis program or local health authority;]

(3) [(4)] a [A] notarized [Licensing] *Affidavit for Applicants for Employment with a Licensed Operation or Registered Child Care Child-Care Home* form, [(Form 2985)] as required by [specified in] Texas Human Resources Code (HRC) §42.059;

(4) [(5)] a [A] *Pre-Employment Affidavit for Applicants for Employment at Certain Child Care Operations* form [(Form 2912)] as required by HRC [specified in Texas Human Resources Code] §42.0563;

(5) [~~(6)~~] a [~~A~~] record of training hours as described in [~~including documentation required by §747.1327 of~~] this chapter [~~(relating to What documentation must I provide to Licensing to verify that caregivers have met training requirements?)~~];

(6) [~~(7)~~] proof [~~Proof~~] of request for all background checks required by Chapter 745[~~, Subchapter F~~] of this title [~~(relating to Background Checks)~~];

(7) [~~(8)~~] a [~~A~~] copy of [~~a~~] photo identification;

(8) [~~(9)~~] a [~~A~~] copy of the person's current driver's license if the person or caregiver transports a child in care; and

(9) [~~(10)~~] a [~~A~~] statement signed and dated by the caregiver in a licensed child care [~~child-care~~] home verifying the date the caregiver attended orientation training [~~during orientation~~] that includes an overview of the licensed child care home's policy on [~~regarding~~] the prevention, recognition, and reporting of child maltreatment, as required by [~~specified in~~] §747.1301 of this chapter. [~~(relating to What must orientation for caregivers at my child-care home include?)~~]

§747.905. Required Records for Household Members Not Counted in the Child to Caregiver Ratio. [~~What records must I keep for my household members who are not counted in the child/caregiver ratio?~~]

Each child care home [~~You~~] must maintain [~~keep~~] the following records for [~~at least the following for~~] each household member who requires [~~person that you are required to request~~] a background check under [~~on, as specified in~~] Chapter 745 [~~Subchapter F~~] of this title. A child care home must make these records available for review during the home's operating hours. [~~(relating to Background Checks):~~]

[~~(1) A copy of a health card or physician's statement verifying the household member is free of active tuberculosis, if required by the regional Texas Department of State Health Services TB program or local health authority;~~]

(1) [~~(2)~~] Documentation verifying the household member completed orientation to the child care [~~child-care~~] home. [~~was completed; and~~]

(2) [~~(3)~~] Proof the child care home requested [~~of request for~~] a background check for the household member as required by Chapter 745 of this title [~~DFPS Background Check~~].

§747.909. Required Records for Primary Caregiver. [~~What records must I maintain on myself?~~]

Each child care home [~~You~~] must maintain [~~have~~] the following records for the primary caregiver. A child care home must make these records available for review during the home's operating hours. [~~of operation:~~]

[~~(1) A copy of a health card or health-care professional's statement verifying you are free of contagious tuberculosis, if required by the regional Texas Department of State Health Services TB program or local health authority;~~]

(1) [~~(2)~~] A record of the primary caregiver's [~~your~~] training hours. [~~; and~~]

(2) [~~(3)~~] A copy of the primary caregiver's [~~a~~] current driver's license or other photo identification.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER D. PERSONNEL
DIVISION 1. PRIMARY CAREGIVER QUALIFICATIONS FOR A REGISTERED CHILD CARE [~~CHILD-CARE~~] HOME

26 TAC §747.1007

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§747.1007. Registered Child Care Home Primary Caregiver Minimum Qualifications. [~~What qualifications must I meet to be the primary caregiver of a registered child-care home?~~]

Except as otherwise provided in this division, the primary caregiver of a registered child care home [~~you~~] must:

(1) be [~~Be~~] at least 21 years old;

(2) have [~~Have~~] a:

(A) high [~~High~~] school diploma; or

(B) high [~~High~~] school equivalent;

(3) have [~~Have~~] a certificate of completion of the Child Care Regulation [~~Licensing~~] pre-application course within one year prior to the [~~your~~] application date;

(4) meet [~~Meet~~] the background check requirements in [~~Subchapter F of~~] Chapter 745 of this title [~~(relating to Background Checks)~~];

(5) have [~~Have~~] a current certificate of training in pediatric first aid and pediatric CPR as required by [~~specified in §747.1313 of~~] this subchapter [~~(relating to Who must have pediatric first-aid and pediatric CPR training?)~~]; and

[~~(6) Have a current record of a tuberculosis (TB) examination showing you are free of contagious TB, if required by the Texas Department of State Health Services or local health authority; and~~]

(6) [~~(7)~~] have [~~Have~~] proof of training in [~~the following~~]:

(A) preventing [~~Prevention~~], recognizing [~~recognition~~], and reporting of child maltreatment, including:

(i) factors [~~Factors~~] indicating a child is at risk for abuse or neglect;

(ii) warning [~~Warning~~] signs indicating a child may be a victim of abuse or neglect;

(iii) procedures [~~Procedures~~] for reporting child abuse or neglect; and

(iv) which community [~~Community~~] organizations [~~that~~] have training programs for [~~available to~~] employees, children, and parents;[~~.~~]

(B) recognizing [~~Recognizing~~] and preventing shaken baby syndrome and abusive head trauma;

(C) understanding [~~Understanding~~] and using safe sleep practices and preventing sudden infant death syndrome (SIDS);

(D) understanding [~~Understanding~~] early childhood brain development;

(E) understanding [~~Understanding~~] the developmental stages of children;

(F) preparing for, preventing, and responding to emergencies, including natural disasters, fire, public health emergencies, and medical emergencies [~~Emergency preparedness~~];

(G) preventing [~~Preventing~~] and controlling the spread of communicable diseases, including immunizations;

(H) administering [~~Administering~~] medication, if applicable, and following rules for authorization to administer medication in [~~including compliance with §747.3603 of~~] this chapter [~~(relating to What authorization must I obtain before administering a medication to a child in my care?)~~];

[~~(I) Preventing and responding to emergencies due to food or an allergic reaction;~~]

(I) [~~(J)~~] understanding [~~Understanding~~] building and physical premises safety, including identifying and protecting against [~~identification and protection from~~] hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;

(J) [~~(K)~~] handling [~~Handling~~], storing, and disposing of hazardous materials in [~~including~~] compliance with personal protective equipment rules in this chapter [~~§747.3221 of this chapter (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?)~~]; and

(K) [~~(L)~~] taking precautions [~~Precautions~~] in transporting children if the child care [~~your child-care~~] home plans to transport a child whose chronological or developmental age is younger than nine years old.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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DIVISION 2. PRIMARY CAREGIVER QUALIFICATIONS FOR A LICENSED CHILD CARE [~~CHILD-CARE~~] HOME

26 TAC §747.1107

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§747.1107. Licensed Child Care Home Primary Caregiver Minimum Qualifications. [~~What qualifications must I meet to be the primary caregiver of a licensed child-care home?~~]

Except as otherwise provided in this division, the primary caregiver of a licensed child care home [~~you~~] must:

(1) be [~~Be~~] at least 21 years of age;

(2) have [~~Have~~] a:

(A) high [~~High~~] school diploma; or

(B) high [~~High~~] school equivalent;

(3) have [~~Have~~] a certificate of completion of the Child Care Regulation [~~Licensing~~] pre-application course within one year prior to the [~~your~~] application date;

(4) meet [~~Meet~~] the background check requirements in [~~Subchapter F of~~] Chapter 745 of this title [~~(relating to Background Checks)~~];

(5) have [~~Have~~] a current certificate of training in pediatric first aid and pediatric CPR as specified in [~~§747.1313 of~~] this subchapter [~~(relating to Who must have pediatric first-aid and pediatric CPR training?)~~];

[~~(6) Have a current record of a tuberculosis (TB) examination showing you are free of contagious TB, if required by the Texas Department of State Health Services or local health authority;~~]

(6) [~~(7)~~] have [~~Have~~] proof of training in the following:

(A) preventing [~~Prevention~~], recognizing [~~recognition~~], and reporting of child maltreatment, including:

(i) factors [~~Factors~~] indicating a child is at risk for abuse or neglect;

(ii) warning [~~Warning~~] signs indicating a child may be a victim of abuse or neglect;

(iii) procedures [~~Procedures~~] for reporting child abuse or neglect; and

(iv) which community [~~Community~~] organizations [~~that~~] have training programs for [~~available to~~] employees, children, and parents;

(B) recognizing [~~Recognizing~~] and preventing shaken baby syndrome and abusive head trauma;

(C) understanding [~~Understanding~~] and using safe sleep practices and preventing sudden infant death syndrome (SIDS);

(D) understanding [~~Understanding~~] early childhood brain development;

(E) understanding [~~Understanding~~] the developmental stages of children;

(F) preparing for, preventing, and responding to emergencies, including natural disasters, fire, public health emergencies, and medical emergencies [~~Emergency preparedness~~];

(G) preventing [~~Preventing~~] and controlling the spread of communicable diseases, including immunizations;

(H) administering [~~Administering~~] medication, if applicable, and following rules for authorization to administer medication in [~~including compliance with §747.3603 of~~] this chapter [~~(relating to What authorization must I obtain before administering a medication to a child in my care?)~~];

[~~(I) Preventing and responding to emergencies due to food or an allergic reaction;~~]

(I) [~~(J)~~] understanding [~~Understanding~~] building and physical premises safety, including identification and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;

(J) [~~(K)~~] handling [~~Handling~~], storing, and disposing of hazardous materials in [~~including~~] compliance with personal protective equipment rules in this chapter [~~§747.3221 of this chapter (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?)~~]; and

(K) [~~(L)~~] precautions [~~Precautions~~] in transporting children if the child care [~~your child-care~~] home plans to transport a child whose chronological or developmental age is younger than nine years old; and

(7) [~~(8)~~] have [~~Have~~] one of the following combinations of education and experience in a licensed child care [~~child-care~~] center, [~~or in a~~] licensed child care home, or registered child care [~~child-care~~] home, as defined in [~~§747.1113 of~~] this division [~~(relating to What constitutes experience in a licensed child-care center, or in a licensed or registered child-care home?)~~]:

(A) a bachelor degree with 12 college credit hours in child development and three college credit hours in management and at least one year of experience;

(B) an associate of applied science degree or a closely related field with six college credit hours in child development and three college credit hours in management and at least one year of experience;

(C) sixty college credit hours with six college credit hours in child development and three college credit hours in management and at least one year of experience;

(D) three college credit hours in management with a Child Development Associate Credential or Certified Child Care Professional credential and at least one year of experience;

(E) a child care administrator's certificate from a community college with at least 15 college credit hours in child development and three college credit hours in management and at least two years of experience;

(F) a day-care administrator's credential issued by a professional organization or an educational institution and approved by Child Care Regulation based on criteria specified in Chapter 745 of this title and at least two years of experience; or

(G) seventy-two clock hours of training in child development and 30 clock hours in management and at least three years of experience.

[~~Figure 26 TAC §747.1107(8)~~]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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DIVISION 3. ASSISTANT AND SUBSTITUTE CAREGIVERS

26 TAC §747.1207

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendments implement Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§747.1207. Assistant Caregiver Minimum Qualifications. [~~What minimum qualifications must an assistant caregiver meet?~~]

A person must meet the following qualifications to be an assistant caregiver who is counted in the child to caregiver [~~child/caregiver~~] ratio:

(1) be [~~Be~~] 18 years old, except as provided by [~~§747.1211 of~~] this division [~~(relating to When may I employ a person under the age of 18 or a person who does not have a high school diploma or equivalent as a caregiver?)~~];

(2) except [~~Except~~] as provided by [~~§747.1211 of~~] this division, have a:

(A) high [~~High~~] school diploma;

(B) high [~~High~~] school equivalent; or

(C) high [~~High~~] school certificate of coursework completion, as defined in Texas Education Code §28.025(d);

(3) complete [~~Have completed~~] orientation to the child care [~~your child-care~~] home;

(4) meet [~~Meet~~] the background check requirements in Chapter 745 [~~, Subchapter F~~] of this title [~~(relating to Background Checks)~~];

[~~(5) Have a current record of a tuberculosis (TB) examination showing the caregiver is free of contagious TB, if required by the Texas Department of State Health Services or local health authority;~~]

(5) [~~(6)~~] complete [~~Complete~~] a notarized Licensing *Affidavit for Applicants for Employment with a Licensed Operation or Registered Child Care [~~Child-Care~~] Home* form [~~(Form 2985)~~] prior to employment [~~before you allow the person to be an assistant caregiver~~], as required by [~~specified in~~] Texas Human Resources Code (HRC) §42.059; and

(6) [~~(7)~~] complete [~~Complete~~] a *Pre-Employment Affidavit for Applicants for Employment at Certain Child Care Operations* form prior to employment [~~(Form 2912) before you allow the person to be an assistant caregiver~~], as required by HRC [~~specified in Texas Human Resources Code~~] §42.0563.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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DIVISION 5. HOUSEHOLD MEMBERS, VOLUNTEERS, AND PEOPLE WHO OFFER CONTRACTED SERVICES

26 TAC §747.1401

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§747.1401. Household Members Minimum Qualifications. [~~Must members of my household meet specific qualifications?~~]

(a) Each [~~For each~~] household member who [~~that~~] is 14 years of age or older [~~the member~~] must complete orientation to the child care home as required by this subchapter.[~~:~~]

[~~(1) Have a current record of a tuberculosis (TB) examination showing the caregiver is free of contagious TB, if required by the Texas Department of State Health Services or local health authority; and~~]

[~~(2) Complete orientation to your child-care home as specified in §747.1403 of this title (relating to What must orientation for household members at my child-care home include?).~~]

(b) Any household member who is counted in the child to caregiver [~~child/caregiver~~] ratio on more than ten separate occasions in one training year, whether paid or unpaid, must meet the minimum qualifications for assistant caregivers and training requirements for caregivers as required [~~specified~~] in this subchapter.

(c) Any household member who is left in charge of the child care [~~child-care~~] home in the absence of the primary caregiver, whether paid or unpaid, must meet the minimum qualifications for a substitute caregiver and training requirements for caregivers required [~~specified~~] in this subchapter.

(d) A household member who is 14 years of age or older[~~,~~] but is not regularly or frequently present at the child care [~~child-care~~] home while children are in care, must never be left alone with a child in care, unless the household member meets the qualifications [~~requirements~~] for caregivers required [~~specified~~] in this chapter.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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CHAPTER 748. MINIMUM STANDARDS FOR GENERAL RESIDENTIAL OPERATIONS

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes amendments to §748.158 and §748.4751; and the repeal of §§748.1583, 748.1943, and 748.1945.

BACKGROUND AND PURPOSE

The purpose of the proposal is to implement House Bill 2789, Sections 2, and 3, 89th Legislature, Regular Session, 2025.

Section 2 amended Texas Human Resources Code (HRC) §42.043(b) to remove the requirement for a child in care to have a tuberculosis (TB) test. Section 3 amended HRC §42.049(a) to reduce the liability insurance coverage requirement for a licensed or registered child care operation from $300,000 to $100,000 for each occurrence of negligence.

The proposed amendments and repeals in Chapter 748 (1) remove requirements related to TB testing for all individuals who live, work, or volunteer at a General Residential Operation (GRO); and (2) update liability insurance requirements for GROs.

TB-related rules are also being removed because the Texas Department of State Health Services no longer recommends universal TB screening for settings with populations at low risk of TB such as schools and child care operations.

The proposed amendments change the title of the amended rules because HHSC Child Care Regulation (CCR) plans to stop using rule titles written as a question. The proposed amendments replace pronouns with what the pronouns mean to improve clarity.

The proposed amendments have been written in plain language to improve understanding and effectiveness of the rules.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §748.158, What are the liability insurance requirements, changes the rule title to "Liability Insurance Requirements." The proposed amendment reduces the amount of required liability insurance coverage for a GRO from $300,000 to $100,000 for each occurrence of negligence. The proposed amendment makes clarifying edits to explain when an operation is not required to maintain liability insurance. The pro-

posed amendment changes "Licensing" to "Child Care Regulation" and clarifies the timeframe each year for an operation to provide proof of coverage as "no later than" the anniversary date of the issuance of the operation's permit.

The proposed repeal of §748.1583, Who must have a tuberculosis (TB) examination, removes the TB screening and documentation requirements of TB screening for all persons over the age of one year old who live, work, or volunteer at a GRO.

The proposed repeal of §748.1943, Must adult residents have a tuberculosis (TB) examination, removes the requirement for adult residents of a GRO to have a TB examination.

The proposed repeal of §748.1945, What must I do if an adult resident has a positive tuberculosis test result, removes the requirement related to action a GRO must take if an adult resident has a positive TB test result. The rule is obsolete because of the proposed repeal of §748.1943.

The proposed amendment to §748.4751, Are there additional medical requirements when I admit a child for trafficking victim services, changes the rule title to "Additional Medical Requirements for Trafficking Victim Services." The proposed amendment removes paragraph (1)(B)(v) to remove the requirement that a child receiving trafficking victim services be screened for tuberculosis. The proposed amendment reorganizes paragraph (1)(B) to renumber the remaining medical tests for screening as paragraph (1)(B)(i) - (v).

FISCAL NOTE

Trey Wood, HHSC Chief Financial Officer, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rules will be in effect:

(1) the proposed rules will not create or eliminate a government program;

(2) implementation of the proposed rules will not affect the number of HHSC employee positions;

(3) implementation of the proposed rules will result in no assumed change in future legislative appropriations;

(4) the proposed rules will not affect fees paid to HHSC;

(5) the proposed rules will not create a new regulation;

(6) the proposed rules will limit and repeal existing regulations;

(7) the proposed rules will not change the number of individuals subject to the rules; and

(8) the proposed rules will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

LOCAL EMPLOYMENT IMPACT

The proposed rules will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these rules because the rules do not impose a cost on regulated persons; are amended to reduce the burden or responsibilities imposed on regulated persons by the rules; are amended to decrease a person's cost for compliance with the rules; and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rules.

PUBLIC BENEFIT AND COSTS

Rachel Ashworth-Mazerolle, Associate Commissioner for Child Care Regulation, has determined that for each year of the first five years the rule is in effect, the public benefit will be rules that (1) reduce the amount of liability insurance an operation must carry, which may increase the number of child care operations able to obtain liability insurance; (2) reduce a child care operation's administrative duties by removing requirements related to TB testing; and (3) comply with state law.

Trey Wood has also determined that for the first five years the rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules because the proposed rules do not require an operation to purchase equipment, supplies, or hire additional personnel to comply with the rules.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to *HHSRulesCoordinationOffice@hhs.texas.gov*.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R009" in the subject line.

SUBCHAPTER C. ORGANIZATION AND ADMINISTRATION

DIVISION 2. OPERATIONAL RESPONSIBILITIES AND NOTIFICATIONS

26 TAC §748.158

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner

of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§748.158. Liability Insurance Requirements. [What are the liability insurance requirements?]

An operation [Unless you have an acceptable reason not to have the insurance, you] must:

(1) have [Maintain] liability insurance coverage of at least $100,000 [in the amount of $300,000] for each occurrence of negligence, unless the operation has an acceptable reason not to maintain liability insurance as provided by Texas Human Resources Code (HRC) §42.0495. Liability insurance must cover [that covers] injury to a child while [the child is] on the [your] premises or in [your] care; and

(2) provide [Provide] proof of coverage to Child Care Regulation [Licensing] each year no later than [by] the anniversary date of the issuance of the operation's [your] permit.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER J. CHILD CARE
DIVISION 3. COMMUNICABLE DISEASES

26 TAC §748.1583

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The repeal implements Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§748.1583. Who must have a tuberculosis (TB) examination?

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 14, 2026.

TRD-202603529
Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER K. OPERATIONS THAT PROVIDE CARE FOR CHILDREN AND ADULTS
DIVISION 2. GENERAL REQUIREMENTS

26 TAC §748.1943, §748.1945

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The repeals implement Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§748.1943. Must adult residents have a tuberculosis (TB) examination?

§748.1945. What must I do if an adult resident has a positive tuberculosis test result?

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Karen Ray
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SUBCHAPTER V. ADDITIONAL REQUIREMENTS FOR OPERATIONS THAT PROVIDE TRAFFICKING VICTIM SERVICES
DIVISION 6. ADMISSION AND SERVICE PLANNING

26 TAC §748.4751

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, and Texas

Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of HRC Chapter 42.

The amendment implements Texas Government Code §524.0151 and HRC §§42.042(a) and 42.049(a).

§748.4751. Additional Medical Requirements for Trafficking Victim Services. [Are there additional medical requirements when I admit a child for trafficking victim services?]

In addition to meeting the medical admission requirements in this chapter, an operation must meet the following medical requirements when admitting a child for trafficking victim services. [under §748.1223 of this title (relating to What are the medical requirements when I admit a child into care?):]

(1) An operation [You] must ensure that each [a] child admitted for [receiving] trafficking victim services is screened within 72 hours of admission to determine if the child needs [whether there is an immediate need for any of the following types of medical services]:

(A) an immediate [A] medical examination by a healthcare professional; and

(B) medical [Medical] tests to screen for [pregnancy and the following infectious diseases]:

(i) pregnancy;

(ii) [(i)] Hepatitis B;

(iii) [(ii)] Hepatitis C;

(iv) [(iii)] the Human Immunodeficiency Virus [HIV]; and

(v) [(iv)] sexually [Sexually] transmitted diseases. [(STDs) ; and]

[(v) Tuberculosis.]

(2) An operation is not required to ensure each [Each] individual screening listed in paragraph (1)(B) of this section is performed [is not required] if:

(A) the [The] child was previously placed in a residential child care [child-care] operation regulated by the Department of Family and Protective Services [DFPS] or a facility operated by the Texas Juvenile Justice Department;

(B) the operation has documentation [There was] a [previous] screening was completed within the last 12 months;

[(C) You have documentation of the outcome of the screening;]

(C) [(D)] the [The] child has [did] not run away from the operation or been [get] discharged from the operation [program] since the previous screening; and

(D) [(E)] there [There] is no clear indication that the child has been injured, victimized, or re-victimized since the previous screening.

(3) If the screening shows that a child needs [results of the required screening indicate that there is an immediate need for] a medical examination or medical tests immediately, the operation [you] must arrange for [obtain] the medical examination or [and/or medical] tests within five days after the date of the screening.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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TITLE 30. ENVIRONMENTAL QUALITY

PART 1. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 205. GENERAL PERMITS FOR WASTE DISCHARGES

SUBCHAPTER A. GENERAL PERMITS FOR WASTE DISCHARGES

30 TAC §205.4

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) proposes to amend §205.4.

Background and Summary of the Factual Basis for the Proposed Rules

TCEQ is proposing to amend 30 Texas Administrative Code (TAC) Chapter 205 (General Permits for Waste Discharges) to implement Senate Bill (SB) 1302, 89th Regular Legislative Session and to continue to implement House Bill (HB) 2694, 82nd Regular Legislative Session.

SB 1302 amended Texas Water Code (TWC), §26.040 (General Permits), to: (1) add paragraph (h-1) stating that if an authorization under a general permit is denied or suspended by the commission due to an unsatisfactory compliance history (CH) rating on or after September 1, 2025, then the entity may not be eligible to discharge under a general permit until the executive director (ED) actively authorizes the discharger to use the general permit; and (2) add paragraph (h-2) prohibiting the ED from using an automated process to approve or authorize an application under a general permit following the denial or suspension of a general permit authorization ordered on or after September 1, 2025, due to an unsatisfactory CH rating.

HB 2694 originally amended TWC, §26.040, to revise subsection (h) regarding that the commission, after hearing, shall deny or suspend a discharger's authority to discharge under a general permit if discharger's CH is unsatisfactory.

The rulemaking proposes to amend §205.4 to address the denial or suspension and re-authorization of a discharger that is classified as an unsatisfactory performer under 30 TAC §60.2. The rulemaking will clarify that: (1) the ED shall deny authorization to discharge under an existing general permit if the discharger has an unsatisfactory rating; (2) once a discharger authorized under a general permit has been denied an authorization, the ED must actively authorize the discharger to use the general permit; and (3) an automated process cannot be used to approve or authorize an application under a general permit following the denial or suspension of a general permit.

Section by Section Discussion

Proposed amended §205.4, *Authorizations and Notices of Intent*, would be revised to add subparagraph §205.4(c)(2)(G) to clarify that an unsatisfactory CH rating is an additional reason that the executive director shall deny authorization to discharge under an existing general permit.

Proposed subparagraph §205.4(d)(4)(F) would be revised to clarify that an unsatisfactory CH rating is an additional reason that the executive director shall suspend an authorization to discharge under an existing general permit.

Proposed subsection §205.4(e) would add that an unsatisfactory CH rating shall be an additional reason to suspend a discharger's authority to discharge under a general permit.

Proposed paragraph §205.4(e)(1) would establish that on or after September 1, 2025, any discharger authorized under a general permit that has been denied or suspended under part (e) of this section shall not be eligible to discharge under a general permit until the executive director actively authorizes the discharger to use the general permit.

Proposed paragraph §205.4(e)(2) would establish that once an applicant has regained a satisfactory CH rating, the ED shall not utilize an automated process to approve or authorize the discharger that was denied or suspended under part (e) of this section.

Fiscal Note: Costs to State and Local Government

Kyle Girten, Analyst in the Budget and Planning Division, has determined that for the first five-year period the proposed rule is in effect, no fiscal implications are anticipated for the agency or for other units of state or local government as a result of administration or enforcement of the proposed rule.

Public Benefits and Costs

Mr. Girten determined that for each year of the first five years the proposed rules are in effect, the public benefit will be rule language that is consistent with state law, including existing statutory language and requirements in SB 1302 from the 89th Regular Legislative Session (2025). The proposed rulemaking is not anticipated to result in fiscal implications for individuals or businesses during the first five-year period the proposed rule is in effect.

Local Employment Impact Statement

The commission reviewed this proposed rulemaking and determined that a Local Employment Impact Statement is not required because the proposed rulemaking does not adversely affect a local economy in a material way for the first five years that the proposed rule is in effect.

Rural Communities Impact Assessment

The commission reviewed this proposed rulemaking and determined that the proposed rulemaking does not adversely affect rural communities in a material way for the first five years that the proposed rules are in effect. The amendments would apply statewide and have the same effect in rural communities as in urban communities.

Small Business and Micro-Business Assessment

No adverse fiscal implications are anticipated for small or micro-businesses due to the implementation or administration of the proposed rule for the first five-year period the proposed rules are in effect.

Small Business Regulatory Flexibility Analysis

The commission reviewed this proposed rulemaking and determined that a Small Business Regulatory Flexibility Analysis is not required because the proposed rule does not adversely affect a small or micro-business in a material way for the first five years the proposed rules are in effect.

Government Growth Impact Statement

The commission prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does not create or eliminate a government program and will not require an increase or decrease in future legislative appropriations to the agency. The proposed rulemaking does not require the creation of new employee positions, eliminate current employee positions, nor require an increase or decrease in fees paid to the agency. The proposed rulemaking amends an existing regulation, and it does not create, expand, repeal, or limit this regulation. The proposed rulemaking does not increase or decrease the number of individuals subject to its applicability. During the first five years, the proposed rule should not impact positively or negatively the state's economy.

Written comments concerning the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble

Draft Regulatory Impact Analysis Determination

The commission reviewed the proposed rulemaking in consideration of the regulatory analysis of major environmental rules required by Texas Government Code (TGC), §2001.0225 and determined that the rulemaking is not subject to §2001.0225(a) because it does not meet the definition of a "Major environmental rule" as defined in §2001.0225(g)(3). A "Major environmental rule" is a rule, the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector or the state. The proposed rulemaking is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

The Office of Water is initiating rule changes to amend 30 TAC Chapter 205 to implement SB 1302, which amended TWC, §26.040. Specifically, the proposed rules will amend 30 TAC §205.4 to clarify that: (1) ED shall deny authorization to discharge under an existing general permit if the discharger has an unsatisfactory CH rating; (2) once a discharger authorized under a general permit has been denied an authorization on or after September 1, 2025, the discharge shall not use the general permit unless ED actively authorizes the discharger to use the general permit; and (3) an automated process cannot be used to approve or authorize an application under a general permit following the denial or suspension of a general permit ordered on or after September 1, 2025, due to an "Unsatisfactory" CH rating.

The proposed rulemaking will not adversely affect in a material way the economy, a sector of the economy, productivity, competition, or jobs; nor would the proposed rulemaking adversely affect in a material way the environment, or the public health and safety of the state or a sector of the state. Therefore, the proposed rulemaking does not fit the TGC, §2001.0225 definition of "Major environmental rule."

Even if this rulemaking was a "Major environmental rule," this rulemaking meets none of the criteria in §2001.0225, the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law.

First, this rulemaking is not governed by federal law. Second, it does not exceed state law but rather adds clarity to the rules that implement state law. Third, this rulemaking does not come under a delegation agreement or contract with a federal program, and finally, is not being proposed under the TCEQ's general rulemaking authority. This rulemaking is being proposed under existing state law found in TWC, Chapter 26 (Water Quality Control) and §26.040 that gives the commission authority to issue general permits to authorize the discharge of waste into or adjacent to waters in the state. Because this proposal does not constitute a major environmental rule, a regulatory impact analysis is not required. Therefore, the commission does not adopt the rule solely under the commission's general powers.

The commission invites public comment on the draft regulatory impact analysis determination during the public comment period. Written comments on the draft regulatory impact analysis determination may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Takings Impact Assessment

TCEQ evaluated the proposed rulemaking and performed an analysis of whether it constitutes a taking under TGC, Chapter 2007. The specific purpose of the proposed rulemaking is to amend 30 TAC §205.4 (General Permits for Waste Discharges) to address the denial or suspension and re-authorization of a discharger that is classified as an unsatisfactory performer under 30 TAC §60.2.

Under TGC, §2007.002(5), "taking" means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the United States Constitution or Section 17 or 19, Article I, Texas Constitution; or a governmental action that affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action and is the producing cause of a reduction of at least 25% in the market value of the affected private real property, determined by comparing the market value of the property as if governmental action is not in effect and the market value of the property determined as if the governmental action is in effect.

Promulgation and enforcement of the proposed rule amendments will not be a statutory or constitutional taking of private real property because, as the commission's analysis indicates, TGC, Chapter 2007 does not apply to these proposed rules because these rules do not impact private real property in a manner that would require compensation to private real property owners under the United States Constitution or the Texas Constitution. Specifically, the proposed rulemaking does not apply to or affect any landowner's rights in any private real property because it does not burden (constitutionally), restrict, or limit any landowner's right to real property and reduce any property's value by 25% or more beyond that which would otherwise exist in the absence of the regulations. These Chapter 205 rule amendments do not regulate property but instead address the denial or suspension and re-authorization of a discharger that is classified as an unsatisfactory performer under 30 TAC §60.2. The proposed rulemaking is reasonably taken to fulfill requirements of state law. Therefore, the proposed rulemaking will not cause a taking under TGC, Chapter 2007.

Consistency with the Coastal Management Program

The commission reviewed the proposed rulemaking and found the proposal is a rulemaking identified in the Coastal Coordination Act Implementation Rules, 31 TAC §29.11(b)(4), relating to rules subject to the Coastal Management Program, and will, therefore, require that goals and policies of the Texas Coastal Management Program (CMP) be considered during the rulemaking process.

The commission reviewed this rulemaking for consistency with the CMP goals and policies in accordance with the regulations of the Coastal Coordination Advisory Committee and determined that the rulemaking is administrative and procedural in nature and will have no substantive effect on commission actions subject to the CMP and is, therefore, consistent with CMP goals and policies.

Written comments on the consistency of this rulemaking may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Announcement of Hearing

The commission will hold a hybrid virtual and in-person public hearing on this proposal in Austin on September 28, 2026, at 10:00 a.m. in building E, Room 201S at the commission's central office located at 12100 Park 35 Circle. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing at 9:30 a.m.

Individuals who plan to attend the hearing virtually and want to provide oral comments and/or want their attendance on record must register by Thursday, September 24, 2026. To register for the hearing, please email *Rules@tceq.texas.gov* and provide the following information: your name, your affiliation, your email address, your phone number, and whether or not you plan to provide oral comments during the hearing. Instructions for participating in the hearing will be sent on Friday, September 25, 2026, to those who register for the hearing.

For the public who do not wish to provide oral comments but would like to view the hearing may do so at no cost at:

https://events.teams.microsoft.com/event/2a383d9c-6ec5-4e8b-8b09-8e5909e50ddb@871a83a4-a1ce-4b7a-8156-3bcd93a08fba

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services at (512) 239-1802 or 1-800-RELAY-TX (TDD). Requests should be made as far in advance as possible.

If you need translation services, please contact TCEQ at (800) 687-4040. Si desea información general en español, puede llamar al (800) 687-4040.

Submittal of Comments

Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to *fax4808@tceq.texas.gov*. Electronic comments may be submitted at: https://tceq.commentinput.com/comment/search. File size restrictions may apply to comments being submitted via the TCEQ Public Comments system. All comments should reference Rule Project Number 2026-016-205-OW. The comment period closes at 11:59 p.m. on September 29, 2026. Please choose one of the methods provided to submit your written comments.

Copies of the proposed rulemaking can be obtained from the commission's website at *https://www.tceq.texas.gov/rules/propose_adopt.html*. For further information, please contact Shannon Gibson, TCEQ's Water Quality Division, (512) 239-4284.

Statutory Authority

The Texas Commission on Environmental Quality (the commission or TCEQ) proposes these amendments to TCEQ's rules under the authority of Texas Water Code (TWC), Chapters 5 and 26.

The proposed amendments are proposed under and implement TWC, §26.040, which provides the commission with the authority to regulate certain waste discharges by general permit, and TWC, §26.040(m), which authorizes the commission to adopt rules as necessary to implement TWC, §26.040.

TWC, §5.013 establishes the general jurisdiction of the commission, while TWC, §5.102 provides the commission with the authority to carry out its duties and general powers under its jurisdictional authority as provided by TWC, §5.103. TWC, §5.103 requires the commission to adopt any rule necessary to carry out its powers and duties under the TWC and other laws of the state. TWC, §5.120 requires the commission to administer the law to promote judicious use and maximum conservation and protection of the environment and the natural resources of the state. TWC, §26.011, provides the commission with the authority to establish the level of quality to be maintained in, and to control the quality of, the water in the state. TWC, §26.027, authorizes the commission to issue permits for the discharge of waste or pollutants into or adjacent to water in the state.

§205.4. Authorizations and Notices of Intent.

(a) A qualified discharger may obtain authorization to operate under a general permit by complying with the general permit's conditions for gaining coverage.

(1) A general permit shall specify either an applicable deadline for filing the notice of intent (NOI), or that an NOI is not required prior to commencement of a qualifying discharge.

(2) No new discharge under the authority of a general permit may commence after a general permit has expired.

(3) For those general permits requiring an NOI, a discharger may begin discharging under the general permit after the date or period of time specified in the general permit unless the executive director or commission before that time notifies the discharger pursuant to subsections (c) or (e) of this section that the discharger is not eligible for authorization under the general permit.

(4) The executive director shall provide written notice to a discharger if the executive director determines that the discharger is not eligible for authorization under the general permit. The content of the notice is described in subsections (c) and (d) of this section.

(5) An NOI shall be submitted to the executive director in a form or format that is specified in the general permit or otherwise set out in commission rules.

(b) The following requirements apply to existing individual permittees.

(1) The general permit shall specify how a discharger covered by an individual permit may substitute authorization to discharge waste under the general permit. At a minimum, the general permit shall provide that coverage under the general permit shall not commence until:

(A) the permittee has submitted an NOI, if one is required by the general permit, as specified by subsection (f) of this section; and

(B) the executive director has received the discharger's written request that the individual permit be canceled or amended, as appropriate.

(2) The general permit may allow a discharger who is covered by an individual permit to obtain authorization to discharge waste from a new outfall under a general permit. Agency action on a new discharge does not affect the status of the discharger's existing individual permit. The general permit shall describe how to obtain authorization to discharge waste from a new outfall. Authorization under the general permit shall not commence until the discharger:

(A) submits an NOI, if one is required by the general permit, as specified in subsection (f) of this section; and

(B) requests and receives written approval from the executive director of a minor modification to their individual permit exempting the new outfall from coverage under the individual permit.

(3) Except as provided under subsection (b)(2) of this section, the commission shall cancel an individual permit if the executive director or commission does not deny the NOI or authorization under subsection (c) or (e) of this section.

(c) The following requirements apply to denial of an authorization or notice of intent.

(1) The executive director shall provide written notice to a discharger if the executive director denies the discharger's NOI or authorization to discharge under a general permit, including, at a minimum, a brief statement of the basis for this decision.

(2) The executive director shall deny authorization to discharge under an existing general permit for the following reasons:

(A) the quantity of discharge, the type of waste, or the type of operation does not comply with the general permit;

(B) the discharge is required to be authorized under the Texas Pollutant Discharge Elimination System (TPDES), and discharging under the general permit would result in backsliding prohibited under 40 Code of Federal Regulations §122.44(l), as amended and adopted under §305.531(3) of this title (relating to Establishing and Calculating Additional Conditions and Limitations for TPDES Permits);

(C) the discharge causes a violation of the Texas Surface Water Quality Standards;

(D) the discharge is located where it causes or could cause an adverse impact upon a critical area, as defined in 31 TAC §501.3 (relating to Definitions and Abbreviations), and there is a suitable location that is available and capable of being used in light of cost, technology, and logistics;

(E) the discharger or facility:

(i) has failed to pay any portion of a delinquent fee or charge assessed by the executive director;

(ii) is not in compliance with all requirements, conditions, and time frames specified in an unexpired commission final enforcement order relating to the activity regulated by the general permit; or

(iii) is subject to an unexpired enforcement order that requires the facility to comply with operating conditions different from or additional to the requirements of the general permit;

(F) the discharge would be inconsistent with the state water quality management plan (WQMP); or [.]

(G) the discharger has an unsatisfactory compliance history rating.

(3) The executive director may deny authorization to discharge under an existing general permit for reasons including, but not limited to, the following:

(A) a change has occurred in the availability of demonstrated technology or practices for the prevention, control, or abatement of pollutants applicable to the discharge necessary to be implemented to meet applicable federal or state standards;

(B) specific effluent limitation guidelines are promulgated for a discharge covered by the general TPDES permit, but the general permit has not yet been amended to incorporate the new effluent limitation guidelines;

(C) the owner and/or the operator of the facility has not filed an NOI in accordance with §305.43 of this title (relating to Who Applies);

(D) the discharger has been determined by the executive director to have been out of compliance with any rule, order, or permit of the commission, including non-payment of fees assessed by the executive director;

(E) the discharge contains pollutants that cause significant adverse effects to water quality. In making this determination, the executive director shall consider the following factors:

(i) the location of the discharge;

(ii) the size of the discharge;

(iii) the quantity and nature of pollutants discharged;

(iv) whether the discharge would adversely affect groundwater quality, inconsistent with the policy specified in TWC, §26.401; and

(v) other factors relating to the protection of water quality standards; and

(F) the discharger or facility is the subject of an unresolved agency enforcement action in which the executive director has issued written notice that enforcement has been initiated.

(4) If authorization to discharge is denied under this subsection, the executive director may require the person whose authorization is denied to apply for and obtain an individual permit. If the discharger is seeking to replace its individual permit with general permit coverage, but the discharger's general permit authorization is denied, the discharger shall apply for renewal of the individual permit prior to the expiration date of its individual permit to maintain authorization to discharge, in accordance with §305.63 of this title (relating to Renewal).

(d) The following requirements apply to suspensions of authorizations and NOIs.

(1) The general permit shall describe the procedures for suspension of authorization and NOIs under a general permit. The general permit shall require the executive director to provide written notice to a discharger that the executive director intends to suspend a discharger's authority to discharge under a general permit, including:

(A) a brief statement of the basis for this decision under this subsection;

(B) a statement of whether the discharger shall immediately cease the discharge;

(C) a statement setting the deadline for filing the application for an individual permit; and

(D) a statement that the person's discharge authorization under the general permit shall be suspended on the effective date of the commission's action on the individual permit application unless the commission expressly provides otherwise, or unless the executive director has required the discharger to immediately cease the discharge;

(2) Except for suspensions under paragraph (5)(F) of this subsection relating to storm water discharges, if a discharger's authorization under a general permit is suspended, the discharger shall immediately cease the discharge.

(3) The executive director may require the person whose authorization to discharge is suspended to apply for and obtain an individual permit.

(4) After providing written notice to the discharger, the executive director shall suspend authorization to discharge under an existing general permit for the following reasons:

(A) the quantity of discharge, the type of waste, or the type of operation does not comply with the general permit;

(B) the discharge causes a violation of the Texas Surface Water Quality Standards;

(C) the discharger or facility:

(i) has failed to pay any portion of a delinquent fee or charge assessed by the executive director;

(ii) is not in compliance with all requirements, conditions, and timeframes specified in an unexpired commission final enforcement order relating to the activity regulated by the general permit, or

(iii) is subject to an unexpired enforcement order that requires the facility to comply with operating conditions different from or additional to the requirements of the general permit;

(D) the discharge is inconsistent with the state WQMP;

(E) an application is not received by the deadline specified by rule or in the general permit; or[.]

(F) the discharger has an unsatisfactory compliance history rating.

(5) After providing written notice to the discharger, the executive director may suspend authorization to discharge under an ex-

isting general permit for reasons including, but not limited to, the following:

(A) a change has occurred in the availability of demonstrated technology or practices for the prevention, control, or abatement of pollutants applicable to the discharge necessary to be implemented to meet applicable federal or state standards;

(B) specific effluent limitation guidelines are promulgated for a discharge covered by the general TPDES permit, but the general permit has not yet been amended to incorporate the new effluent limitation guidelines;

(C) the owner and/or the operator of the facility has not filed an NOI in accordance with §305.43 of this title;

(D) circumstances have changed since the time of the NOI so that the discharge is no longer appropriately controlled to meet applicable water quality standards under the general permit, or either a temporary or permanent reduction, or elimination of the authorized discharge is necessary;

(E) the discharger has been determined by the executive director to have been out of compliance with any rule, order, or permit of the commission, including non-payment of fees assessed by the executive director;

(F) the discharge contains pollutants that cause significant adverse effects to water quality. In making this determination, the executive director shall consider the following factors:

(i) the location of the discharge;

(ii) the size of the discharge;

(iii) the quantity and nature of pollutants discharged;

(iv) whether the discharge would adversely affect groundwater quality, inconsistent with the policy specified in the TWC, §26.401; and

(v) other factors relating to the protection of water quality standards; and

(G) the discharger or facility is the subject of an unresolved agency enforcement action in which the executive director has issued written notice that enforcement has been initiated.

(e) The commission, after hearing, shall deny or suspend a discharger's authority to discharge under a general permit if the commission determines that the discharger operates any facility for which the discharger's compliance history rating is unsatisfactory or contains violations constituting a recurring pattern of egregious conduct that demonstrates a consistent disregard for the regulatory process, including a failure to make a timely and substantial attempt to correct the violations. A hearing under this subsection is not subject to Texas Government Code, Chapter 2001.

(1) On or after September 1, 2025, any discharger authorized under a general permit that has been denied or suspended under subsections (c)(2)(G), (d)(4)(F), or (e) of this section shall not be eligible to discharge under a general permit until the executive director actively authorizes the discharger to use the general permit, as described in paragraph (2) of this subsection.

(2) The executive director may not utilize an automated process to approve or authorize an application under a general permit following the denial or suspension of a general permit, ordered on or after September 1, 2025, due to an unsatisfactory compliance history rating, under subsections (c)(2)(G), (d)(4)(F), or (e) of this section.

(f) The general permit shall describe the content of the NOI, if one is required by the general permit. At a minimum, the NOI shall require the submission of information necessary for adequate program implementation including, at a minimum, the legal name and address of the owner and operator, the facility name and address, specific description of its location, type of facility or discharges, and the receiving water(s). An NOI shall be signed in accordance with §305.44 of this title (relating to Signatories to Applications).

(g) Unless otherwise provided in the general permit or in §305.53 of this title (relating to Application Fee), a person seeking authorization by general permit shall submit a $100 application fee payable to the agency at the time of filing an NOI. If a person is denied coverage under the general permit in accordance with subsection (c) or (e) of this section, any application fee will be applied to the application fee required for an individual permit application for the same discharge.

(h) The general permit shall require a person authorized to discharge waste under a general permit to submit up-to-date information to the executive director in a notice of change within a specified period of time prior to a change in previous information provided to the agency or any other change with respect to the nature or operations of the facility or the characteristics of the discharge. In cases where the general permit requires that an NOI be submitted, the general permit shall require that when the ownership of the facility changes or is transferred, a notice of termination be submitted by the present owner, and a new NOI be submitted by the new owner, not later than ten days prior to the change in ownership.

(i) When requested by a county or municipality, the commission may establish a provision in a general permit for notification by the discharger to a county judge or mayor of a municipality of NOIs that would allow discharges within their respective jurisdiction. If the executive director or commission denies authorization for a proposed discharge in the county or municipality, the executive director shall notify the county judge or mayor.

(j) The executive director's decisions on NOIs under this chapter are subject to §50.139 of this title (relating to Motion to Overturn Executive Director's Decision).

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 14, 2026.

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Amy L. Browning
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 239-6089

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CHAPTER 305. CONSOLIDATED PERMITS

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) proposes amendments to §§305.1, 305.3, 305.50, 305.69, 305.150, 305.171, 305.172, 305.176, 305.401, 305.533, 305.572, and 305.650.

Background and Summary of the Factual Basis for the Proposed Rules

The federal hazardous waste program is authorized under the federal Resource Conservation and Recovery Act of 1976

(RCRA), §3006. States may obtain authorization from the United States Environmental Protection Agency (EPA) to administer the hazardous waste program. State authorization is a rulemaking process through which EPA delegates the primary responsibility of implementing the RCRA hazardous waste program to individual states. This process ensures national consistency and minimum standards while providing flexibility to states in implementing rules. State RCRA programs must always be at least as stringent as the federal requirements.

Texas received authorization of its hazardous waste "base program" under RCRA on December 26, 1984, and has continuously participated in EPA's authorization program. To maintain the RCRA authorization, the commission must adopt regulations to meet the minimum standards of federal programs administered by EPA. Because the federal regulations undergo regular revision, the commission must adopt new regulations regularly to meet the changing federal regulations.

The commission proposes to adopt portions of the RCRA Rule Clusters XIII, XXIX, XXX, and XXXI that implement revisions to the federal hazardous waste program promulgated by EPA on July 24, 2002, and between July 7, 2020, and March 20, 2023. The proposed rulemaking includes adoption of both mandatory and optional federal regulation changes within these clusters. Although adoption of the optional provisions is not required to maintain authorization, EPA recommends that states incorporate these provisions to ensure consistency with the federal program. In addition, the commission proposes revisions to correct typographical errors and incorporate inadvertently omitted rule language from previously adopted RCRA Rule Clusters that implemented EPA-requested revisions necessary to maintain authorization. Maintaining equivalency with federal regulations will enable Texas to continue operating all delegated aspects of the federal hazardous waste program in lieu of EPA.

Modernizing Ignitable Liquids Determinations

In the July 7, 2020, issue of the *Federal Register* (85 FR 40594), EPA finalized updates to modernize the flash point test methods in 40 CFR §261.21 by incorporating current American Society for Testing and Materials (ASTM) International standards. The federal updates also finalized the aqueous alcohol definition in 40 CFR §261.21(a)(1) by replacing the term "aqueous" with "at least 50 percent water by weight" and defining "alcohol."

EPA also made technical corrections to update definitions and references for ignitable compressed gases and explosives, specifying ASTM Standard E681-85 as the approved test method for ignitable compressed gases, aligning definitions with current United States Department of Transportation (DOT) regulations for flammable gases and aerosols, and revising cross-references to explosives to reflect DOT's Division 1.1, 1.2, and 1.3 classification system. In addition, EPA deleted outdated notes in §261.21 that referenced obsolete agencies, historical information, or superseded regulations.

Finally, EPA finalized alternatives to the use of mercury thermometers in SW-846 air sampling and stack emissions Methods 0010, 0011, 0020, 0023A, and 0051, without changing the underlying test technology or affecting precision or accuracy. To maintain equivalency with federal RCRA regulations, the commission proposes to incorporate these federal revisions by reference in 30 Texas Administrative Code (TAC) §305.150.

Financial Capability and Administrative Revisions

The commission proposes to amend Chapter 305 to revise the financial capability demonstration requirements, the number of paper copies required for permit applications, and outdated public participation procedures for Class 3 modifications. The proposed amendments clarify the financial capability criteria in conjunction with permit issuances, amendments, modifications, transfers, extensions, and renewals for hazardous waste management facilities.

A stakeholder meeting to collect informal comments was conducted on May 13, 2025, with a subsequent 30-day comment period. Comments received during this informal comment period were used to develop rule changes proposed in this rulemaking as addressed in the *Section by Section Discussion* portion of this preamble. Instructions for submitting formal comments regarding rule changes proposed in this rulemaking can be found in the *Submittal of Comments* section of this preamble.

All proposed rule changes are discussed further in the *Section by Section Discussion* portion of this preamble.

As part of this rulemaking the commission is proposing revisions to 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste, concurrently in this issue of the *Texas Register*.

Section by Section Discussion

Subchapter A: General Provisions

§305.1, Scope and Applicability

In §305.1(a), the commission proposes to replace the phrase "management of waste disposal activities" with "waste management activities." This change is proposed to provide a more accurate description and scope of Chapter 305. The chapter applies to a range of waste management activities and is not limited solely to waste disposal. The proposed revision to §305.1(a) clarifies that the chapter applies to all waste management activities regulated under this chapter.

§305.3, Abbreviations

In §305.3, the commission proposes to add the acronym "RCRA" (Resource Conservation and Recovery Act) to the list of acronyms and abbreviations referenced in Chapter 305, as the acronym is already used elsewhere in the chapter, such as in §§305.51, 305.69, 305.122, and 305.650. The acronym would be added alphabetically as new paragraph (7), and existing paragraph (7) for TPDES will be renumbered as paragraph (8).

Subchapter C: Application for Permit or Post-Closure Order

§305.50, Additional Requirements for an Application for a Hazardous or Industrial Solid Waste Permit and for a Post-Closure Order

In §305.50(a)(1) and §305.50(b)(7), the commission proposes to revise the requirement for the number of copies that must be submitted with a permit application. The number of copies of applications required will be addressed in the application form for a permit or post-closure order. The proposed revisions will reduce unnecessary costs associated with submitting duplicate copies that are no longer required by the commission. These changes are made possible by requiring a permit application to be submitted in an electronic format, which reduces the need for multiple physical copies. The proposed language implements recently adopted changes to application submittal requirements in §281.5(a) and §281.5(b) for hazardous or industrial solid waste permittees and post-closure order holders.

In §305.50(a)(4)(A), the proposed amendment would revise the *Federal Register* citation to replace "Federal Register" with "FR." The abbreviation "FR" is the standard reference used for the *Federal Register*. This amendment would comply with rule drafting standards and provide consistency across Industrial and Hazardous Waste (IHW) rules within Chapter 305.

In §305.50(a)(4)(B), the commission proposes to replace existing subparagraph (B) with new subparagraph (B). The proposed amendments would revise the financial information required to demonstrate financial capability. Under the Texas hazardous waste program, applicants for new, renewed, amended, or transferred hazardous waste permits are required to demonstrate financial capability. This is to ensure that applicants have sufficient financial resources to properly construct, safely operate, properly close, perform post-closure, and provide adequate liability coverage for the facility. While state law allows the use of financial assurance documents to satisfy this financial capability demonstration, this allowance is not currently reflected in commission rules. The federal regulations do not require facilities to demonstrate separate financial capabilities.

Currently, §305.50 requires some applicants to provide a financial capability demonstration while allowing others, such as post-closure care facilities, to provide a financial assurance mechanism as evidence of financial capability. As a result, there are two standards and additional burdens are placed on applicants seeking routine permit changes.

Proposed new §305.50(a)(4)(B) would allow permit applicants (other than those applying for a new facility) to submit a financial assurance mechanism to demonstrate that their financial capability requirements are met. This would be consistent with other existing provisions under §305.50. These proposed changes are also intended to reduce duplicative requirements for new facility applicants and to facilitate a more streamlined process for permit transfers and renewals while ensuring financial protection.

New proposed §305.50(a)(4)(B)(i) would address the financial capability requirements for new facilities while §305.50(a)(4)(B)(ii) focuses on other routine permit actions, such as renewals and modifications, that would allow a financial assurance mechanism as evidence of financial capability.

In addition, the commission proposes to replace existing §305.50(a)(4)(C) with new §305.50(a)(4)(C). The existing language would be revised to state the specific regulation and law (30 TAC §1.5 and the Texas Public Information Act) applicable to confidentiality claims under §305.50(a)(4)(B).

Subchapter D: Amendments, Renewals, Transfers, Corrections, Revocation, and Suspension of Permits

§305.69, Solid Waste Permit Modification at the Request of the Permittee

The commission proposes to remove §305.69(d)(2) - (3), and (5) - (6), and renumber the remaining paragraphs. Legislation passed in 1999 revised public participation procedures for major applications including Class 3 permit modifications, and relocated public notice and meeting requirements to 30 TAC Chapter 39. Specifically, public notice requirements for Class 3 permit modifications are addressed in §39.509. Because §305.69(d)(4) was not updated, the existing language is outdated, potentially confusing, and may result in applicants following improper procedures. The proposed revisions clarify the public notice and meeting requirements for Class 3 permit modifications and ensure consistency with 30 TAC Chapter 39.

In renumbered §305.69(d)(2), the commission proposes to clarify the timing of an applicant-held public meeting as no earlier than 15 days and not later than 45 days from the publication date of the Notice of Receipt of Application and Intent to Obtain Permit notification.

In renumbered §305.69(d)(3), the commission proposes to cite the location of notice requirements for Class 3 modifications in rule, 30 TAC §39.509, and remove the reference to applications declared administratively complete after September 1, 1999.

A comment received during the informal comment period observed that §305.69 does not specify when Class 2 and Class 3 permit modification applications and supporting documents must be made available for public review. The commenter expressed concern that in some instances, public notice has been published before the supporting documents were available for public inspection and recommended that the commission amend the rule to require applicants to make the application and supporting documents publicly accessible on or before the date that notice is published.

The commission reviewed both state and federal requirements for Class 2 and Class 3 permit modifications. Existing rules require the permittee to make the permit application and supporting documents available to the public on the day that notice is published and mailed. Because the state rules are already consistent with federal requirements, the commission is not proposing revisions in response to the comment. However, the commission has revised application instructions and provides guidance through the agency's website and applicant meetings to reinforce the requirement that supporting documents be available on or before the date of notice publication.

In §305.69(i)(1), the proposed amendment would revise the *Federal Register* citation to replace "Federal Register" with "FR." The abbreviation "FR" is the standard reference used for the *Federal Register.* This amendment would comply with rule drafting standards and provide consistency across IHW rules within Chapter 305.

The commission proposes to amend §305.69(k), Appendix I, Figure: 30 TAC §305.69(k) by removing items A(8), A(9), and A(10), which reference requirements in §305.149, and renumber the remaining items in subdivision A. Section 305.149 and the underlying statutory authority in Texas Health and Safety Code, §361.0232, which established time limitations for the construction of hazardous waste management units at a commercial hazardous waste management facility, have been repealed. Because items A(8), A(9), and A(10) incorporate requirements from a repealed rule and statutes, the commission proposes to remove them. This revision will ensure that, Figure: 30 TAC §305.69(k) remains current, accurate, and consistent with existing statutory authority.

The commission proposes to further amend §305.69(k), Appendix I, Figure: 30 TAC §305.69(k) to add new items A(9) and A(10) due to revisions to federal regulations in 40 CFR §270.42 Appendix I. The new provisions address modification requirements to remove units from the permit or for facilities that will no longer be required to maintain a hazardous waste operating permit that are excluded under the 40 CFR §261.4 exclusions.

The commission proposes additional revisions to §305.69(k), Appendix I, Figure: 30 TAC §305.69(k) in items F(1)(c), F(4)(a), G(1)(e), G(5)(c), H(5)(c), and J(6)(c) to remove outdated references to the federal regulation §268.8(a)(2)(ii), which was repealed in the final rule published in the *Federal Register* on

April 8, 1996 (61 FR 15566). Although EPA repealed §268.8, references to this rule currently remain in 40 CFR §270.42 and, for federal equivalency also in §305.69(k), Appendix I. The proposed revisions align with the approach taken by several other states by removing the obsolete federal citation while retaining the Land Disposal Restriction treatment standards. In addition, a reference to the state rule "Chapter 335, Subchapter O of this title" is added in place of the repealed federal regulation §268.8 to ensure clarity and regulatory consistency.

Subchapter G: Additional Conditions for Hazardous and Industrial Solid Waste Storage, Processing, or Disposal Permits

§305.150, Incorporation of References

The commission proposes to amend §305.150 to incorporate by reference revisions to federal regulations associated with EPA's *Modernizing Ignitable Liquids Determinations* rulemaking. This revision will ensure that the state rule remains equivalent to the federal regulation for RCRA authorization purposes. In addition, the amendment revises the *Federal Register* citation from "Federal Register" to "FR" to comply with rule drafting standards and provide consistency across IHW rules within Chapter 305. The abbreviation "FR" is the standard reference used for the *Federal Register*.

Subchapter I: Hazardous Waste Incinerator Permits

§305.171, Determining Operational Readiness

The commission proposes to amend §305.171(1) to correct a typographical error in the federal regulation citation from "§284.343" to "§264.343," ensuring that the rule is current and accurate.

In addition, the abbreviation "CFR" will be placed after the first occurrence of "Code of Federal Regulations" and used thereafter in place of the full phrase for brevity. This revision is consistent with usage throughout Chapter 305 and improves consistency across the rules.

§305.172, Determining Feasibility of Compliance and Adequate Operating Conditions

The commission proposes to amend the *Federal Register* citation in §305.172(6) from "FedReg" to "FR" to maintain consistency across IHW rules within Chapter 305. The abbreviation "FR" is the standard reference used for the *Federal Register*.

§305.176, Integration with Maximum Achievable Control Technology (MACT) Standards

The commission proposes to amend the *Federal Register* citation in §305.176 from "FedReg" to "FR" to maintain consistency across IHW rules within Chapter 305. The abbreviation "FR" is the standard reference used for the *Federal Register*.

Subchapter L: Groundwater Compliance Plan

§305.401, Compliance Plan

The commission proposes to amend §305.401(b) to add alternative notice language requirements in §39.426 to the list of rules applicable to submitted applications, notices, and hearings. This amendment clarifies that alternative language notices are required during the development of these applications and shall apply in proceedings to establish the plan.

Subchapter O: Additional Conditions and Procedures for Wastewater Discharge Permits and Sewage Sludge Permits

§305.533, Adoption of Environmental Protection Agency Issued Permits and Pretreatment Programs

The commission proposes to amend §305.533 to replace the abbreviation for the predecessor agency name, the Texas Natural Resource Conservation Commission (TNRCC), with the abbreviation for the current agency name, the Texas Commission on Environmental Quality (TCEQ). This revision ensures that the rule's language is current and accurate.

Subchapter Q: Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

§305.572, Permit and Trial Burn Requirements

The commission proposes to amend the *Federal Register* citation in §305.572(a) from "FedReg" to "FR" to maintain consistency across IHW rules within Chapter 305. The abbreviation "FR" is the standard reference used for the *Federal Register*.

Subchapter R: Resource Conservation and Recovery Act Standard Permits for Storage and Treatment Units

§305.650, General

The commission proposes to amend §305.650 to incorporate a change to federal regulations by amending the citation to 40 CFR Part 124, Subparts G and J and removing the phrase "concerning Procedures for Decision Making," the title of 40 CFR Part 124. EPA moved Subpart J from Part 124 to Part 270 in a separate rulemaking. This revision ensures federal regulation equivalency and maintains citation accuracy.

Fiscal Note: Costs to State and Local Government

Kyle Girten, Analyst in the Budget and Planning Division, has determined that for the first five-year period the proposed rule is in effect, no fiscal implications are anticipated for the agency or for other units of state or local government as a result of administration or enforcement of the proposed rule.

Public Benefits and Costs

Mr. Girten determined that for each year of the first five years the proposed rules are in effect, the public benefit will be rule language that is consistent with current state and federal regulatory requirements. Additionally, other clarifications, minor corrections, and nonsubstantive changes are proposed that would increase the understanding of applicable requirements for regulated entities and the public.

While changes proposed in §305.50(a)(4)(B) would reduce administrative requirements and associated costs for hazardous waste management facilities, the proposed rulemaking is not anticipated to result in significant fiscal implications for individuals or businesses during the first five-year period the proposed rule is in effect.

Local Employment Impact Statement

The commission reviewed this proposed rulemaking and determined that a Local Employment Impact Statement is not required because the proposed rulemaking does not adversely affect a local economy in a material way for the first five years that the proposed rule is in effect.

Rural Communities Impact Assessment

The commission reviewed this proposed rulemaking and determined that the proposed rulemaking does not adversely affect rural communities in a material way for the first five years that the proposed rules are in effect. The amendments would apply

statewide and have the same effect in rural communities as in urban communities.

Small Business and Micro-Business Assessment

No adverse fiscal implications are anticipated for small or micro-businesses due to the implementation or administration of the proposed rule for the first five-year period the proposed rules are in effect.

Small Business Regulatory Flexibility Analysis

The commission reviewed this proposed rulemaking and determined that a Small Business Regulatory Flexibility Analysis is not required because the proposed rule does not adversely affect a small or micro-business in a material way for the first five years the proposed rules are in effect.

Government Growth Impact Statement

The commission prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does not create or eliminate a government program and will not require an increase or decrease in future legislative appropriations to the agency. The proposed rulemaking does not require the creation of new employee positions, eliminate current employee positions, nor require an increase or decrease in fees paid to the agency. The proposed rulemaking amends an existing regulation, and it does not create, expand, repeal, or limit this regulation. The proposed rulemaking does not increase or decrease the number of individuals subject to its applicability. During the first five years, the proposed rule should not impact positively or negatively the state's economy.

Written comments concerning the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Draft Regulatory Impact Analysis Determination

The commission reviewed the proposed rulemaking in light of the regulatory analysis requirements of the Texas Government Code, §2001.0225, and determined that the action is not subject to Texas Government Code, §2001.0225, because it would not meet the definition of a "Major environmental rule" as defined in that statute. A "Major environmental rule" is a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure, and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state.

The proposed rulemaking would incorporate changes to federal RCRA regulations (specifically Clusters XIII, XXIX, XXX, and XXXI) and would implement program-initiated revisions to Chapters 305 and 335, including financial capability demonstration rules, programmatic updates, and the repeal of obsolete rules. The proposed rulemaking is administrative, technical, and procedural in nature. While the hazardous waste program generally protects the environment, these specific revisions are intended to maintain state program authorization, provide regulatory flexibility, and streamline the financial capability demonstration process. The proposed changes would not impose new substantial costs; rather, they would align state rules with federal standards and improve agency efficiency. Therefore, these proposed changes are not specifically intended to protect the environment or reduce risks to human health in a way that would adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state.

Texas Government Code, §2001.0225, applies to a major environmental rule, the result of which is to: exceed a standard set by federal law, unless the rule is specifically required by state law; exceed an express requirement of state law, unless the rule is specifically required by federal law; exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or adopt a rule solely under the general authority of the commission. The proposed rulemaking would not exceed an express requirement of state law or a requirement of a delegation agreement and was not developed solely under the general powers of the agency but would be authorized by specific sections of the Texas Water Code and Texas Health and Safety Code that are cited in the Statutory Authority section of this preamble. Therefore, this proposed rulemaking would not be subject to the regulatory analysis provisions of Texas Government Code, §2001.0225(b).

The commission invites public comment regarding the Draft Regulatory Impact Analysis during the public comment period. Written comments on the Draft Regulatory Impact Analysis may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Takings Impact Assessment

The commission evaluated the proposed rulemaking and performed an analysis of whether Texas Government Code, Chapter 2007, is applicable. The proposed rulemaking would incorporate federal RCRA updates and would streamline state administrative procedures, such as financial capability demonstrations and permit application processes. The proposed rulemaking would not affect private property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of governmental action. Consequently, this rulemaking action would not meet the definition of a taking under Texas Government Code, §2007.002(5). The proposed rulemaking would not directly prevent a nuisance or prevent an immediate threat to life or property. Therefore, this proposed rulemaking action would not constitute a taking under Texas Government Code, Chapter 2007.

Consistency with the Coastal Management Program

The commission reviewed the proposed rulemaking and found the proposal is a rulemaking identified in the Coastal Coordination Act Implementation Rules, 31 TAC §29.11(b)(4), relating to rules subject to the Coastal Management Program, and will, therefore, require that goals and policies of the Texas Coastal Management Program (CMP) be considered during the rulemaking process.

The commission reviewed this rulemaking for consistency with the CMP goals and policies in accordance with the regulations of the Coastal Coordination Advisory Committee and determined that the rulemaking is procedural, administrative, and editorial in nature and will have no substantive effect on commission actions subject to the CMP and is, therefore, consistent with CMP goals and policies.

Written comments on the consistency of this rulemaking may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Announcement of Hearing

The commission will hold a hybrid virtual and in-person public hearing on this proposal in Austin on September 22, 2026 at 10:00 a.m. in Building E, Conference Room E201S, at the commission's central office located at 12100 Park 35 Circle. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing at 9:30 a.m.

Individuals who plan to attend the hearing virtually and want to provide oral comments and/or want their attendance on record must register by September 18, 2026. To register for the hearing, please email Rules@tceq.texas.gov and provide the following information: your name, your affiliation, your email address, your phone number, and whether or not you plan to provide oral comments during the hearing. Instructions for participating in the hearing will be sent on September 21, 2026, to those who register for the hearing.

For the public who do not wish to provide oral comments but would like to view the hearing may do so at no cost at:

https://events.teams.microsoft.com/event/53edb30d-abc0-4b50-8f31-c42454893872@871a83a4-a1ce-4b7a-8156-3bcd93a08fba

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services at (512) 239-1802 or 1-800-RELAY-TX (TDD). Requests should be made as far in advance as possible.

If you need translation services, please contact TCEQ at 800-687-4040. Si desea información general en español, puede llamar al 800-687-4040.

Submittal of Comments

Written comments may be submitted to Vanessa Onyskow-Lang, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to *fax4808@tceq.texas.gov*. Electronic comments may be submitted at: *https://tceq.commentinput.com/comment/search*. File size restrictions may apply to comments being submitted via the TCEQ Public Comments system. All comments should reference Rule Project Number 2026-011-335-WS. The comment period closes at 11:59 p.m. on September 29, 2026. Please choose one of the methods provided to submit your written comments.

Copies of the proposed rulemaking can be obtained from the commission's website at *https://www.tceq.texas.gov/rules/propose_adopt.html*. For further information, please contact Jarita Sepulvado, Waste Permits Division, (512) 239-4413.

SUBCHAPTER A. GENERAL PROVISIONS

30 TAC §305.1, §305.3

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§305.1. Scope and Applicability.

(a) The provisions of this chapter set the standards and requirements for applications, permits, and actions by the commission to carry out the responsibilities for waste management activities [~~management of waste disposal activities~~] under Texas Water Code, Chapters 26 - 28 and 32, and Texas Health and Safety Code, Chapters 361 and 401.

(b) The national pollutant discharge elimination system (NPDES) program, as delegated to the State of Texas, requires permits for the discharge of pollutants from any point source to waters in the state. Such permits are designated as Texas pollutant discharge elimination system (TPDES). The terms "NPDES," "pollutant," "point source," and "waters in the state" are defined in Texas Water Code, §26.001.

(1) The following are point sources requiring TPDES permits for discharges:

(A) concentrated animal feeding operations as defined in Chapter 321, Subchapter B of this title (relating to Concentrated Animal Feeding Operations);

(B) concentrated aquatic animal production facilities as defined in 40 Code of Federal Regulations (CFR) §122.24;

(C) discharges into aquaculture projects as set forth in 40 CFR §122.25;

(D) discharges from separate storm sewers as set forth in 40 CFR §122.26; and

(E) silvicultural point sources as defined in 40 CFR §122.27.

(2) The TPDES permit program also applies to owners or operators of any treatment works treating domestic sewage, unless all requirements implementing Clean Water Act (CWA), §405(d), applicable to the treatment works treating domestic sewage are included in a permit issued under the appropriate provisions of Subtitle C, the Federal Solid Waste Disposal Act, the Safe Drinking Water Act, Part C, the Marine Protection, Research, and Sanctuaries Act of 1972, or the Clean Air Act, or under state permit programs approved by the regional administrator as adequate to assure compliance with CWA, §405.

(3) The executive director may designate any person subject to the standards for sewage sludge use and disposal as a "treatment works treating domestic sewage" as defined in §305.2 of this title (relating to Definitions), where the executive director finds that a permit is necessary to protect public health and the environment from the adverse effects of sewage sludge or to ensure compliance with the technical standards for sludge use and disposal developed under CWA, §405(d). Any person designated as a treatment works treating domestic sewage shall submit an application for a permit within 120 days of being notified by the executive director that a permit is required. The executive director's decision to designate a person as a treatment works treating domestic sewage shall be stated in the fact sheet or statement of basis for the permit.

§305.3. Abbreviations.

The following abbreviations, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) CFR--Code of Federal Regulations.

(2) CWA--Clean Water Act.

(3) DMR--Discharge monitoring report.

(4) EPA--United States Environmental Protection Agency.

(5) NPDES--National pollutant discharge elimination system.

(6) POTW--Publicly owned treatment works.

(7) RCRA--Resource Conservation and Recovery Act.

(8) [~~(7)~~] TPDES--Texas pollutant discharge elimination system.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 14, 2026.

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Amy L. Browning
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Texas Commission on Environmental Quality
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For further information, please call: (512) 239-0682

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SUBCHAPTER C. APPLICATION FOR PERMIT OR POST-CLOSURE ORDER

30 TAC §305.50

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§305.50. Additional Requirements for an Application for a Hazardous or Industrial Solid Waste Permit and for a Post-Closure Order.

(a) Unless otherwise stated, an application for a permit to store, process, or dispose of solid waste must meet the following requirements.

(1) A complete permit application form(s) and exhibit(s), signed and notarized, and appropriate copies provided including an accurate duplicate of the application in electronic format [~~One original and three copies of the permit application~~] shall be submitted on forms provided by or approved by the executive director [~~and shall be accompanied by a like number of originals and copies of all required exhibits~~].

(2) Plans and specifications for the construction and operation of the facility and the staffing pattern for the facility shall be submitted, including the qualifications of all key operating personnel. Also to be submitted is the closing plan for the solid waste storage, processing, or disposal facility. The information provided must be sufficiently detailed and complete to allow the executive director to ascertain whether the facility will be constructed and operated in compliance with all pertinent state and local air, water, public health, and solid waste statutes. Also to be submitted are listings of sites owned, operated, or controlled by the applicant in the State of Texas. For purposes of this section, the terms "permit holder" and "applicant" include each member of a partnership or association and, with respect to a corporation, each officer and the owner or owners of a majority of the corporate stock, provided such partner or owner controls at least 20% of the permit holder or applicant and at least 20% of another business which operates a solid waste management facility.

(3) Any other information as the executive director may deem necessary to determine whether the facility and the operation thereof will comply with the requirements of the Texas Solid Waste Disposal Act (TSWDA) and Chapter 335 of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste), shall be included, including, but not limited to, the information set forth in the TSWDA, §4(e)(13).

(4) An application for a permit, permit amendment, or permit modification to store, process, or dispose of hazardous waste is subject to the following requirements, as applicable.

(A) In the case of an application for a permit to store, process, or dispose of hazardous waste, the application shall also contain any additional information required by 40 Code of Federal Regulations (CFR) §§270.13 - 270.27 (as amended though July 14, 2006 (71 FR 40254) [~~(71 Federal Register 40254)~~], except that closure cost estimates shall be prepared in accordance with 40 CFR §264.142(a)(1), (3), and (4), as well as §37.131 of this title (relating to Annual Inflation Adjustments to Closure Cost Estimates), §37.141 of this title (relating to Increase in Current Cost Estimate), and §335.178 of this title (relating to Cost Estimate for Closure).

(B) Financial capability review for a hazardous waste management facility.

(i) An application for a permit for a new hazardous waste management facility must contain financial information sufficient to demonstrate to the satisfaction of the executive director that the applicant has sufficient financial resources to operate and close the facility in compliance with the permit and all applicable rules as well as how an applicant intends to obtain financing for construction of the facility. Financial information submitted must comply with the following requirements:

(I) For publicly traded entities, submit:

(-a-) a copy of the most recent Securities and Exchange Commission Form 10-K;

(-b-) a copy of the most recent Securities and Exchange Commission Form 10-Q; and

(-c-) a statement signed by an authorized signatory explaining in detail how the applicant demonstrates sufficient financial resources to construct, safely operate, and properly close the facility.

(II) For privately held entities with audited financial statements for the most recent fiscal year, submit:

(-a-) a complete copy of the audited financial statements for the most recent fiscal year. The financial statements must be prepared consistent with generally accepted accounting principles and include a balance sheet, income statement, cash flow statement, notes to the financial statements, and accountant's opinion letter;

(-b-) a complete copy of the most current quarterly financial statement;

(-c-) written statement detailing the information that would normally be found in Securities and Exchange Commission's Form 10-K including descriptions of the business and its operations; identification of any affiliated relationships; credit agreements and terms; any legal proceedings involving the applicant; contingent liabilities; and significant accounting policies; and

(-d-) a statement signed by an authorized signatory explaining in detail how the applicant demonstrates sufficient financial resources to construct, safely operate and properly close the facility.

(III) For privately held entities without an audited financial statement for the most recent fiscal year, or entities choosing not to provide the information required in subclause (I), (II), or (IV) of this clause, submit:

(-a-) a statement signed by an authorized signatory explaining in detail how the applicant demonstrates sufficient financial resources to construct, safely operate, and properly close the facility;

(-b-) an opinion letter from an executive officer of the applicant or from a financial expert, not otherwise employed by the applicant. The opinion letter must certify that the financial information provided is reasonable; and

(-c-) a written detail of the annual operating costs of the facility and a projected cash flow statement including the period of construction and first year of operation. The cash flow statement must demonstrate the financial resources to meet operating costs, debt service, and financial assurance for closure, post-closure care, and liability coverage requirements. A list of assumptions made to forecast cash flow must be provided; or

(-d-) a parent guarantee provided by a direct or higher tier parent entity accompanied by the information as required under subclause (I) or (II) of this clause as applied to the parent entity; or

(IV) For government owned entities, other than federal or state entities, submit:

(-a-) a statement signed by an authorized signatory explaining in detail how the applicant demonstrates sufficient financial resources to construct, safely operate, and properly close the facility; and

(-b-) a bond rating of most recent issuance or audited financial statement from the most recent fiscal year.

(ii) An application to renew, modify, amend, or transfer a permit for an existing hazardous waste management facility or an application for a hazardous waste permit that only authorizes corrective action or post-closure must demonstrate that the applicant has sufficient financial resources to operate and close the facility in compliance with the permit and all applicable rules by the execution and maintenance of a financial assurance mechanism when required by §37.31 of this title (relating to Submission of Documents) in accordance with the permit, §335.7 of this title (relating to Financial Assurance Required), §331.142 (relating to Financial Assurance), Chapter 37, Subchapter P, of this title (relating to Financial Assurance for Hazardous and Nonhazardous Industrial Solid Waste Facilities), or Chapter 37, Subchapter Q (relating to Financial Assurance for Underground Injection Control Wells). An application making the demonstration under this clause must include sufficient information to demonstrate that continuous financial assurance for closure, post closure, or corrective action is provided under §37.111 of this title (relating to Continuous Financial Assurance Required). If no acceptable financial assurance has been executed and maintained for closure, post closure or corrective action, the application must include the financial information under clause (i) of this subparagraph.

~~[(B) An application for a permit to store, process, or dispose of hazardous waste shall also contain financial information sufficient to demonstrate to the satisfaction of the executive director that the applicant has sufficient financial resources to operate and close the facility in a safe manner in compliance with the permit and all applicable rules as well as how an applicant intends to obtain financing for construction of the facility. Financial information necessary to satisfy this subparagraph shall be as follows:~~

~~*[(i)* For publicly traded entities:~~

~~*[(I)* copies of the most recent two Securities and Exchange Commission Form 10-Ks;~~

~~*[(II)* a copy of the Securities and Exchange Commission Form 10-Q for the most recent quarter;~~

~~*[(III)* a statement signed by an authorized signatory consistent with §305.44(a) of this title (relating to Signatories to Applications) explaining in detail how the applicant demonstrates sufficient financial resources to construct, safely operate, properly close, and provide adequate liability coverage for the facility. This statement must also address how the applicant intends to comply with the financial assurance requirements for closure, post-closure, corrective action, and liability coverage consistent with Chapter 37, Subchapter P of this title (relating to Financial Assurance for Hazardous and Nonhazardous Industrial Solid Waste Facilities); and~~

~~*[(IV)* estimates of capital costs for expansion and/or construction if the application encompasses facility expansion, capacity expansion, or new construction; or~~

~~*[(ii)* For privately held entities with audited financial statements for either of the most recent two fiscal years:~~

~~*[(I)* complete copies of the audited financial statements for each of the most recent two fiscal years if audits have been performed in each year. If an audit has not been completed for one of the previous two years, a complete copy of the fiscal year end financial statement and federal tax return may be substituted in lieu of the audit not performed. The tax return must be certified by original signature of an authorized signatory as being a "true and correct copy of the return filed with the Internal Revenue Service." Financial statements shall be prepared consistent with generally accepted accounting principles and include a balance sheet, income statement, cash flow statement, notes to the financial statement, and accountant's opinion letter;~~

~~*[(II)* a complete copy of the most current quarterly financial statement prepared consistent with generally accepted accounting principles;~~

~~*[(III)* a written statement detailing the information that would normally be found in Securities and Exchange Commission's Form 10-K including descriptions of the business and its operations; identification of any affiliated relationships; credit agreements and terms; any legal proceedings involving the applicant; contingent liabilities; and significant accounting policies;~~

~~*[(IV)* estimates of capital costs for expansion and/or construction if the application encompasses facility expansion, capacity expansion, or new construction; and]~~

~~*[(V)* a statement signed by an authorized signatory consistent with §305.44(a) of this title explaining in detail how the applicant demonstrates sufficient financial resources to construct, safely operate, properly close, and provide adequate liability coverage for the facility. This statement must also address how the applicant intends to comply with the financial assurance requirements for closure, post-closure, corrective action, and liability coverage in accordance with Chapter 37, Subchapter P of this title; or]~~

~~*[(iii)* For privately held entities without audited financial statements for either of the two most recent fiscal years, or entities choosing not to provide the information provided in clauses (i), (ii), or (iv) of this subparagraph:]~~

~~*[(I)* a financial plan sufficiently detailed to clearly demonstrate that the applicant will be in a position to readily secure financing for construction, operation, and closure if the permit is issued. The submitted financial plan must be accompanied by original letters of opinion from two financial experts, not otherwise employed by the applicant, who have the demonstrated ability to either finance the facility or place the required financing. The opinion letters must certify that the financial plan is reasonable; certify that financing is obtainable within 180 days of final administrative and judicial disposition of the permit application; and include the time schedule contingent upon permit finality for securing the financing. Only one opinion letter from a financial expert, not otherwise employed by the applicant, is required if the letter renders a firm commitment to provide all the necessary financing;]~~

~~*[(II)* a written detail of the annual operating costs of the facility and a projected cash flow statement including the period of construction and first two years of operation. The cash flow statement must demonstrate the financial resources to meet operating costs, debt service, and financial assurance for closure, post-closure care, and liability coverage requirements. A list of the assumptions made to forecast cash flow shall also be provided;]~~

~~*[(III)* a statement addressing how the applicant intends to comply with the financial assurance requirements for closure, post-closure, corrective action, and liability coverage in accordance with Chapter 37, Subchapter P of this title; and]~~

~~*[(IV)* estimates of capital costs for expansion and/or construction if the application encompasses facility expansion, capacity expansion, or new construction; or]~~

~~*[(iv)* For applicants possessing a resolution from a governing body approving or agreeing to approve the issuance of bonds for the purpose of satisfying the financial assurance requirements of this subparagraph:]~~

~~*[(I)* a statement signed by an authorized signatory consistent with §305.44(a) of this title explaining in detail how the applicant demonstrates sufficient financial resources to construct, safely operate, properly close, and provide adequate liability coverage for the facility. This statement must also address how the applicant intends to comply with the financial assurance requirements for closure, post-closure, corrective action, and liability coverage consistent with Chapter 37, Subchapter P of this title;]~~

~~*[(II)* a certified copy of the resolution; and]~~

~~*[(III)* certification by the governing body of passage of the resolution.]~~

(C) Information submitted under subparagraph (B) claimed as confidential must comply with §1.5 of this title (relating to Records of the Agency) and is subject to the requirements of the Texas Public Information Act. During hearings on contested applications, the commission may allow disclosure of confidential information only under an appropriate protective order.

~~[(C)* If any of the information required to be disclosed under subparagraph (B) of this paragraph would be considered confidential under applicable law, the information shall be protected accordingly. During hearings on contested applications, disclosure of confidential information may be allowed only under an appropriate protective order.]~~

(D) An application for a modification or amendment of a permit that includes a capacity expansion of an existing hazardous waste management facility must also contain information provided by a Texas licensed professional geoscientist or licensed professional engineer delineating all faults within 3,000 feet of the facility, together with a demonstration, unless previously demonstrated to the commission or the United States Environmental Protection Agency, that:

(i) the fault has not experienced displacement within Holocene time, or if faults have experienced displacement within Holocene time, that no such faults pass within 200 feet of the portion of the surface facility where treatment, storage, or disposal of hazardous wastes will be conducted; and

(ii) the fault will not result in structural instability of the surface facility or provide for groundwater movement to the extent that there is endangerment to human health or the environment.

(E) At any time after the effective date of the requirements contained in Chapter 335, Subchapter F of this title (relating to Permitting Standards for Owners and Operators of Hazardous Waste Treatment, Storage, or Disposal Facilities), the executive director may require the owner or operator of an existing hazardous waste management facility to submit that portion of his application containing the information specified in 40 CFR §§270.14 - 270.27. Any owner or operator shall be allowed a reasonable period of time from the date of the request to submit the information. An application for a new hazardous waste management facility must be submitted at least 180 days before physical construction of the facility is expected to commence.

(5) An application for a new hazardous waste landfill which is filed after January 1, 1986, must include an engineering report which evaluates the benefits, if any, associated with the construction of the landfill above existing grade at the proposed site, the costs associated with the above-grade construction, and the potential adverse effects, if any, which would be associated with the above-grade construction.

(6) An application for a new hazardous waste landfill, land treatment facility, or surface impoundment that is to be located in the apparent recharge zone of a regional aquifer must include a hydrogeologic report prepared by a Texas licensed professional geoscientist or licensed professional engineer documenting the potential effects, if any, on the regional aquifer in the event of a release from the waste containment system.

(7) Engineering plans and specifications submitted as part of the permit application shall be prepared and sealed by a Texas licensed professional engineer who is currently registered as required by the Texas Engineering Practice Act.

(8) After August 8, 1985, any Part B permit application submitted by an owner or operator of a facility that stores, processes, or disposes of hazardous waste in a surface impoundment or a landfill must be accompanied by information, reasonably ascertainable by

the owner or operator, on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. By August 8, 1985, owners and operators of a landfill or a surface impoundment who have already submitted a Part B application must submit the exposure information required by this paragraph. At a minimum, such information must address:

(A) reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;

(B) the potential pathways of human exposure to hazardous wastes or constituents resulting from documented releases; and

(C) the potential magnitude and nature of the human exposure resulting from such releases.

(9) In the case of an application for a permit to store, process, or dispose of hazardous waste at a new hazardous waste management facility, or an application for amendment or modification of a solid waste management facility permit to provide for capacity expansion, the application shall also identify the nature of any known specific and potential sources, types, and volumes of waste to be stored, processed, or disposed of by the facility and shall identify any other related information the executive director may require.

(10) In the case of an application for a permit to store, process, or dispose of hazardous waste at a new hazardous waste management facility, the application must also contain the following:

(A) copies of any relevant land use plans, adopted in accordance with the Texas Local Government Code, Chapter 211, which were in existence before publication of the notice of intent to file a solid waste permit application or, if no notice of intent is filed, at the time the permit application is filed;

(B) identification of the names and locations of industrial and other waste-generating facilities within 1/2 mile of the facility in the case of an application for a permit for a new on-site hazardous waste management facility, and within one mile of the facility in the case of an application for a permit for a new commercial hazardous waste management facility;

(C) the approximate quantity of hazardous waste generated or received annually at those facilities described under subparagraph (B) of this paragraph;

(D) descriptions of the major routes of travel in the vicinity of the facility to be used for the transportation of hazardous waste to and from the facility, together with a map showing the land-use patterns, covering at least a five-mile radius from the boundaries of the facility; and

(E) the information and demonstrations concerning faults described under paragraph (4)(D)of this subsection.

(11) In the case of an application for a permit to store, process, or dispose of hazardous waste, the application shall also contain information sufficient to demonstrate to the satisfaction of the commission that a proposed hazardous waste landfill, areal expansion of such landfill, or new commercial hazardous waste land disposal unit is not subject to inundation as a result of a 100-year flood event. An applicant or any other party may not rely solely on floodplain maps prepared by the Federal Emergency Management Agency or a successor agency to determine whether a hazardous waste landfill, areal expansion of such landfill, or commercial hazardous waste land disposal unit is subject to such an inundation.

(12) In the case of an application for a permit to store, process, or dispose of hazardous waste at a new commercial hazardous management facility, the application shall also contain the following:

(A) information sufficient to demonstrate whether a burden will be imposed on public roadways by vehicles traveling to and from the facility, including, at a minimum:

(i) the average gross weight of the various types and sizes of such vehicles to be used for transportation of hazardous waste;

(ii) the average number of such vehicles which would travel the public roadways; and

(iii) identification of the roads to be used by vehicles traveling to and from the facility within a minimum radius of 2 1/2 miles from the facility. Such identification must include the major highways nearest the facility, even if they are located outside the 2 1/2 mile radius;

(B) in addition to the requirements of subparagraph (A) of this paragraph, an applicant may submit a letter from the relevant agency of the state, county, or municipality which has the authority to regulate and maintain roads which states unequivocally that the roads to and from the facility are adequate for the loads to be placed on them by the proposed facility. Such letter will serve as prima facie evidence that the additional loads placed on the roadways caused by the operation of the facility would not constitute a burden and thus would not require that improvements be made to such roadways. Such letter does not, however, obviate the need to submit the information required under subparagraph (A) of this paragraph;

(C) evidence sufficient to demonstrate that:

(i) emergency response capabilities are available or will be available before the facility first receives waste, in the area in which the facility is located or proposed to be located, that has the ability to manage a reasonable worst-case emergency condition associated with the operation of the facility; such evidence may include, but is not limited to, the following:

(I) in addition to the contingency plan required under 40 CFR §270.14(b)(7), provisions specifying procedures and timing of practice facility evacuation drills, where there is a possibility that evacuation of the facility could be necessary;

(II) contracts with any private corporation, municipality, or county to provide emergency response;

(III) weather data which might tend to affect emergency response;

(IV) a definition of worst-case emergencies, e.g., fires, explosions, the Texas Design Hurricane, or the Standard Project Hurricane;

(V) a training program for personnel for response to such emergencies;

(VI) identification of first-responders;

(VII) identification of local or regional emergency medical services and hospitals which have had hazardous materials training;

(VIII) a pre-disaster plan, including drills;

(IX) a mechanism for notifying all applicable government agencies when an incident occurs (i.e., Texas Commission on Environmental Quality, Texas Parks and Wildlife, General Land Office, Texas Department of State Health Services, and Texas Railroad Commission);

(X) a showing of coordination with the local emergency planning committee and any local comprehensive emergency management plan; and

(XI) any medical response capability which may be available on the facility property; or

(ii) the applicant has secured bonding of sufficient financial assurance to fund the emergency response personnel and equipment determined to be necessary by the executive director to manage a reasonable worst-case emergency condition associated with the facility; such financial assurance may be demonstrated by providing information which may include, but is not limited to, the following:

(I) long-term studies using an environmental model which provide the amount of damages for which the facility is responsible; and

(II) costs involved in supplying any of the information included in or satisfying any of the requirements of clause (i)(I) - (XI) of this subparagraph;

(D) if an applicant does not elect to provide its own facilities or secure bonding to ensure sufficient emergency response capabilities in accordance with §335.183 of this title (relating to Emergency Response Capabilities Required for New Commercial Hazardous Waste Management Facilities), the applicant must provide prior to the time the facility first receives waste:

(i) documentation showing agreements with the county and/or municipality in which the facility is located, or documentation showing agreements with an adjoining county, municipality, mutual aid association, or other appropriate entity such as professional organizations regularly doing business in the area of emergency and/or disaster response; or

(ii) demonstration that a financial assurance mechanism in the form of a negotiable instrument, such as a letter of credit, fully paid in trust fund, or an insurance policy, with the limitation that the funds can only be used for emergency response personnel and equipment and made payable to and for the benefit of the county government and/or municipal government in the county in which the facility is located or proposed to be located; and

(E) a written statement signed by an authorized signatory in accordance with §305.44(a) of this title explaining how the applicant intends to provide emergency response financial assurance to meet the requirements of subparagraph (C) or (D) of this paragraph; and

(F) a summary of the applicant's experience in hazardous waste management and in particular the hazardous waste management technology proposed for the application location, and, for any applicant without experience in the particular hazardous waste management technology, a conspicuous statement of that lack of experience.

(13) An application for a boiler or industrial furnace burning hazardous waste at a facility at which the owner or operator uses direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in 40 CFR §266.111) directly to the boiler or industrial furnace shall submit information supporting conformance with the standards for direct transfer provided by 40 CFR §266.111 and §335.225 of this title (relating to Additional Standards for Direct Transfer).

(14) The executive director may require a permittee or an applicant to submit information in order to establish permit conditions under §305.127(1)(B)(iii) and (4)(A) of this title (relating to Conditions to be Determined for Individual Permits).

(15) If the executive director concludes, based on one or more of the factors listed in subparagraph (A) of this paragraph that compliance with the standards of 40 CFR Part 63, Subpart EEE alone may not be protective of human health or the environment, the executive director shall require the additional information or assessment(s) necessary to determine whether additional controls are necessary to ensure protection of human health and the environment. This includes information necessary to evaluate the potential risk to human health and/or the environment resulting from both direct and indirect exposure pathways. The executive director may also require a permittee or applicant to provide information necessary to determine whether such an assessment(s) should be required. The executive director shall base the evaluation of whether compliance with the standards of 40 CFR Part 63, Subpart EEE alone is protective of human health or the environment on factors relevant to the potential risk from a hazardous waste combustion unit, including, as appropriate, any of the following factors:

(A) particular site-specific considerations such as proximity to receptors (such as schools, hospitals, nursing homes, day-care centers, parks, community activity centers, or other potentially sensitive receptors), unique dispersion patterns, etc.;

(B) identities and quantities of emissions of persistent, bioaccumulative, or toxic pollutants considering enforceable controls in place to limit those pollutants;

(C) identities and quantities of nondioxin products of incomplete combustion most likely to be emitted and to pose significant risk based on known toxicities (confirmation of which should be made through emissions testing);

(D) identities and quantities of other off-site sources of pollutants in proximity of the facility that significantly influence interpretation of a facility-specific risk assessment;

(E) presence of significant ecological considerations, such as the proximity of a particularly sensitive ecological area;

(F) volume and types of wastes, for example wastes containing highly toxic constituents;

(G) other on-site sources of hazardous air pollutants that significantly influence interpretation of the risk posed by the operation of the source in question;

(H) adequacy of any previously conducted risk assessment, given any subsequent changes in conditions likely to affect risk; and

(I) such other factors as may be appropriate.

(16) If, as the result of an assessment(s) or other information, the executive director determines that conditions are necessary in addition to those required under 40 CFR Part 63, Subpart EEE, Parts 264 or 266 to ensure protection of human health and the environment, including revising emission limits, he/she shall include those terms and conditions in a Resource Conservation and Recovery Act permit for a hazardous waste combustion unit.

(b) An application specifically for a post-closure permit or for a post-closure order for post-closure care must meet the following requirements, as applicable.

(1) An application for a post-closure permit or a post-closure order shall contain information required by 40 CFR §270.14(b)(1), (4) - (6), (11), (13), (14), (18), and (19), (c), and (d), and any additional information that the executive director determines is necessary

from 40 CFR §§270.14, 270.16 - 270.18, 270.20, or 270.21, except that closure cost estimates shall be prepared in accordance with 40 CFR §264.142(a)(1), (3), and (4), as well as §§37.131, 37.141, 335.127, and 335.178 of this title.

(2) An application for a post-closure order shall also contain financial information sufficient to demonstrate to the satisfaction of the executive director that the applicant has sufficient financial resources to operate the facility in a safe manner and in compliance with the post-closure order and all applicable rules. Financial information submitted to satisfy this paragraph shall meet the requirements of Chapter 37, Subchapter P of this title.

(3) An application for a post-closure order or for a post-closure permit must also contain any other information as the executive director may deem necessary to determine whether the facility and the operation thereof will comply with the requirements of the TSWDA and Chapter 335 of this title including, but not limited to, the information set forth in TSWDA, §361.109.

(4) The executive director may require an applicant for a post-closure order to submit information in order to establish conditions under §305.127(4)(A) of this title.

(5) An application for a post-closure order or for a post-closure permit shall also contain the information listed in §305.45(a)(1) of this title (relating to Contents of Application for Permit).

(6) All engineering and geoscientific information submitted to the agency shall be prepared by, or under the supervision of, a licensed professional engineer or licensed professional geoscientist, and shall be signed, sealed, and dated by qualified professionals as required by the Texas Engineering Practice Act and the Texas Geosciences Practice Act and the licensing and registration boards under these acts.

(7) For a post-closure permit or post-closure order, a complete application form(s) and exhibit(s), signed and notarized, and appropriate copies provided, including an accurate duplicate of the application in electronic format, shall be submitted on forms provided by or approved by the executive director [~~One original and three copies of an application for a post-closure permit or for a post-closure order shall be submitted on forms provided by, or approved by, the executive director and shall be accompanied by a like number of originals and copies of all required exhibits~~].

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 14, 2026.

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Amy L. Browning
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
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For further information, please call: (512) 239-0682

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SUBCHAPTER D. AMENDMENTS, RENEWALS, TRANSFERS, CORRECTIONS, REVOCATION, AND SUSPENSION OF PERMITS

30 TAC §305.69

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figure in 30 TAC §305.69 is not included in the print version of the Texas Register. The figure is available in the on-line version of the August 28, 2026, issue of the Texas Register.)

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§305.69. Solid Waste Permit Modification at the Request of the Permittee.

(a) Applicability. This section applies only to modifications to industrial and hazardous solid waste permits. Modifications to municipal solid waste permits are covered in §305.70 of this title (relating to Municipal Solid Waste Permit and Registration Modifications).

(b) Class I modifications of solid waste permits.

(1) Except as provided in paragraph (2) of this subsection, the permittee may put into effect Class 1 modifications listed in Appendix I of subsection (k) of this section under the following conditions:

(A) the permittee must notify the executive director concerning the modification by certified mail or other means that establish proof of delivery within seven calendar days after the change is put into effect. This notification must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notification, the permittee must provide the applicable information in the form and manner specified in §1.5(d) of this title (relating to Records of the Agency), §§305.41 - 305.45 and 305.47 - 305.53 of this title (relating to Applicability; Application Required; Who Applies; Signatories to Applications; Contents of Application for Permit; Retention of Application Data; Additional Contents of Applications for Wastewater Discharge Permits; Additional Contents of Application for an Injection Well Permit; Additional Requirements for an Application for a Hazardous or Industrial Solid Waste Permit and for a Post-Closure Order; Revision of Applications for Hazardous Waste Permits; Waste Containing Radioactive Materials; and Application Fee), Subchapter I of this chapter (relating to Hazardous Waste Incinerator Permits), and Subchapter J of this chapter (relating to Permits for Land Treatment Demonstrations Using Field Tests or Laboratory Analyses);

(B) the permittee must send notice of the modification request by first-class mail to all persons listed in §39.413 of this title (relating to Mailed Notice). This notification must be made within 90 calendar days after the change is put into effect. For the Class 1 modifications that require prior executive director approval, the notification

must be made within 90 calendar days after the executive director approves the request; and

(C) any person may request the executive director to review, and the executive director may for cause reject, any Class 1 modification. The executive director must inform the permittee by certified mail that a Class 1 modification has been rejected, explaining the reasons for the rejection. If a Class 1 modification has been rejected, the permittee must comply with the original permit conditions.

(2) Class 1 permit modifications identified in Appendix I of subsection (k) of this section by a superscript 1 may be made only with the prior written approval of the executive director.

(3) For a Class 1 permit modification, the permittee may elect to follow the procedures in subsection (c) of this section for Class 2 modifications instead of the Class 1 procedures. The permittee must inform the executive director of this decision in the notification required in subsection (c)(1) of this section.

(c) Class 2 modifications of solid waste permits.

(1) For Class 2 modifications, which are listed in Appendix I of subsection (k) of this section, the permittee must submit a modification request to the executive director that:

(A) describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

(B) identifies the modification as a Class 2 modification;

(C) explains why the modification is needed; and

(D) provides the applicable information in the form and manner specified in §1.5(d) of this title and §§305.41 - 305.45 and 305.47 - 305.53 of this title;

(2) The permittee must send a notice of the modification request by first-class mail to all persons listed in §39.413 of this title and must cause this notice to be published in a major local newspaper of general circulation. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the executive director evidence of the mailing and publication. The notice must include:

(A) announcement of a 60-day comment period, in accordance with paragraph (5) of this subsection, and the name and address of an agency contact to whom comments must be sent;

(B) announcement of the date, time, and place for a public meeting to be held in accordance with paragraph (4) of this subsection;

(C) name and telephone number of the permittee's contact person;

(D) name and telephone number of an agency contact person;

(E) location where copies of the modification request and any supporting documents can be viewed and copied; and

(F) the following statement: "The permittee's compliance history during the life of the permit being modified is available from the agency contact person."

(3) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

(4) The permittee must hold a public meeting no earlier than 15 days after the publication of the notice required in paragraph (2) of this subsection and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.

(5) The public shall be provided at least 60 days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the agency contact identified in the public notice.

(6) No later than 90 days after receipt of the modification request, subparagraphs (A), (B), (C), (D), or (E) of this paragraph must be met, subject to §50.133 of this title (relating to Executive Director Action on Application), as follows:

(A) the executive director or the commission must approve the modification request, with or without changes, and modify the permit accordingly;

(B) the commission must deny the request;

(C) the commission or the executive director must determine that the modification request must follow the procedures in subsection (d) of this section for Class 3 modifications for either of the following reasons:

(i) there is significant public concern about the proposed modification; or

(ii) the complex nature of the change requires the more extensive procedures of a Class 3 modification; or

(D) the commission must approve the modification request, with or without changes, as a temporary authorization having a term of up to 180 days, in accordance with the following public notice requirements:

(i) notice of a hearing on the temporary authorization shall be given not later than the 20th day before the hearing on the authorization; and

(ii) this notice of hearing shall provide that an affected person may request an evidentiary hearing on issuance of the temporary authorization; or

(E) the executive director must notify the permittee that the executive director or the commission will decide on the request within the next 30 days.

(7) If the executive director notifies the permittee of a 30-day extension for a decision, then no later than 120 days after receipt of the modification request, subparagraphs (A), (B), (C), or (D) of this paragraph must be met, subject to §50.133 of this title, as follows:

(A) the executive director or the commission must approve the modification request, with or without changes, and modify the permit accordingly;

(B) the commission must deny the request;

(C) the commission or the executive director must determine that the modification request must follow the procedures in subsection (d) of this section for Class 3 modifications for either of the following reasons:

(i) there is significant public concern about the proposed modification; or

(ii) the complex nature of the change requires the more extensive procedures of a Class 3 modification; or

(D) the commission must approve the modification request, with or without changes, as a temporary authorization having a term of up to 180 days, in accordance with the following public notice requirements:

(i) notice of a hearing on the temporary authorization shall be given not later than the 20th day before the hearing on the authorization; and

(ii) this notice of hearing shall provide that an affected person may request an evidentiary hearing on issuance of the temporary authorization.

(8) If the executive director or the commission fails to make one of the decisions specified in paragraph (7) of this subsection by the 120th day after receipt of the modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to 180 days, without formal agency action. The authorized activities must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of Chapter 335, Subchapter E of this title (relating to Interim Standards for Owners and Operators of Hazardous Waste Treatment, Storage, or Disposal Facilities). If the commission approves, with or without changes, or denies any modification request during the term of the temporary authorization issued pursuant to paragraph (6) or (7) of this subsection, such action cancels the temporary authorization. The commission is the sole authority for approving or denying the modification request during the term of the temporary authorization. If the executive director or the commission approves, with or without changes, or if the commission denies the modification request during the term of the automatic authorization provided for in this paragraph, such action cancels the automatic authorization.

(9) In the case of an automatic authorization under paragraph (8) of this subsection, or a temporary authorization under paragraph (6)(D) or (7)(D) of this subsection, if the executive director or the commission has not made a final approval or denial of the modification request by the date 50 days prior to the end of the temporary or automatic authorization, the permittee must within seven days of that time send a notification to all persons listed in §39.413 of this title, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that:

(A) the permittee has been authorized temporarily to conduct the activities described in the permit modification request; and

(B) unless the executive director or the commission acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.

(10) If the owner/operator fails to notify the public by the date specified in paragraph (9) of this subsection, the effective date of the permanent authorization will be deferred until 50 days after the owner/operator notifies the public.

(11) Except as provided in paragraph (13) of this subsection, if the executive director or the commission does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as Class 3 modification, the permittee is authorized to conduct the activities described in the permit modification request for the life of the permit unless amended or modified later under §305.62 of this title (relating to Amendments) or this section. The activities authorized under this paragraph must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of Chapter 335, Subchapter E of this title.

(12) In the processing of each Class 2 modification request which is subsequently approved or denied by the executive director or the commission in accordance with paragraph (6) or (7) of this subsection, or each Class 2 modification request for which a temporary authorization is issued in accordance with subsection (f) of this section or a reclassification to a Class 3 modification is made in accordance with paragraph (6)(C) or (7)(C) of this subsection, the executive director must consider all written comments submitted to the agency during the public comment period and must respond in writing to all significant comments.

(13) With the written consent of the permittee, the executive director may extend indefinitely or for a specified period the time periods for final approval or denial of a Class 2 modification request or for reclassifying a modification as Class 3.

(14) The commission or the executive director may change the terms of, and the commission may deny a Class 2 permit modification request under paragraphs (6) - (8) of this subsection for any of the following reasons:

(A) the modification request is incomplete;

(B) the requested modification does not comply with the appropriate requirements of Chapter 335, Subchapter F of this title (relating to Permitting Standards for Owners and Operators of Hazardous Waste Treatment, Storage, or Disposal Facilities) or other applicable requirements; or

(C) the conditions of the modification fail to protect human health and the environment.

(15) The permittee may perform any construction associated with a Class 2 permit modification request beginning 60 days after the submission of the request unless the executive director establishes a later date for commencing construction and informs the permittee in writing before the 60th day.

(d) Class 3 modifications of solid waste permits.

(1) For Class 3 modifications listed in Appendix I of subsection (k) of this section, the permittee must submit a modification request to the executive director that:

(A) describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

(B) identifies that the modification is a Class 3 modification;

(C) explains why the modification is needed; and

(D) provides the applicable information in the form and manner specified in §1.5(d) of this title and §§305.41 - 305.45 and 305.47 - 305.53 of this title; and Subchapter Q of this chapter (relating to Permits for Boilers and Industrial Furnaces Burning Hazardous Waste).

~~[(2) The permittee must send a notice of the modification request by first-class mail to all persons listed in §39.413 of this title and must cause this notice to be published in a major local newspaper of general circulation. This notice must be mailed and published within seven days before or after the date of submission of the modification request and evidence of the mailing and publication of the notice shall be provided to the executive director. The notice shall include the following:]~~

~~[(A) all information required by §39.411 of this title (relating to Text of Public Notice);]~~

[(B) announcement of a 60-day comment period, and the name and address of an agency contact person to whom comments must be sent;]

[(C) announcement of the date, time, and place for a public meeting on the modification request, to be held in accordance with paragraph (4) of this subsection;]

[(D) name and telephone number of the permittee's contact person;]

[(E) name and telephone number of an agency contact person;]

[(F) identification of the location where copies of the modification request and any supporting documents can be viewed and copied; and]

[(G) the following statement: "The permittee's compliance history during the life of the permit being modified is available from the agency contact person."]

[(3) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.]

(2) [(4)] The permittee must hold a [public] meeting no earlier than 15 days and no later than 45 days from the publication date of Notice of Receipt of Application and Intent to Obtain Permit. [after the publication of the notice required in paragraph (2) of this subsection and no later than 15 days before the close of the 60-day comment period.] The meeting must be held to the extent practicable in the vicinity of the permitted facility.

[(5) The public shall be provided at least 60 days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the agency contact person identified in the public notice.]

[(6) After the conclusion of the 60-day comment period, the permit modification request shall be granted or denied in accordance with the applicable requirements of Chapter 39 of this title (relating to Public Notice), Chapter 50 of this title (relating to Action on Applications and Other Authorizations), and Chapter 55 of this title (relating to Requests for Reconsideration and Contested Case Hearings; Public Comment). When a permit is modified, only the conditions subject to modification are reopened.]

(3) [(7)] The notice requirements for Class 3 modification applications for industrial or hazardous waste facility permits are included in 30 TAC §39.509 (relating to Application for a Class 3 Modification of an Industrial or Hazardous Waste Permit). [Except as otherwise required by Chapter 39 of this title, the notice requirements in this section do not apply to Class 3 modification applications for industrial or hazardous waste facility permits that are declared administratively complete on or after September 1, 1999.]

(e) Other modifications.

(1) In the case of modifications not explicitly listed in Appendix I of subsection (k) of this section, the permittee may submit a Class 3 modification request to the agency, or the permittee may request a determination by the executive director that the modification should be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or Class 2 modification, the permittee must provide the agency with the necessary information to support the requested classification.

(2) The executive director shall make the determination described in paragraph (1) of this subsection as promptly as practicable. In determining the appropriate class for a specific modification, the executive director shall consider the similarity of the modification to other modifications codified in Appendix I of subsection (k) of this section and the following criteria.

(A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of Class 1 modifications, the executive director may require prior approval;

(B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to:

(i) common variations in the types and quantities of the wastes managed under the facility permit;

(ii) technological advancements; and

(iii) changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit; and

(C) Class 3 modifications reflect a substantial alteration of the facility or its operations.

(f) Temporary authorizations.

(1) Upon request of the permittee, the commission may grant the permittee a temporary authorization having a term of up to 180 days, in accordance with this subsection, and in accordance with the following public notice requirements:

(A) notice of a hearing on the temporary authorization shall be given not later than the 20th day before the hearing on the authorization; and

(B) this notice of hearing shall provide that an affected person may request an evidentiary hearing on issuance of the temporary authorization.

(2) The permittee may request a temporary authorization for:

(A) any Class 2 modification meeting the criteria in paragraph (5)(B) of this subsection; and

(B) any Class 3 modification that meets the criteria in paragraph (5)(B)(i) or (ii) of this subsection, or that meets any of the criteria in paragraph (5)(B)(iii) - (v) of this subsection and provides improved management or treatment of a hazardous waste already listed in the facility permit.

(3) The temporary authorization request must include:

(A) a specific description of the activities to be conducted under the temporary authorization;

(B) an explanation of why the temporary authorization is necessary and reasonably unavoidable; and

(C) sufficient information to ensure compliance with the applicable standards of Chapter 335, Subchapter F of this title and 40 Code of Federal Regulations (CFR) Part 264.

(4) The permittee must send a notice about the temporary authorization request by first-class mail to all persons listed in §39.413 of this title. This notification must be made within seven days of submission of the authorization request.

(5) The commission shall approve or deny the temporary authorization as quickly as practicable. To issue a temporary authorization, the commission must find:

(A) the authorized activities are in compliance with the applicable standards of Chapter 335, Subchapter F of this title and 40 CFR Part 264; and

(B) the temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:

(i) to facilitate timely implementation of closure or corrective action activities;

(ii) to allow treatment or storage in tanks, containers, or containment buildings, of restricted wastes in accordance with Chapter 335, Subchapter O of this title (relating to Land Disposal Restrictions), 40 CFR Part 268, or Section 3004 of the Resource Conservation and Recovery Act (RCRA), 42 United States Code, §6924;

(iii) to prevent disruption of ongoing waste management activities;

(iv) to enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or

(v) to facilitate other changes to protect human health and the environment.

(6) A temporary authorization may be reissued for one additional term of up to 180 days provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and:

(A) the reissued temporary authorization constitutes the commission's decision on a Class 2 permit modification in accordance with subsection (c)(6)(D) or (7)(D) of this section; or

(B) the commission determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of subsection (d) of this section are conducted.

(g) Public notice and appeals of permit modification decisions.

(1) The commission shall notify all persons listed in §39.413 of this title within ten working days of any decision under this section to grant or deny a Class 2 or 3 permit modification request. The commission shall also notify such persons within ten working days after an automatic authorization for a Class 2 modification goes into effect under subsection (c)(8) or (11) of this section.

(2) The executive director's or the commission's decision to grant or deny a Class 3 permit modification request under this section may be appealed under the appropriate procedures set forth in the commission's rules and in the Administrative Procedure Act, Texas Government Code, Chapter 2001.

(h) Newly regulated wastes and units.

(1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under 40 CFR Part 261, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units if:

(A) the unit was in existence as a hazardous waste facility unit with respect to the newly listed or characteristic waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste or regulating the unit;

(B) the permittee submits a Class 1 modification request on or before the date on which the waste or unit becomes subject to the new requirements;

(C) the permittee is in substantial compliance with the applicable standards of Chapter 335, Subchapter E of this title, Chapter 335, Subchapter H, Divisions 1 through 4 of this title (relating to Standards for the Management of Specific Wastes and Specific Types of Facilities), and 40 CFR Part 265 and Part 266;

(D) the permittee also submits a complete Class 2 or 3 modification request within 180 days after the effective date of the final rule listing or identifying the waste or subjecting the unit to Section 6921 of the Resource Conservation and Recovery Act Subtitle C (Subchapter III Hazardous Waste Management, 42 United States Code, §§6921 - 6939e); and

(E) in the case of land disposal units, the permittee certifies that each such unit is in compliance with all applicable 40 CFR Part 265 groundwater monitoring requirements and with Chapter 37 of this title (relating to Financial Assurance) on the date 12 months after the effective date of the final rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with these requirements, the owner or operator shall lose authority to operate under this section.

(2) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the 25% capacity expansion limit for Class 2 modifications.

(i) Combustion facility changes to meet 40 CFR Part 63, Maximum Achievable Control Technology (MACT) standards. The following procedures apply to hazardous waste combustion facility permit modifications requested under L.9. of Appendix I of subsection (k) of this section.

(1) Facility owners or operators must have complied with the Notification of Intent to Comply (NIC) requirements of 40 CFR §63.1210(b) and (c) that were in effect prior to October 11, 2000, as amended in 40 CFR §270.42(j) through October 12, 2005 (70 FR 59402) [~~(70 Federal Register 59402)~~], before a permit modification can be requested under this section.

(2) If the executive director does not approve or deny the request within 90 days of receiving it, the request shall be deemed approved. The executive director may, at his or her discretion, extend this 90-day deadline one time for up to 30 days by notifying the facility owner or operator.

(3) Facility owners or operators may request to have specific RCRA operating and emissions limits waived by submitting a Class 1 permit modification request under L.10. in Appendix I of subsection (k) of this section. The facility owner or operator must:

(A) identify the specific RCRA permit operating and emissions limits which are requested to be waived;

(B) provide an explanation of why the changes are necessary to minimize or eliminate conflicts between the RCRA permit and MACT compliance;

(C) discuss how the revised provisions will be sufficiently protective; and

(D) the executive director shall notify the facility owner or operator whether the Class 1 permit modification has been approved or denied. If denied, the executive director shall provide justification for denial.

(4) To request the modification referenced in paragraph (3) of this subsection in conjunction with MACT performance testing where permit limits may only be waived during actual test events and pretesting, as defined under 40 CFR §63.1207(h)(2)(i) and (ii), for an aggregate time not to exceed 720 hours of operation (renewable at the discretion of the executive director); the owner or operator must:

(A) submit the modification request to the executive director at the same time the test plans are submitted to the executive director; and

(B) the executive director may elect to approve or deny the request contingent upon approval of the test plans.

(j) Military hazardous waste munitions storage, processing, and disposal. The permittee is authorized to continue to accept waste military munitions regardless of any permit conditions barring the permittee from accepting off-site wastes, if:

(1) the facility is in existence as a hazardous waste facility, and the facility is already permitted to handle waste military munitions, on the date when waste military munitions become subject to hazardous waste regulatory requirements;

(2) on or before the date when waste military munitions become subject to hazardous waste regulatory requirements, the permittee submits a Class 1 modification request to remove or revise the permit provision restricting the receipt of off-site waste munitions; and

(3) the permittee submits a Class 2 modification request within 180 days of the date when the waste military munitions become subject to hazardous waste regulatory requirements.

(k) Appendix I. The following appendix will be used for the purposes of this subchapter which relates to industrial and hazardous solid waste permit modification at the request of the permittee.
Figure 30 TAC §305.69(k)
[~~Figure: 30 TAC §305.69(k)~~]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 14, 2026.

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For further information, please call: (512) 239-0682

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SUBCHAPTER G. ADDITIONAL CONDITIONS FOR HAZARDOUS AND INDUSTRIAL SOLID WASTE STORAGE, PROCESSING, OR DISPOSAL PERMITS

30 TAC §305.150

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§305.150. Incorporation of References.

When used in this chapter, the references contained in 40 Code of Federal Regulations §260.11 are incorporated by reference as amended through July 7, 2020 (85 FR 40608) [~~October 12, 2005 (70 Federal Register 59402)~~].

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER I. HAZARDOUS WASTE INCINERATOR PERMITS

30 TAC §§305.171, 305.172, 305.176

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§305.171. Determining Operational Readiness.

For the purposes of determining operational readiness following completion of physical construction of a hazardous waste incinerator, the commission shall establish permit conditions including, but not limited

to, specification of allowable waste feeds and operating conditions, in a permit for a new hazardous waste incinerator. These permit conditions will be effective for a minimum required time, not to exceed 720 hours operating time for treatment of hazardous waste, to bring the incinerator to a point of operational readiness sufficient to conduct a trial burn. The commission may extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit may be modified to reflect the extension pursuant to §305.69 of this title (relating to Solid Waste Permit Modification at the Request of the Permittee).

(1) Applicant must submit a statement, with Part B of the permit application, which suggests the conditions necessary to operate in compliance with the performance standards of 40 Code of Federal Regulations (CFR) §264.343 [~~§284.343~~] during this period. This statement should include, at a minimum, restrictions on waste constituents, waste feed rates, and the operating parameters identified in 40 CFR [~~Code of Federal Regulations~~] §264.345.

(2) The executive director shall review this statement and any other relevant information submitted with Part B of the permit application and shall specify requirements for this period sufficient to meet the performance standards of 40 CFR [~~Code of Federal Regulations~~] §264.343, based on the executive director's engineering judgment.

§305.172. Determining Feasibility of Compliance and Adequate Operating Conditions.

For the purposes of determining feasibility of compliance with the performance standards of 40 Code of Federal Regulations (CFR) §264.343 and of determining adequate operating conditions under 40 CFR §264.345, the commission shall establish conditions in the permit for a new hazardous waste incinerator, to be effective during the trial burn.

(1) Applicant shall propose a trial burn plan, prepared under paragraph (2) of this section, with Part B of the permit application.

(2) The trial burn plan shall include the following information:

(A) an analysis of each waste or mixture of wastes to be burned which includes:

(i) heat value of the waste in the form and composition in which it will be burned;

(ii) viscosity (if applicable), or description of physical form of the waste;

(iii) an identification of any hazardous organic constituents listed in 40 CFR Part 261, Appendix VIII, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in 40 CFR Part 261, Appendix VIII, which reasonably would not be expected to be found in the waste. The constituents excluded from analysis must be identified, and the basis for their exclusion established. The waste analysis must rely on appropriate analytical techniques; and

(iv) an approximate quantification of the hazardous constituents identified in the waste, within the precision produced by appropriate analytical methods;

(B) a detailed engineering description of the incinerator for which the permit is sought, including:

(i) manufacturer's name and model number of incinerator (if available);

(ii) type of incinerator;

(iii) linear dimensions of the incinerator unit, including the cross-sectional area of combustion chamber;

(iv) description of the auxiliary fuel system (type/feed);

(v) capacity of prime mover;

(vi) description of automatic waste feed cut-off system(s);

(vii) stack gas monitoring and pollution control equipment;

(viii) nozzle and burner design;

(ix) construction materials; and

(x) location and description of temperature, pressure, and flow indicating and control devices;

(C) a detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

(D) a detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned, and other factors relevant to the decision under paragraph (5) of this section;

(E) a detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, combustion gas velocity, use of auxiliary fuel, and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

(F) a description of, and planned operating conditions for, any emission control equipment which will be used;

(G) procedures for rapidly stopping the waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction; and

(H) such other information as the executive director reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this paragraph and the criteria in paragraph (5) of this section.

(3) The executive director, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this section.

(4) Based on the waste analysis data in the trial burn plan, the commission shall specify as trial principal organic hazardous constituents (POHCs), those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the commission based on an estimate of the difficulty of incineration of the constituents identified in the waste analysis, their concentration or mass in the waste feed, and for wastes listed in 40 CFR Part 261, Subpart D, the hazardous waste organic constituent or constituents identified in Appendix VII of that part as the basis for listing.

(5) The commission shall approve a trial burn plan if it finds that:

(A) the trial burn is likely to determine whether the incinerator performance standard required by 40 CFR §264.343 can be met;

(B) the trial burn itself will not present an imminent hazard to human health or safety or the environment;

(C) the trial burn will help the commission to determine the operating requirements to be specified (in the permit) according to 40 CFR §264.345; and

(D) the information sought in subparagraphs (A) and (C) of this paragraph cannot reasonably be developed through other means.

(6) The chief clerk shall send notice to the state senator and representative who represent the area in which the facility is or will be located, and to the persons listed in §39.413 of this title (relating to Mailed Notice) announcing the scheduled commencement and completion dates for the trial burn. The notice shall meet the requirements of 40 CFR §270.62(b)(6)(i) - (ii), as amended through December 11, 1995, at 60 FR 63417 [~~60 FedReg 63417~~]. The applicant may not commence the trial burn until after the chief clerk has issued such notice. This paragraph applies to initial trial burns and all other trial burns except those that are to be conducted within 180 days after permit modification covering the trial burn.

(7) During each approved trial burn (or as soon after the burn as practicable), the applicant must make the following determinations:

(A) a quantitative analysis of the trial POHCs in the waste feed to the incinerator;

(B) a quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHCs, oxygen (O_2) and hydrogen chloride (HCl);

(C) a quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the purpose of estimating the fate of the trial POHCs;

(D) a computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 40 CFR §264.343(a);

(E) if the HCl emission rate exceeds 1.8 kilograms of HCl per hour (four pounds per hour), a computation of HCl removal efficiency in accordance with 40 CFR §264.343(b);

(F) a computation of particulate emissions, in accordance with 40 CFR §264.343(c);

(G) an identification of sources of fugitive emissions and their means of control;

(H) a measurement of average, maximum, and minimum temperatures and combustion gas velocity;

(I) a continuous measurement of carbon monoxide (CO) in the exhaust gas; and

(J) such other information as the executive director may specify as necessary to ensure that the trial burn will determine the compliance with the performance standards in 40 CFR §264.343 and to establish the operating conditions required by 40 CFR §264.345 as necessary to meet those performance standards.

(8) The applicant must submit to the executive director a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and shall submit the results of all the determinations required in paragraph (7) of this section. This submission shall be made within 90 days of completion of the trial burn, or later with the prior approval of the executive director.

(9) All data collected during any trial burn shall be submitted to the executive director immediately following the completion of the trial burn.

(10) All submissions required by this section shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under §305.44 of this title (relating to Signatories to Applications) and §305.128 of this title (relating to Signatories to Reports).

(11) Based on the results of the trial burn, the commission or the executive director, as appropriate, subject to §50.133 of this title (relating to Executive Director Action on Application), shall set the operating requirements in the final permit according to 40 CFR §264.345. The permit amendment or modification shall proceed according to §305.62 of this title (relating to Amendments) or §305.69(c) of this title (relating to Solid Waste Permit Modification at the Request of the Permittee).

§305.176. Integration with Maximum Achievable Control Technology (MACT) Standards.

Integration with Maximum Achievable Control Technology (MACT) Standards. The regulations contained in 40 Code of Federal Regulations §270.235, Options for Incinerators, Cement Kilns, Lightweight Aggregate Kilns, Solid Fuel Boilers, Liquid Fuel Boilers, and Hydrochloric Acid Production Furnaces to Minimize Emissions from startup, shutdown, and malfunction events, are adopted by reference, as amended and adopted through October 12, 2005 (70 FR 59402) [~~(70 FedReg 59402)~~].

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER L. GROUNDWATER COMPLIANCE PLAN

30 TAC §305.401

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which

authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§305.401. Compliance Plan.

(a) In order to administer the groundwater protection requirements relating to compliance monitoring and corrective action for facilities that store, process, or dispose of hazardous waste in surface impoundments, waste piles, land treatment units, or landfills, and the requirements of §335.167 of this title (relating to Corrective Action for Solid Waste Management Units), the commission shall establish a compliance plan.

(b) The following rules pertaining to application, and notice and hearing shall be applicable in proceedings to establish the plan: §39.401 of this title (relating to Purpose); §39.403 of this title (relating to Applicability); §39.405 of this title (relating to General Notice Provisions); §39.407 of this title (relating to Mailing Lists); §39.409 of this title (relating to Deadline for Public Comment, and for Requests for Reconsideration, Contested Case Hearing, or Notice and Comment Hearing); §39.411 of this title (relating to Text of Public Notice); §39.413 of this title (relating to Mailed Notice); §39.418 of this title (relating to Notice of Receipt of Application and Intent to Obtain Permit); §39.419 of this title (relating to Notice of Application and Preliminary Decision); §39.420 of this title (relating to Transmittal of the Executive Director's Response to Comments and Decision); §39.421 of this title (relating to Notice of Commission Meeting to Evaluate a Request for Reconsideration or Hearing on an Application); §39.423 of this title (relating to Notice of Contested Case Hearing); §39.425 of this title (relating to Notice of Contested Enforcement Case Hearing); §39.426 of this title (relating to Alternative Language Requirements); §39.503 of this title (relating to Application for Industrial or Hazardous Waste Facility Permit); §39.509 of this title (relating to Application for a Class 3 Modification of an Industrial or Hazardous Waste Permit); §39.1005 of this title (relating to Notice of Class 1 Modification of an Industrial Solid Waste or Hazardous Waste Permit); §39.1007 of this title (relating to Notice of Class 2 Modification of an Industrial Solid Waste or Hazardous Waste Permit); §50.113 of this title (relating to Applicability and Action on Application); §50.115 of this title (relating to Scope of Contested Case Hearings); §50.117 of this title (relating to Commission Actions); §50.119 of this title (relating to Notice of Commission Action, Motion for Rehearing); §55.200 of this title (relating to Applicability); §55.201 of this title (relating to Requests for Reconsideration or Contested Case Hearing); §55.203 of this title (relating to Determination of Affected Person); §55.205 of this title (relating to Request by Group or Association); §55.209 of this title (relating to Processing Requests for Reconsideration and Contested Case Hearing); §55.210 of this title (relating to Direct Referrals); §55.211 of this title (relating to Commission Action on Requests for Reconsideration and Contested Case Hearing); Chapter 281 of this title (relating to Applications Processing); §305.43 of this title (relating to Who Applies); §305.44 of this title (relating to Signatories to Applications); §305.47 of this title (relating to Retention of Application Data); §305.50 of this title (relating to Additional Requirements for an Application for a Hazardous or Industrial Solid Waste Permit and for a Post-Closure Order); §305.53 of this title (relating to Application Fee); §§305.122 - 305.124 of this title (relating to Characteristics of Permits; Reservation in Granting Permit; and Acceptance of Permit, Effect); and §305.128 of this title (relating to Signatories to Reports).

(c) Any investigation report to establish compliance monitoring or corrective action shall contain the information specified in the regulations contained in 40 Code of Federal Regulation (CFR) §270.14(c)(7) and (8), which are in effect as of September 9, 1987. The executive director may authorize, in writing, in advance the submittal of a proposed permit schedule for the submittal of an engineering feasibility plan as set forth in the regulations contained in 40 CFR §270.14(c)(7), which are in effect as of September 9, 1987. The executive director may also authorize, in writing, prior to the submittal of a complete permit application, the submittal of a schedule for the information required in the regulations contained in 40 CFR §270.14(c)(8)(iii) and (iv), as set forth in the regulations contained in 40 CFR §270.14(c)(8)(v), which are in effect as of September 9, 1987. The executive director may request information necessary to determine the appropriateness and extent of corrective action required by §335.167 of this title.

(d) The executive director shall prepare a draft compliance plan unless the executive director recommends not to approve the plan. The draft compliance plan shall be available for public review, and notice that the executive director has prepared such a plan will be given pursuant to §39.503 of this title . The draft compliance plan shall be filed with the commission to be included in its consideration of the approval of a compliance plan.

(e) The executive director shall prepare a technical summary which sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft compliance plan. The executive director shall send this summary together with the draft compliance plan to the applicant and, on request, to any other person. The summary shall include the following information, where applicable:

(1) a brief description of the type of facility or activity which is the subject of the draft compliance plan;

(2) the type and quantity of wastes, fluids, or pollutants which are being managed at the facility;

(3) a brief summary of the basis for the conditions of the draft compliance plan, including references to applicable statutory or regulatory provisions;

(4) a description of the procedures for reaching a final decision on the draft compliance plan, including procedures whereby the public may participate in the final decision; and

(5) the name and telephone number of a person in the commission to contact for additional information.

(f) The plan may be amended:

(1) when the corrective action program specified in the plan under §335.165 of this title (relating to Compliance Monitoring Program) has not brought the regulated unit into compliance with the groundwater protection standard within a reasonable time;

(2) when the plan requires a compliance monitoring program under §335.165 of this title, but monitoring data collected prior to permit issuance indicate that the facility is exceeding the groundwater protection standard. The sections of this chapter pertaining to major amendments shall be applicable to the foregoing amendments to the compliance plan.

(g) Whenever a facility is subject to permitting under the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, and is further required under §§335.156 - 335.167 of this title (relating to Applicability of Groundwater Monitoring and Response; Required Programs; Groundwater Protection Standard; Hazardous Constituents; Concentration Limits; Point of Compliance; Compliance Period; General Groundwater Monitoring Requirements; Detection Monitoring Program; and Corrective Action Program) to conduct compliance monitoring or corrective action, processing of the permit application for the facility and the establishment of the compliance plan shall be consolidated in one proceeding.

(h) Nothing herein shall be construed to be inconsistent with the commission's authority under the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §8 and §8b.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER O. ADDITIONAL CONDITIONS AND PROCEDURES FOR WASTEWATER DISCHARGE PERMITS AND SEWAGE SLUDGE PERMITS

30 TAC §305.533

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§305.533. Adoption of Environmental Protection Agency Issued Permits and Pretreatment Programs.

On the date of TCEQ [~~TNRCC~~] assumption of the administration of the Texas Pollutant Discharge Elimination System (TPDES) permit program, after the Environmental Protection Agency (EPA) approves the TPDES permit program, and the issuance of national pollutant discharge elimination system (NPDES) permits is delegated from the EPA to the state, the state adopts all EPA permits and pretreatment programs, except that EPA shall retain jurisdiction over certain EPA-issued or proposed permits until their expiration which it has issued as may be specified in a state/federal Memorandum of Agreement. This provision does not affect the right of the EPA to issue NPDES permits for facilities which expired in the 12 months preceding the date of program assumption or to modify NPDES permits under Clean Water Act, §304(l). If the requirements of a state permit and an EPA permit issued to the same permittee or for the same facility are not of equal stringency, any requirements of the state-issued permit that are more stringent shall apply above and beyond those requirements contained in the corresponding EPA permit.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER Q. PERMITS FOR BOILERS AND INDUSTRIAL FURNACES BURNING HAZARDOUS WASTE

30 TAC §305.572

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§305.572. Permit and Trial Burn Requirements.

(a) The following regulations contained in 40 Code of Federal Regulations (CFR) Part 270 are adopted by reference, as amended and adopted in the CFR through August 1, 2005 (70 FR 44150) [~~(70 FedReg 44150)~~] or as stated in paragraphs (1) - (5) of this subsection:

(1) 40 CFR §270.66(b) - Permit Operating Periods for New Boilers and Industrial Furnaces, except that any permit amendment or modification shall proceed according to the applicable requirements of Subchapter D of this chapter (relating to Amendments, Renewals, Transfers, Corrections, Revocation, and Suspension of Permits);

(2) 40 CFR §270.66(c) - Requirements for Trial Burn Plans;

(3) 40 CFR §270.66(d) - Trial Burn Procedures, except 40 CFR §270.66(d)(3), and except that all required submissions must be certified on behalf of the applicant by the signature of a person authorized pursuant to §305.44 of this title (relating to Signatories to Applications);

(4) 40 CFR §270.66(e) - Special Procedures for DRE Trial Burns; and

(5) 40 CFR §270.66(f) - Determinations Based on Trial Burn.

(6) 40 CFR §270.235 - Options for Incinerators, Cement Kilns, Lightweight Aggregate Kilns, Solid Fuel Boilers, Liquid Fuel Boilers and Hydrochloric Acid Production Furnaces to Minimize Emissions from startup, shutdown, and malfunction events as amended through October 12, 2005 (70 FR 59402) [~~(70 FedReg 59402)~~].

(b) With regard to trial burn notice procedures, the chief clerk shall send notice to the state senator and representative who represent the area in which the facility is or will be located, and to the persons listed in §39.413 of this title (relating to Mailed Notice) announcing the scheduled commencement and completion dates for the trial burn. The notice shall meet the requirements of 40 CFR §270.66(d)(3)(i) and (ii) as amended through December 11, 1995 (60 FR 63417) [~~(60 FedReg 63417)~~]. The applicant may not commence the trial burn until after the chief clerk has issued such notice. This subsection applies to initial trial burns and all other trial burns except those that are to be conducted within 180 days after permit modification covering the trial burn.

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SUBCHAPTER R. RESOURCE CONSERVATION AND RECOVERY ACT STANDARD PERMITS FOR STORAGE AND TREATMENT UNITS

30 TAC §305.650

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§305.650. General.

A Resource Conservation and Recovery Act (RCRA) standard permit is a special type of permit that authorizes the owner or operator of a facility to store and/or non-thermally treat hazardous waste. It is issued under 40 Code of Federal Regulations (CFR) Part 124, Subpart G and 40 CFR Part 270, Subpart J, [~~concerning Procedures for Decision Making,~~] and this subchapter.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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CHAPTER 335. INDUSTRIAL SOLID WASTE AND MUNICIPAL HAZARDOUS WASTE

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) proposes amendments to §§335.10, 335.29, 335.31, 335.41, 335.45, 335.53, 335.58, 335.112, 335.152, 335.177, 335.202, 335.211, 335.221, 335.303, 335.328, 335.504, 335.509, and 335.521. The commission also proposes to repeal §335.181 and §335.251. The commission further proposes new §335.251.

Background and Summary of the Factual Basis for the Proposed Rules

The federal hazardous waste program is authorized under the federal Resource Conservation and Recovery Act of 1976 (RCRA), §3006. States may obtain authorization from the United States Environmental Protection Agency (EPA) to administer the hazardous waste program. State authorization is a rulemaking process through which EPA delegates the primary responsibility of implementing the RCRA hazardous waste program to individual states. This process ensures national consistency and minimum standards while providing flexibility to states in implementing rules. State RCRA programs must always be at least as stringent as the federal requirements.

Texas received authorization of its hazardous waste "base program" under RCRA on December 26, 1984, and has continuously participated in EPA's authorization program. To maintain the RCRA authorization, the commission must adopt regulations to meet the minimum standards of federal programs administered by EPA. Because the federal regulations undergo regular revision, the commission must adopt new regulations regularly to meet the changing federal regulations.

The commission proposes to adopt portions of the RCRA Rule Clusters XIII, XXIX, XXX, XXXI that implement revisions to the federal hazardous waste program promulgated by EPA on July 24, 2002, and between July 7, 2020, and March 20, 2023. The proposed rulemaking includes adoption of both mandatory and optional federal regulation changes within these clusters. Although adoption of the optional provisions is not required to maintain authorization, EPA recommends that states incorporate these provisions to ensure consistency with the federal program. In addition, the commission proposes revisions to cor-

rect typographical errors and incorporate inadvertently omitted rule language from previously adopted RCRA Rule Clusters that implemented EPA-requested revisions necessary to maintain authorization. Maintaining equivalency with federal regulations will enable Texas to continue operating all delegated aspects of the federal hazardous waste program in lieu of EPA.

Zinc Fertilizers Made from Recycled Hazardous Secondary Materials

In the April 13, 2012, issue of the *Federal Register* (77 FR 22229) EPA revised 40 Code of Federal Regulations (CFR) §266.20, including amendments to §266.20(b) and the addition of §266.20(d). The commission has not previously adopted these revisions. This rulemaking amends 30 Texas Administrative Code (TAC) Chapter 335 to complete adoption of 40 CFR §266.20 relating to zinc fertilizers products made from recycled hazardous secondary materials. The federal regulation established a consistent regulatory framework for producing zinc fertilizers from recycled hazardous secondary materials. Specifically, it established conditions for excluding hazardous secondary materials used to make zinc fertilizers from the regulatory definition of solid waste. The federal regulation also established new product specifications for contaminants in zinc fertilizers made from those secondary materials. To obtain final authorization for this federal regulation, the commission proposes corresponding revisions to 30 TAC §335.211.

Modernizing Ignitable Liquids Determinations

In the July 7, 2020, issue of the *Federal Register* (85 FR 40594) EPA finalized updates to modernize the flash point test methods in 40 CFR §261.21 by incorporating current American Society for Testing and Materials (ASTM) International standards. The federal updates also finalized the aqueous alcohol definition in §261.21(a)(1) by replacing the term "aqueous" with "at least 50 percent water by weight" and defining "alcohol."

EPA also made technical corrections to update definitions and references for ignitable compressed gases and explosives, specifying ASTM Standard E681-85 as the approved test method for ignitable compressed gases, aligning definitions with current United States Department of Transportation (DOT) regulations for flammable gases and aerosols, and revising cross-references to explosives to reflect DOT's Division 1.1, 1.2, and 1.3 classification system. In addition, EPA deleted outdated notes in §261.21 that referenced obsolete agencies, historical information, or superseded regulations.

Finally, EPA finalized alternatives to the use of mercury thermometers in SW-846 air sampling and stack emissions Methods 0010, 0011, 0020, 0023A, and 0051, without changing the underlying test technology or affecting precision or accuracy. To maintain equivalency with federal RCRA regulations, the commission proposes to incorporate these federal revisions by reference in 30 TAC §§335.29, 335.31, and 335.504(a)(3).

Canada Import-Export Recovery and Disposal Code Changes

In the October 1, 2021, issue of the *Federal Register* (86 FR 54381) EPA issued a final rule effective nationally October 31, 2021. The federal revisions contained conforming changes to regulations related to twelve hazardous waste import-export recovery and disposal operations used in hazardous waste export and import notices submitted to EPA by U.S. exporters and importers, and in movement documents that accompany export and import shipments from Canada. The changes to regulations related to these twelve recovery and disposal operations reflected changes to regulations related to Canadian import-export recovery and disposal operations that Canada promulgated in the Canada Gazette Part II on March 17, 2021, which became effective in Canada on October 31, 2021. EPA determined that there was good cause to issue the rule without prior proposal and public comment and made the rule effective October 31, 2021, so that the changes coincided with the Canadian effective date. The commission is proposing to incorporate the revisions by reference in §335.58, §335.112, and §335.152.

Test Method for Standards to Control Organic Emissions

In the March 20, 2023, issue of the *Federal Register* (88 FR 16732) EPA finalized revisions and updated reference EPA Method 23 (Determination of Polychlorinated Dibenzo-p-Dioxins, Polychlorinated Dibenzofurans, and Polycyclic Aromatic Hydrocarbons from Stationary Sources) used to determine the quantity of polychlorinated dibenzo-p-dioxins (PCDD) and polychlorinated dibenzofurans (PCDF) emitted from stationary sources. The updated method now incorporates isotope dilution using carbon-13 labeled compounds for quantification, expands the list of target compounds to include polycyclic aromatic hydrocarbons (PAHs) and polychlorinated biphenyls (PCBs), and adopts a performance-based quality control approach. Additionally, the method has been reformatted to align with current EPA guidelines, and new sections on definitions and interferences have been added to enhance clarity and usability. Finally, revisions specified that Method 23 can be used instead of SW-846 method 0023A. The commission is proposing to incorporate the revisions by reference in §335.221.

Administrative Amendments

In addition to the proposed incorporation of revisions to federal regulations, the commission proposes to make revisions to Chapter 335 repealing rules, revising definitions to bring clarity, correcting rule references, updating cross-references, updating the commission name Texas Natural Resource Conservation Commission to Texas Commission on Environmental Quality, updating references to Texas State Agencies, and making typographical, spelling, grammatical, and other administrative corrections, where appropriate.

A stakeholder meeting to collect informal comments was conducted on May 13, 2025, with a subsequent 30-day comment period. No informal comments were received related to 30 TAC Chapter 335. Instructions for submitting formal comments regarding rule changes proposed in this rulemaking can be found in the *Submittal of Comments* section of this preamble.

All proposed repeals, new rules, and rule changes are discussed further in the Section by Section discussion portion of this preamble.

As part of this rulemaking the commission is proposing revisions to 30 TAC Chapter 305, Consolidated Permits, concurrently in this issue of the *Texas Register*.

Section by Section Discussion

Subchapter A: Industrial Solid Waste and Municipal Hazardous Waste in General

§335.10, Shipping and Reporting Procedures Applicable to Generators of Hazardous Waste or Class 1 Waste

The commission proposes to amend §335.10(a) to include a reference to §335.56 (Recordkeeping and Reporting Applicable to Small and Large Quantity Generators) which was inadvertently omitted in the previous rulemaking. The proposed rulemaking

would include the existing exception reporting requirements by adding the reference to §335.56 back into the list of sections in §335.10(a) with which generators must comply.

The commission proposes to amend §335.10(b) to include a missing citation to §335.54 in the rule. Current §335.10(b) states the manifesting and marking requirements of §335.55. However, §335.55 currently includes only the 'marking requirements' from the "Pre-Transport Requirements Applicable to Small and Large Quantity Generators" but does not include the 'manifesting requirements' of §335.54. This amendment will correct the missing reference.

The commission proposes to amend §335.10(c) to address manifest exception for Class 1 wastes by adding a reference to exception reporting under §335.56 which was inadvertently omitted in the previous rulemaking. Currently, Class 1 generators are required to submit an exception report regarding missing shipping manifests for transported Class 1 wastes and this requirement was inadvertently removed during the previous rulemaking. This reporting requirement is necessary and useful to track missing hazardous or Class 1 waste shipments and is being proposed as part of this rulemaking. Section 335.56 is the location where the commission adopted 40 CFR Part 262, Subpart D, §§262.40 - 262.44. However, Class 1 generators are only subject to the exception reporting requirements found in 40 CFR §262.42. They are not, and were not previously, subject to the requirements in 40 CFR §262.40 (Recordkeeping), §262.41 (Biennial report for large quantity generators), or §262.44 (Recordkeeping for small quantity generators) which are also adopted under §335.56.

Additionally, proposed §335.10(c)(8) would specify how Class 1 generators will comply with the 60-day exception reporting requirements for the manifest. The proposed revision will add a 60-day reporting deadline and will require the agency to specify the reporting method.

§335.29, Adoption of Appendices by Reference

The commission proposes to amend the *Federal Register* citation in §335.29(1) to replace "Federal Register" with "FR." The abbreviation "FR" is the standard reference used for the *Federal Register.* This amendment would comply with rule drafting standards and provide consistency across Industrial and Hazardous Waste rules within Chapter 335.

The commission proposes to amend §335.29(4) to incorporate by reference revisions to federal regulations associated with EPA's *Modernizing Ignitable Liquids Determinations* rulemaking, as further described in the *Background and Summary of the Factual Basis* section of this preamble. This amendment will ensure the state rule remains equivalent to the federal requirements for RCRA authorization purposes.

§335.31, Incorporation of References

The commission proposes to amend §335.31 to incorporate by reference revisions to federal regulations associated with EPA's *Modernizing Ignitable Liquids Determinations* rulemaking, as further described in the *Background and Summary of the Factual Basis* section of this preamble. This amendment will ensure the state rule remains equivalent to the federal requirements for RCRA authorization purposes.

Subchapter B: Hazardous Waste Management General Provisions

§335.41, Purpose, Scope and Applicability

The commission proposes to amend §335.41(d)(1) to remove language referencing ignitable (D001) and reactive (D003) wastes. This amendment clarifies that Elementary Neutralization Units (ENUs) are limited to the treatment of corrosive (D002) waste and may not treat D001 or D003 wastes. The change will align the rule with the intended scope of the federal ENU exemption and reduce confusion for regulated entities.

Both federal (40 CFR §264.1(g)(6)) and state (§335.41(d)(1)) regulations exempt ENUs from most hazardous waste requirements, but the federal regulation also references Wastewater Treatment Units (WTUs) and includes language allowing dilution of D001 and D003 wastes as part of legitimate wastewater treatment under 40 CFR §268.3(a). Texas separated the ENU and WTU exemptions into separate provisions but retained the D001 and D003 language in §335.41(d)(1), where it does not apply. Removing this language ensures ENUs are correctly limited to D002 wastes and avoids implying they may treat ignitable or reactive waste. The proposed change will align the rule language with the intended scope of the ENU exemption and reduce potential confusion for regulated entities.

§335.45, Effect on Existing Facilities

The commission proposes to amend §335.45(b) to replace the reference to the Texas Natural Resource Conservation Commission with the current agency name, the Texas Commission on Environmental Quality, to ensure the rule language is current and accurate.

Subchapter C: Standards Applicable to Generators of Hazardous Waste

§335.53, General Standards Applicable to Generators of Hazardous Waste

The commission proposes to amend §335.53(b)(5) to add a reference to §335.24(f) in addition to the existing §335.24(g) reference. The addition of §335.24(f) specifically addresses owners or operators of facilities that recycle recyclable materials without storing them before recycling. This change updates the reference from a federal regulation to a state rule, providing clarity on additional state reporting requirements and prohibitions.

§335.58, Transboundary Movements of Hazardous Waste for Recovery or Disposal

The commission proposes to amend §335.58 to incorporate by reference revisions to federal regulations associated with EPA's *Canada Import-Export Recovery and Disposal Code Changes* rulemaking, as further described in the *Background and Summary of the Factual Basis* section of this preamble. This amendment will ensure the state rule remains equivalent to the federal requirements for RCRA authorization purposes.

Subchapter E: Interim Standards for Owners and Operators of Hazardous Waste Treatment, Storage, or Disposal Facilities

§335.112, Standards

The commission proposes to amend §335.112(a)(1) to incorporate by reference revisions to federal regulations associated with EPA's *Canada Import-Export Recovery and Disposal Code Changes* rulemaking, as further described in the *Background and Summary of the Factual Basis* section of this preamble. This amendment will ensure the state rule remains equivalent to the federal requirements for RCRA authorization purposes.

Subchapter F: Permitting Standards for Owners and Operators of Hazardous Waste Treatment, Storage, or Disposal Facilities

§335.152, Standards

The commission proposes to amend §335.152(a)(1) to incorporate by reference revisions to federal regulations associated with EPA's *Canada Import-Export Recovery and Disposal Code Changes* rulemaking, as further described in the *Background and Summary of the Factual Basis* section of this preamble. This amendment will ensure the state rule remains equivalent to the federal requirements for RCRA authorization purposes.

§335.177, General Performance Standard

The commission proposes to amend §335.177(1) to replace the reference to the Texas Natural Resource Conservation Commission with the current agency name, the Texas Commission on Environmental Quality, to ensure the rule language is current and accurate.

§335.181, Need for Specific Commercial Hazardous Waste Management Technologies

The commission proposes to repeal §335.181. This section was originally based on Texas Health and Safety Code (THSC) §361.0232, which was repealed by the 78th Legislature in 2003 (effective January 11, 2004). Therefore, this proposed rulemaking would repeal §335.181 since it is no longer based on any THSC statute.

Subchapter G: Location Standards for Hazardous Waste Storage, Processing, or Disposal

§335.202, Definitions

The commission proposes to amend §335.202(13) to replace the reference to the Texas Natural Resource Conservation Commission with the current agency name, the Texas Commission on Environmental Quality, to ensure the rule language is current and accurate. In addition, a reference will be added to clarify the current internet location of Report 238- Ground-Water Availability in Texas, as the Texas Department of Water Resources no longer exists.

Subchapter H: Standards for the Management of Specific Wastes and Specific Types of Facilities

Division 1: Recyclable Materials Used in a Manner Constituting Disposal

§335.211, Applicability

The commission proposes to amend §335.211(b) by removing language related to commercial fertilizers and proposes §335.211(d) to revise the zinc fertilizer rule to be equivalent with federal revisions made in EPA's *Zinc Fertilizers Made from Recycled Hazardous Secondary Materials* rulemaking, as further described in the *Background and Summary of the Factual Basis* section of this preamble. This revision was unintentionally omitted during the original state rule adoption and must be corrected to bring the state rule to be equivalent with the federal regulation for RCRA authorization purposes.

Division 2: Hazardous Waste Burned for Energy Recovery

§335.221, Applicability and Standards

The commission proposes to amend §335.221(a)(15) to incorporate revisions to federal regulations associated with EPA's *Test Method for Standards to Control Organic Emissions*, which updates the test method for controlling organic emissions as further described in the *Background and Summary of the Factual Basis* section of this preamble. This revision ensures the state rule remains equivalent to the federal requirements for RCRA authorization purposes.

Division 4: Spent Lead-Acid Batteries Being Reclaimed

§335.251, Applicability and Requirements

The commission proposes to repeal the existing §335.251. The section is proposed to be replaced under proposed §335.251.

The commission proposes new §335.251, concerning the reclamation of spent lead-acid batteries, to improve clarity and readability. The existing state rule reiterates federal requirements for equivalency purposes but is written in a continuous text format that may be difficult for generators of lead-acid batteries to navigate and follow. Proposed new §335.251 would add Figure: 30 TAC §335.251(a), which would present the requirements in a table format, which is similar and consistent with 40 CFR §266.80 (Applicability and Requirements). The commission expects that this change will improve readability, simplify compliance, and reduce confusion between the federal and state rules for the lead-acid battery program.

Subchapter I: Prohibition on Open Dumps

§335.303, Criteria for Classification of Solid Waste Disposal Facilities and Practices

The commission proposes to amend §335.303 to replace the reference to the Texas Natural Resource Conservation Commission with the current agency name, the Texas Commission on Environmental Quality, to ensure the rule language is current and accurate.

Subchapter J: Hazardous Waste Generation, Facility and Disposal Fee System

§335.328, Fees Payment

The commission proposes to amend §335.328(a) and (b) to replace the reference to the Texas Natural Resource Conservation Commission with the current agency name, the Texas Commission on Environmental Quality, to ensure the rule language is current and accurate. In addition, the commission proposes to further amend §335.328(a) and (b) to include "electronic funds transfer" as an additional mode of payment to remit the fees. This will make §335.328(a) and (b) current and consistent with other commission rules on collection of fees.

Subchapter R: Waste Classification

§335.504, Hazardous Waste Determination

The commission proposes to amend §335.504(a)(3) to incorporate by reference revisions to federal regulations associated with EPA's *Modernizing Ignitable Liquids Determinations* rulemaking, as further described in the *Background and Summary of the Factual Basis* section of this preamble. This amendment will ensure the state rule remains equivalent to the federal requirements for RCRA authorization purposes.

§335.509, Waste Analysis

The commission proposes to amend §335.509(a) to update the reference to the EPA manual Methods for Chemical Analysis of Water and Wastes. The manual was originally published in 1979 under EPA publication number EPA-600/4-79/020. The proposed amendment updates the publication number to reflect the current EPA publication numbering system EPA-600/4-79-020. This change is administrative in nature and does not change the content of the manual.

§335.521, Appendices

The commission proposes to amend §335.521(a)(1) Appendix 1, Table 1, titled Constituents of Concern and Their Maximum Leachable Concentrations, to add the figure citation (Figure: 30 TAC §335.521(a)(1)) and appendix heading (Appendix 1, Table 1) for additional clarity and consistency with other appendices.

The commission proposes to amend §335.521(a)(2) Appendix 1, Table 2, titled Examples of Ignitable Solids, to remove an unnecessary extra right parenthesis at the end of the introductory paragraph to correct a grammatical error.

The commission proposes to amend §335.521(a)(3) Appendix 1, Table 3, titled Maximum Contaminant Levels (MCLs), to update the MCLs for barium and arsenic, and action level for lead to reflect the current federal MCL and action level, ensuring equivalence between the state and federal values. The commission also proposes to add a zero before the decimal point in the entry for Heptachlor. In addition, the commission proposes to revise the appendix header referenced in §335.521(a)(3) to add the figure citation (Figure: 30 TAC §335.521(a)(3)) and appendix heading (Appendix 1, Table 3) for improved clarity and consistency with other appendices.

The commission proposes to amend §335.521(b) Appendix 2, to remove a duplicate occurrence of the word "Commission" to accurately reflect the name of the Texas Commission on Environmental Quality.

The commission proposes to amend §335.521(c) Appendix 3, titled Form Codes, to add the greater than symbol (≥) in 18 locations, and one less than symbol (<) where the symbols were previously omitted.

All tables in Appendix 1 and 2 have been formatted with uniform format for titles, headers for consistency.

Fiscal Note: Costs to State and Local Government

Kyle Girten, Analyst in the Budget and Planning Division, has determined that for the first five-year period the proposed rule is in effect, no fiscal implications are anticipated for the agency or for other units of state or local government as a result of administration or enforcement of the proposed rule.

Public Benefits and Costs

Mr. Girten determined that for each year of the first five years the proposed rules are in effect, the public benefit will be rule language that is consistent with current state and federal regulatory requirements. Additionally, other clarifications, minor corrections, and nonsubstantive changes are proposed that would increase the understanding of applicable requirements for regulated entities and the public. The proposed rulemaking is not anticipated to result in fiscal implications for individuals or businesses during the first five-year period the proposed rule is in effect.

Local Employment Impact Statement

The commission reviewed this proposed rulemaking and determined that a Local Employment Impact Statement is not required because the proposed rulemaking does not adversely affect a local economy in a material way for the first five years that the proposed rule is in effect.

Rural Communities Impact Assessment

The commission reviewed this proposed rulemaking and determined that the proposed rulemaking does not adversely affect rural communities in a material way for the first five years that the proposed rules are in effect. The amendments would apply statewide and have the same effect in rural communities as in urban communities.

Small Business and Micro-Business Assessment

No adverse fiscal implications are anticipated for small or micro-businesses due to the implementation or administration of the proposed rule for the first five-year period the proposed rules are in effect.

Small Business Regulatory Flexibility Analysis

The commission reviewed this proposed rulemaking and determined that a Small Business Regulatory Flexibility Analysis is not required because the proposed rule does not adversely affect a small or micro-business in a material way for the first five years the proposed rules are in effect.

Government Growth Impact Statement

The commission prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does not create or eliminate a government program and will not require an increase or decrease in future legislative appropriations to the agency. The proposed rulemaking does not require the creation of new employee positions, eliminate current employee positions, nor require an increase or decrease in fees paid to the agency. The proposed rulemaking amends an existing regulation, and it does not create, expand, repeal, or limit this regulation. The proposed rulemaking does not increase or decrease the number of individuals subject to its applicability. During the first five years, the proposed rule should not impact positively or negatively the state's economy.

Written comments concerning the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Draft Regulatory Impact Analysis Determination

The commission reviewed the proposed rulemaking in light of the regulatory analysis requirements of the Texas Government Code, §2001.0225, and determined that the action is not subject to Texas Government Code, §2001.0225, because it would not meet the definition of a "Major environmental rule" as defined in that statute. A "Major environmental rule" is a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure, and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state.

The proposed rulemaking would incorporate changes to federal RCRA regulations (specifically Clusters XIII, XXIX, XXX, and XXXI) and would implement program-initiated revisions to Chapters 305 and 335, including financial capability demonstration rules, programmatic updates, and the repeal of obsolete rules. The proposed rulemaking is administrative, technical, and procedural in nature. While the hazardous waste program generally protects the environment, these specific revisions are intended to maintain state program authorization, provide regulatory flexibility, and streamline the financial capability demonstration process. The proposed changes would not impose new substantial costs; rather, they would align state rules with federal standards and improve agency efficiency. Therefore, these proposed changes are not specifically intended to protect the en-

vironment or reduce risks to human health in a way that would adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state.

Texas Government Code, §2001.0225, applies to a major environmental rule, the result of which is to: exceed a standard set by federal law, unless the rule is specifically required by state law; exceed an express requirement of state law, unless the rule is specifically required by federal law; exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or adopt a rule solely under the general authority of the commission. The proposed rulemaking would not exceed an express requirement of state law or a requirement of a delegation agreement and was not developed solely under the general powers of the agency but would be authorized by specific sections of the Texas Water Code and Texas Health and Safety Code (THSC) that are cited in the Statutory Authority section of this preamble. Therefore, this proposed rulemaking would not be subject to the regulatory analysis provisions of Texas Government Code, §2001.0225(b).

The commission invites public comment regarding the Draft Regulatory Impact Analysis during the public comment period. Written comments on the Draft Regulatory Impact Analysis may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Takings Impact Assessment

The commission evaluated the proposed rulemaking and performed an analysis of whether Texas Government Code, Chapter 2007, is applicable. The proposed rulemaking would incorporate federal RCRA updates and would streamline state administrative procedures, such as financial capability demonstrations and permit application processes. The proposed rulemaking would not affect private property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of governmental action. Consequently, this rulemaking action would not meet the definition of a taking under Texas Government Code, §2007.002(5). The proposed rulemaking would not directly prevent a nuisance or prevent an immediate threat to life or property. Therefore, this proposed rulemaking action would not constitute a taking under Texas Government Code, Chapter 2007.

Consistency with the Coastal Management Program

The commission reviewed the proposed rulemaking and found the proposal is a rulemaking identified in the Coastal Coordination Act Implementation Rules, 31 TAC §29.11(b)(4), relating to rules subject to the Coastal Management Program, and will, therefore, require that goals and policies of the Texas Coastal Management Program (CMP) be considered during the rulemaking process.

The commission reviewed this rulemaking for consistency with the CMP goals and policies in accordance with the regulations of the Coastal Coordination Advisory Committee and determined that the rulemaking is procedural, administrative, and editorial in nature and will have no substantive effect on commission actions subject to the CMP and is, therefore, consistent with CMP goals and policies.

Written comments on the consistency of this rulemaking may be submitted to the contact person at the address listed under the Submittal of Comments section of this preamble.

Announcement of Hearing

The commission will hold a hybrid virtual and in-person public hearing on this proposal in Austin on September 22, 2026, at 10:00 a.m. in Building E, Room 201S, at the commission's central office located at 12100 Park 35 Circle. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing at 9:30 a.m.

Individuals who plan to attend the hearing virtually and want to provide oral comments and/or want their attendance on record must register by September 18, 2026. To register for the hearing, please email Rules@tceq.texas.gov and provide the following information: your name, your affiliation, your email address, your phone number, and whether or not you plan to provide oral comments during the hearing. Instructions for participating in the hearing will be sent on September 21, 2026, to those who register for the hearing.

For the public who do not wish to provide oral comments but would like to view the hearing may do so at no cost at:

https://events.teams.microsoft.com/event/53edb30d-abc0-4b50-8f31-c42454893872@871a83a4-a1ce-4b7a-8156-3bcd93a08fba

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services at (512) 239-1802 or 1-800-RELAY-TX (TDD). Requests should be made as far in advance as possible.

If you need translation services, please contact TCEQ at (800) 687-4040. Si desea información general en español, puede llamar al (800) 687-4040.

Submittal of Comments

Written comments may be submitted to Vanessa Onyskow-Lang, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to *fax4808@tceq.texas.gov*. Electronic comments may be submitted at: https://tceq.commentinput.com/comment/search. File size restrictions may apply to comments being submitted via the TCEQ Public Comments system. All comments should reference Rule Project Number 2026-011-335-WS. The comment period closes at 11:59 p.m. on September 29, 2026. Please choose one of the methods provided to submit your written comments.

Copies of the proposed rulemaking can be obtained from the commission's website at *https://www.tceq.texas.gov/rules/propose_adopt.html*. For further information, please contact Jarita Sepulvado, Waste Permits Division, (512) 239-4413.

SUBCHAPTER A. INDUSTRIAL SOLID WASTE AND MUNICIPAL HAZARDOUS WASTE IN GENERAL

30 TAC §§335.10, 335.29, 335.31

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103,

which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§335.10. Shipping and Reporting Procedures Applicable to Generators of Hazardous Waste or Class 1 Waste.

(a) Except as provided in paragraph (2) of this subsection, no person who generates, transports, processes, stores, or disposes of hazardous waste shall cause, suffer, allow, or permit the shipment of hazardous waste unless the person complies with this subsection, §335.12 of this title (relating to Shipping Requirements Applicable to Owners or Operators of Treatment, Storage, or Disposal Facilities), §335.13 of this title (relating to Recordkeeping and Reporting Procedures Applicable to Generators Shipping Hazardous Waste or Class 1 Waste), §335.54 of this title (relating to Hazardous Waste Manifest), §335.56 of this title (relating to Recordkeeping and Reporting Applicable to Small and Large Quantity Generators), and §335.58 of this title (relating to Transboundary Movements of Hazardous Waste for Recovery or Disposal).

(1) In addition, generators and owners or operators of treatment, storage, or disposal facilities shall include a Texas waste code for each hazardous waste itemized on the manifest.

(2) The manifest required by this subsection is not required for the transportation of hazardous waste when all of the conditions of an applicable exemption from manifesting have been met, including and not limited to the exemptions in this paragraph and subsection (b) of this section.

(A) The manifesting requirements of this section are not applicable to the transportation of hazardous waste generated by a very small quantity generator (VSQG) that meets the conditions for exemption in 40 Code of Federal Regulations (CFR) §262.14 as adopted in §335.53 of this title (relating to General Standards Applicable to Generators of Hazardous Waste).

(B) The manifesting requirements of this section are not applicable to the transportation of potentially creditable hazardous waste pharmaceuticals from a healthcare facility or a reverse distributor to a reverse distributor in compliance with §335.769 of this title (relating to Shipping Potentially Creditable Hazardous Waste Pharmaceuticals from a Healthcare Facility or a Reverse Distributor to a Reverse Distributor).

(b) The manifesting requirements of §335.54 of this title and marking requirements of §335.55 of this title (relating to Pre-Transport Requirements Applicable to Small and Large Quantity Generators) are not applicable to the transportation of hazardous waste on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. However, in the event of a hazardous waste discharge on a public or private right-of-way, the generator or transporter must comply with the requirements of §335.93 of this title (relating to Hazardous Waste Discharges).

(c) Except as provided in subsections (d) and (e) of this section, persons who generate, transport, process, store, or dispose of Class 1 waste shall not cause, suffer, allow, or permit the shipment of Class 1 waste unless the person complies with the manifest requirements adopted in §335.54 and exception reporting requirements adopted in §335.56 of this title with the following changes and additions:

(1) when Class 1 waste is itemized on the manifest, either the Texas Commission on Environmental Quality solid waste registration (SWR) number or the United States Environmental Protection Agency (EPA) identification number must identify the generator, transporter, and designated facility; and the Texas waste code, instead of the EPA waste code, must identify the waste;

(2) when both hazardous and Class 1 waste are itemized on the same manifest, the EPA identification numbers, not SWR numbers, must identify the generator, transporter, and designated facility; and the Texas waste codes must identify each waste itemized on the manifest;

(3) the term "Designated facility" has the meaning in §335.1 of this title (relating to Definitions);

(4) the term "Hazardous waste" is replaced by the term "Class 1 waste";

(5) the exceptions for hazardous waste being reclaimed under 40 CFR §262.20(e) are not applicable to transportation of Class 1 waste;

(6) in the event of a discharge on a public right of way, the generator or transporter must comply with Chapter 327 of this title (relating to Spill Prevention and Control) and §335.93 of this title instead of complying with 40 CFR §263.30 and §263.31 as required by 40 CFR §262.20(f); [~~and~~]

(7) waste minimization certification required by 40 CFR §262.27 is not applicable to Class 1 waste; and

(8) persons subject to this subsection must submit an exception report using the method approved by the executive director if a copy of the manifest with the signatures of the owner or operator of the designated facility has not been received within 60 days of the date that the Class 1 waste was accepted by the initial transporter.

(d) No manifest is required for the shipment of Class 1 waste generated by a person that generated less than 100 kilograms of Class 1 waste during the calendar month in which the subject Class 1 waste was generated.

(e) No manifest is required for the shipment of Class 1 waste to property owned or otherwise effectively controlled by the owner or operator of an industrial plant, manufacturing plant, mining operation, or agricultural operation from which the waste results or is produced, provided that:

(1) the property is within 50 miles of the plant or operation;

(2) the waste is not commingled with waste from any other source or sources. An industrial plant, manufacturing plant, mining operation, or agricultural operation owned by one person shall not be considered another source with respect to other plants or operations owned by the same person; and

(3) the owner or operator of a facility that receives and stores, processes, or disposes Class 1 waste from off-site in compliance with an exception from permit required in §335.2(d)(1) or (2) of this title (relating to Permit Required) must report Class 1 industrial waste received from off-site in the Annual Waste Summary submitted for the receiving facility in accordance with §335.9 of this title (relat-

ing to Recordkeeping and Annual Reporting Procedures Applicable to Generators).

§335.29. Adoption of Appendices by Reference.

The following appendices contained in 40 Code of Federal Regulations Part 261 are adopted by reference as amended and adopted through April 1, 1987, and as further amended as indicated in each paragraph:

(1) Appendix I--Representative Sampling Methods (as amended through August 1, 2005 (70 FR 44150)) [~~(70 Federal Register (FR) 44150))~~];

(2) Appendix VII--Basis for Listing Hazardous Waste (as amended through February 24, 2005 (70 FR 9138));

(3) Appendix VIII--Hazardous Constituents (as amended through December 17, 2010 (75 FR 78918)); and

(4) Appendix IX--Wastes Excluded Under §260.20 and §260.22 (as amended through July 7, 2020 (85 FR 40594)) [~~July 14, 2006 (71 FR 40254))~~].

§335.31. Incorporation of References.

When used in this chapter, the references contained in 40 Code of Federal Regulations (CFR) §260.11 are incorporated by reference as amended and adopted in the CFR through July 7, 2020 (85 FR 40594) [~~November 28, 2016 (81 FR 85732))~~].

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 14, 2026.

TRD-202603468
Amy L. Browning
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 239-0682

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SUBCHAPTER B. HAZARDOUS WASTE MANAGEMENT GENERAL PROVISIONS

30 TAC §335.41, §335.45

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§335.41. Purpose, Scope and Applicability.

(a) The purpose of this chapter is to implement a state hazardous waste program which controls from point of generation to ultimate disposal those wastes which have been identified by the administrator of the United States Environmental Protection Agency (EPA) in 40 Code of Federal Regulations (CFR) Part 261.

(b) Subchapter E of this chapter (relating to Interim Standards for Owners and Operators of Hazardous Waste Treatment, Storage, or Disposal Facilities); Subchapter F of this chapter (relating to Permitting Standards for Owners and Operators of Hazardous Waste, Treatment, Storage, or Disposal Facilities); §335.12 of this title (relating to Shipping Requirements Applicable to Owners or Operators of Treatment, Storage, or Disposal Facilities); and §335.15 of this title (relating to Recordkeeping and Reporting Requirements Applicable to Owners or Operators of Treatment, Storage, or Disposal Facilities) do not apply to an owner or operator of a totally enclosed treatment facility, as defined in §335.1 of this title (relating to Definitions).

(c) Except as provided in §335.47 of this title (relating to Special Requirements for Persons Eligible for a Federal Permit by Rule), Subchapters E and F of this chapter do not apply to the owner or operator of a publicly owned treatment works (POTW) that processes, stores, or disposes of hazardous waste.

(d) Subchapters E and F of this chapter do not apply to:

(1) the owner or operator of an elementary neutralization unit, as defined in §335.1 of this title, provided that if the owner or operator is neutralizing wastes [~~diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory as defined in 40 CFR §268.40, Table Treatment Standards for Hazardous Wastes), or reactive (D003) waste,~~] to remove the characteristic before land disposal, the owner/operator must comply with the requirements in 40 CFR §264.17(b);

(2) persons engaged in processing or containment activities during immediate response to a discharge of a hazardous waste; an imminent and substantial threat of discharge of hazardous waste; a discharge of a material which, when discharged, becomes a hazardous waste; or an immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in §335.1 of this title, except that:

(A) an owner or operator of a facility otherwise regulated under Subchapter E of this chapter must comply with all applicable requirements of §335.112(a)(2) and (3) of this title (relating to Standards) and §335.113 of this title (relating to Reporting of Emergency Situations by Emergency Coordinator);

(B) an owner or operator of a facility otherwise regulated under Subchapter F of this chapter must comply with all applicable requirements of §335.152(a)(2) and (3) of this title (relating to Standards) and §335.153 of this title (relating to Reporting of Emergency Situations by Emergency Coordinator);

(C) any person who continues or initiates hazardous waste processing or containment activities after the immediate response is over is subject to all applicable requirements of Subchapters E and F of this chapter and Chapter 305 of this title (relating to Consolidated Permits); and

(D) in the case of an explosives or munitions emergency response, if a federal, state, tribal, or local official acting within the scope of his or her official responsibilities, or an explosives or emergency response specialist, determines that immediate removal of the material is necessary to protect human health or the environment, that

official or specialist may authorize the removal of the material or waste by transporters who do not have EPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition;

(3) persons adding absorbent material to waste in a container, as defined in §335.1 of this title and persons adding waste to absorbent material in a container, provided that these actions occur at the time that waste is first placed in the container, and that in the case of permitted facilities, 40 CFR §§264.17(b), 264.171, and 264.172 are complied with, and for all other facilities, 40 CFR §§265.17(b), 265.171, and 265.172 are complied with;

(4) a farmer disposing of waste pesticides from the farmer's own use in compliance with 40 CFR §262.70 as adopted under §335.57 of this title (relating to Farmers);

(5) the owner or operator of a wastewater treatment unit, as defined in §335.1 of this title, provided that the wastewater is discharged in accordance with a Texas Pollutant Discharge Elimination System authorization issued under Texas Water Code, Chapter 26, and if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory as defined in 40 CFR §268.40) or reactive (D003) waste to remove the characteristic before land disposal, must comply with the requirements in 40 CFR §264.17(b);

(6) the owner or operator of a wastewater treatment unit, as defined in §335.1 of this title, located at a noncommercial solid waste management facility that discharges to a publicly owned treatment works, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory as defined in 40 CFR §268.40) or reactive (D003) waste to remove the characteristic before land disposal, must comply with the requirements in 40 CFR §264.17(b);

(7) the owner or operator of a wastewater treatment unit, as defined in §335.1 of this title, located at a municipal solid waste facility or commercial industrial solid waste landfill disposal facility that discharges to a publicly owned treatment works liquid wastes that are incidental to the handling, processing, storage, or disposal of solid wastes, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory as defined in 40 CFR §268.40) or reactive (D003) waste to remove the characteristic before land disposal, must comply with the requirements in 40 CFR §264.17(b);

(8) the owner or operator of a wastewater treatment unit, as defined in §335.1 of this title, located at a commercial industrial solid waste facility that receives waste for discharge to a publicly owned treatment works, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory as defined in 40 CFR §268.40) or reactive (D003) waste to remove the characteristic before land disposal, must comply with the requirements in 40 CFR §264.17(b), but is subject to the permitting requirements of §335.2(n) of this title (relating to Permit Required);

(9) the owner or operator of a facility permitted, licensed, or registered by a state to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this chapter by 40 CFR §262.14 as adopted under §335.53 of this title (relating to General Standards Applicable to Generators of Hazardous Waste);

(10) a generator accumulating waste on-site in compliance with applicable conditions for exemption in 40 CFR §§262.14, 262.15, 262.16, or 262.17 as adopted under §335.53 of this title except to the extent the requirements of Subchapter E or F of this chapter are included in 40 CFR §§262.14 - 262.17; or

(11) a reverse distributor accumulating potentially creditable hazardous waste pharmaceuticals and evaluated hazardous waste pharmaceuticals, in compliance with Subchapter W of this chapter (relating to Management Standards for Hazardous Waste Pharmaceuticals).

(e) Subchapter E of this chapter does not apply to:

(1) a very small quantity generator that meets the conditions for exemption for a very small quantity generator in 40 CFR §262.14 as adopted under §335.53 of this title that stores, processes, or disposes of hazardous waste on-site; or

(2) A generator accumulating waste on-site in compliance with applicable conditions for exemption in and 40 CFR Part 262, Subparts K and L as adopted under §335.59 and §335.60 of this title (relating to Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities; and Alternative Standards for Episodic Generation), except to the extent the requirements of Subchapter E of this chapter are included in 40 CFR Part 262, Subparts K and L.

(f) The following requirements apply to residues of hazardous waste in containers.

(1) Subchapters B - F and O of this chapter (relating to Hazardous Waste Management General Provisions; Standards Applicable to Generators of Hazardous Waste; Standards Applicable to Transporters of Hazardous Waste; Interim Standards for Owners and Operators of Hazardous Waste Treatment, Storage, or Disposal Facilities; Permitting Standards for Owners and Operators of Hazardous Waste, Treatment, Storage, or Disposal Facilities; and Land Disposal Restrictions) do not apply to any hazardous waste remaining in either an empty container or an inner liner removed from an empty container, as defined in paragraph (2) of this subsection. This exemption does not apply to any hazardous waste in either a container that is not empty or an inner liner removed from a container that is not empty.

(2) For purposes of determining whether a container is empty under this subsection, the following provisions apply:

(A) a container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acute hazardous waste listed in 40 CFR §§261.31, 261.32, or 261.33(e) is empty if:

(i) all wastes have been removed that can be using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating; and

(ii) no more than 2.5 centimeters (one inch) of residue remains on the bottom of the container or inner liner; or

(iii) no more than 3.0% by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 119 gallons in size, or no more than 0.3% by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 119 gallons in size;

(B) a container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches atmosphere;

(C) a container or an inner liner removed from a container that has held an acute hazardous waste listed in 40 CFR §§261.31, 261.32, or 261.33(e) is empty if:

(i) the container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;

(ii) the container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or

(iii) in the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container has been removed.

(D) A container of hazardous waste pharmaceuticals is subject to §335.765 of this title (relating to Residues of Hazardous Waste Pharmaceuticals in Empty Containers) instead of this section for determining when it is considered empty, except as provided by §335.765(c) and (d) of this title.

(g) Subchapters B - F and O of this chapter do not apply to hazardous waste that is managed as a recyclable material described in §335.24(b) and (c) of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials), except to the extent that requirements of these subchapters are referred to in Subchapter H of this chapter and Chapter 324 of this title (relating to Used Oil Standards).

(h) Subchapters E and F of this chapter apply to owners or operators of all facilities that treat, store, or dispose of hazardous waste referred to in Subchapter O of this chapter.

(i) Except as provided in §335.47 of this title, Subchapter F of this chapter does not apply to persons disposing of hazardous waste by means of underground injection. However, Subchapter F of this chapter does apply to the aboveground storage or processing of hazardous waste before it is injected underground.

(j) Except as specified in Subchapter H, Division 5 of this chapter (relating to Universal Waste Rule), Subchapters B - F and O of this chapter and Chapter 305 of this title do not apply to universal wastes, universal waste handlers, or universal waste transporters as defined in §335.261 of this title (relating to Universal Waste Rule). Universal wastes are not fully regulated hazardous wastes, but are subject to regulation under Subchapter H, Division 5 of this chapter.

§335.45. Effect on Existing Facilities.

(a) Effect on permitted off-site facilities. Subchapters B - E of this chapter (relating to Hazardous Waste Management General Provisions; Standards Applicable to Generators of Hazardous Waste; Standards Applicable to Transporters of Hazardous Waste; and Interim Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities), provide minimum requirements applicable to all persons generating, transporting, storing, processing, and disposing of hazardous waste. All persons holding permits or any other authorizations from the commission or its predecessor agencies, which relate to hazardous waste, shall meet the requirements of Subchapter E of this chapter until final administrative disposition of their permit application pursuant to standards prescribed by Subchapter F of this chapter (relating to Permitting Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities) is made. However, where the permit or authorization specifies additional or more stringent requirements, the provisions of the permit or authorization shall be complied with.

(b) Effect on off-site facilities without a permit to re-use, recycle, or reclaim hazardous waste, or to burn hazardous waste in boilers or industrial furnaces. Any person who has commenced the off-site storage, processing, or disposal of hazardous wastes, or activities that are listed, identified or described by the administrator of the United States Environmental Protection Agency in 40 Code of Federal Regulations Part 261, on or before the effective date of statutory or regulatory amendments under the Resource Conservation and Recovery Act of 1976, as amended, 42 United States Code §§6901 et seq., concerning the re-use, recycling, or reclamation of hazardous waste, or relating to the burning of hazardous waste in boilers or industrial furnaces, that render such wastes or activities subject to the requirements to have a hazardous waste permit, shall file an application with the commission on or before the effective date of such amendments, which includes the applicable information required by §335.44 of this title (relating to Application for Existing On-site Facilities). Any person who has commenced off-site storage, processing, or disposal of hazardous waste on or before the effective date of such amendments, who has filed a hazardous waste permit application with the commission on or before the effective date of such amendments in accordance with the rules and regulations of the commission, and who complies with requirements in this chapter applicable to such activities, may continue the off-site storage, processing, or disposal of the newly listed or identified wastes or waste activities until such time as the Texas Commission on Environmental Quality [~~Texas Natural Resource Conservation Commission~~] approves or denies the application. In cases where the aforementioned federal statutory or regulatory amendments become effective prior to the effective date of state statutory or regulatory amendments under Texas Health and Safety Code, Chapter 361, submittal to the executive director of a copy of the properly filed EPA permit application within 30 days of the effective date of the applicable state statutory or regulatory requirements shall constitute compliance with this subsection with regard to application filing requirements. Facilities that have received a permit for the re-use, recycling, or reclamation of hazardous waste in accordance with Subchapter F of this chapter are not required to comply with this subsection and may operate pursuant to their existing permit. Such permits, however, are subject to amendment under §305.62 of this title (relating to Amendment) or to modification under §305.69 of this title (relating to Solid Waste Permit Modification at the Request of the Permittee) to reflect new regulatory requirements.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER C. STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

30 TAC §335.53, §335.58

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code

(THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§335.53. General Standards Applicable to Generators of Hazardous Waste.

(a) The commission adopts by reference the regulations contained in 40 Code of Federal Regulations (CFR) §262.11(e) - (g) (Hazardous waste determination and record keeping) as adopted and amended in the *Federal Register* through November 28, 2016 (81 FR 85732), subject to the changes in this subsection.

(1) In 40 CFR §262.11(e), "parts 261, 264, 265, 266, 267, 268, and 273 of this chapter" is changed to "Chapter 335 of this title (relating to Industrial Solid Waste and Municipal Hazardous Waste)."

(2) In 40 CFR §262.11(f), "40 CFR 261.3" means as this section is adopted under §335.504 of this title (relating to Hazardous Waste Determination); "paragraphs (c) and (d) of this section" are changed to "§335.504(a)(2) and (3) of this title"; "paragraph (d)(1)" is changed to "§335.504(a)(3)(A) of this title"; and the term "Administrator" is changed to the term "executive director."

(3) In 40 CFR §262.11(g), "subparts C and D of part 261 of this chapter" is changed to "40 CFR Part 261, Subparts C and D, as adopted by reference under §335.504 of this title"; and "§262.32" is changed to "40 CFR §262.32 as adopted by reference under §335.55 of this title (relating to Pre-Transport Requirements Applicable to Small and Large Quantity Generators)."

(b) The commission adopts by reference the regulations contained in 40 CFR §262.13 (Generator category determination), including Table 1, as adopted in the *Federal Register* on November 28, 2016 (81 FR 85732), and amended in the *Federal Register* through February 22, 2019 (84 FR 5816) subject to the changes in this subsection.

(1) In the introductory text to 40 CFR §262.13, "§260.10 of this chapter" is changed to "§335.1 of this title (relating to Definitions)."

(2) In 40 CFR §262.13(c), "this part" is changed to "this chapter."

(3) In 40 CFR §262.13(c)(1), "40 CFR 261.4(c) through (f), 261.6(a)(3), or 261.7(a)(1)" is changed to "§335.2(f) and (g) of this title (relating to Permit Required), §335.24(c)(1) - (4) of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials), and §335.41(f) of this title (relating to Purpose, Scope and Applicability)."

(4) In 40 CFR §262.13(c)(2), "40 CFR 260.10" is changed to "§335.1 of this title."

(5) In 40 CFR §262.13(c)(3), "40 CFR 261.6(c)(2)" is changed to "§335.24(f) and §335.24(g) of this title."

(6) In 40 CFR §262.13(c)(4), "40 CFR 261.6(a)(4) and 40 CFR part 279" is changed to "§335.24(m) of this title and Chapter 324 of this title (relating to Used Oil Standards)."

(7) In 40 CFR §262.13(c)(5), "40 CFR part 266 subpart G" is changed to "Subchapter H, Division 4 of this chapter (relating to Spent Lead-Acid Batteries Being Reclaimed)."

(8) In 40 CFR §262.13(c)(6), "40 CFR 261.9 and 40 CFR part 273" is changed to "40 CFR §261.9 as adopted under §335.504(a)(1) of this title and Subchapter H, Division 5 of this chapter (relating to Universal Waste Rule)."

(9) In 40 CFR §262.13(c)(7), "listed in 40 CFR part 261 subpart D or exhibiting one or more characteristics in 40 CFR part 261 subpart C" is changed to "listed in 40 CFR Part 261, Subpart D or exhibiting one or more characteristics in 40 CFR Part 261, Subpart C as adopted under §335.504 of this title"; "§262.213" is changed to "§335.59 of this title (relating to Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities)"; and "§262.200" is changed to "40 CFR §262.200 as adopted under §335.59 of this title."

(10) In 40 CFR §262.13(c)(8), "subpart L of this part" is changed to "§335.60 of this title (relating to Alternative Standards for Episodic Generation)."

(11) In 40 CFR §262.13(c)(9), "§266.500" is changed to "§335.751 of this title (relating to Definitions); "40 CFR part 266 subpart P" is changed to "Subchapter W of this chapter (relating to Management Standards for Hazardous Waste Pharmaceuticals)"; and "§266.506" is changed to "§335.763 of this title (relating to Conditional Exemptions for Hazardous Waste Pharmaceuticals that are Controlled Substances and Household Waste Pharmaceuticals Collected in a Take-back Event or Program)."

(12) In 40 CFR §262.13(e), "§262.10" is changed to "§335.52 of this title (relating to Purpose, Scope, and Applicability)"; and "§§262.14, 262.15, 262.16 or 262.17" is changed to "40 CFR §§262.14, 262.15, 262.16 or 262.17 as adopted under subsections (c) - (f) of this section."

(13) In 40 CFR §262.13(f)(1)(i):

(A) "§262.14" is changed to "40 CFR §262.14 as adopted in subsection (c) of this section";

(B) "§260.10 of this chapter" is changed to "§335.1 of this title"; and

(C) "part 261 subpart C of this chapter" is changed to "40 CFR Part 261, Subpart C as adopted under §335.504 of this title."

(14) In 40 CFR §262.13(f)(1)(ii), "40 CFR 260.10 of this chapter" is changed to "§335.1 of this title."

(15) In 40 CFR §262.13(f)(1)(iii), "40 CFR part 279" is changed to "Chapter 324 of this title."

(16) In 40 CFR §262.13(f)(2)(i):

(A) "§§261.3(a)(2)(iv), (b)(2) and (3), and (g)(2)(i)" are changed to "40 CFR §§261.3(a)(2)(iv), (b)(2) and (3), and (g)(2)(i) as adopted under §335.504 of this title";

(B) "§268.3(a)" is changed to "40 CFR §268.3(a), as adopted under §335.431(c) of this title (relating to Purpose, Scope, and Applicability)";

(C) "§268.40" is changed to "40 CFR §268.40 as adopted under §335.431(c) of this title"; and

(D) "§262.11" is changed to "§335.504 of this title and 40 CFR §262.11(e) - (g) as adopted under subsection (a) of this section."

(17) In 40 CFR §262.13(f)(2)(ii), "§260.10 of this chapter" is changed to "§335.1 of this title."

(c) The commission adopts by reference the regulations contained in 40 CFR §262.14, as adopted in the *Federal Register* on November 28, 2016 (81 FR 85732), and amended in the *Federal Register* through February 22, 2019 (84 FR 5816) subject to the changes in this subsection.

(1) In 40 CFR §262.14(a), "parts 124, 262 (except §§262.10 - 262.14) through 268 and 270 of this chapter" is changed to "40 CFR Part 262, except §§262.10 - 262.14, as adopted in this subchapter; §335.2 of this title (relating to Permit Required); Subchapters D - H and O of this chapter (relating to Standards Applicable to Transporters of Hazardous Waste; Interim Standards for Owners and Operators of Hazardous Waste Treatment, Storage, or Disposal Facilities; Permitting Standards for Owners and Operators of Hazardous Waste Treatment, Storage, or Disposal Facilities; Location Standards for Hazardous Waste Storage, Processing, or Disposal; Standards for the Management of Specific Wastes and Specific Types of Facilities; and Land Disposal Restrictions); and Chapters 37, 39, and 305 of this title (relating to Financial Assurance; Public Notice; and Consolidated Permits)."

(2) In 40 CFR §262.14(a)(1), "§260.10 of this chapter" is changed to "§335.1 of this title (relating to Definitions)."

(3) In 40 CFR §262.14(a)(2), "§262.11(a) through (d)" is changed to "§335.504 of this title."

(4) In 40 CFR §262.14(a)(3), "§§261.31 or 261.33(e) of this chapter" is changed to "40 CFR §261.31 or §261.33(e) as adopted under §335.504 of this title."

(5) In 40 CFR §262.14(a)(3)(ii), "§262.17(a) through (g)" is changed to "40 CFR §262.17(a) - (g) as adopted under subsection (f) of this section."

(6) In 40 CFR §262.14(a)(4)(iii), "§262.16(b)(2) through (f)" is changed to "40 CFR §262.16(b)(2) - (f) as adopted under subsection (e) of this section."

(7) In 40 CFR §262.14(a)(5)(i), "part 270 of this chapter" is changed to "40 CFR Part 270 or Chapter 335 of this title";

(8) In 40 CFR §262.14(a)(5)(ii), "parts 265 and 270 of this chapter" is changed to "40 CFR Parts 265 and 270 or Chapter 335 of this title;"

(9) In 40 CFR §262.14 (a)(5)(vii), after "part 273 of this chapter" is changed to "40 CFR Part 273 or Chapter 335, Subchapter H, Division 5 of this title (relating to Universal Waste Rule)."

(10) In 40 CFR §262.14(a)(5)(viii)(A), "§260.10 of this chapter" is changed to "§3.2 of this title (relating to Definitions)."

(11) In 40 CFR §262.14(a)(5)(ix), "§266.500" is changed to "§335.751 of this title (relating to Definitions)."

(12) In 40 CFR §262.14(a)(5)(x), "§266.500" is changed to "§335.751 of this title"; and "§§266.502(l) and 266.503(b)" is changed to "§335.755(l) and §335.757(b) of this title (relating to Standards for Healthcare Facilities Managing Non-Creditable Hazardous Waste Pharmaceuticals; and Standards for Healthcare Facilities Managing Potentially Creditable Hazardous Waste Pharmaceuticals)."

(13) In 40 CFR §262.14(a)(5)(xi), "§261.4(j) of this chapter" is changed to "§335.281 of this title (relating to Airbag Waste)."

(14) In 40 CFR §262.14(c), "subpart L of this part" is changed to "§335.60 of this title (relating to Alternative Standards for Episodic Generation))"; and "§§262.15, 262.16, and 262.17" is changed to "40 CFR §§262.15, 262.16 and 262.17 as adopted under subsections (d) - (f) of this section."

(d) The commission adopts by reference the regulations contained in 40 CFR §262.15, as adopted in the *Federal Register* on November 28, 2016 (81 FR 85732), subject to the changes in this subsection.

(1) In 40 CFR §262.15(a):

(A) "§261.31 or §261.33(e) of this chapter" is changed to "40 CFR §261.31 or §261.33(e) as adopted under §335.504 of this title";

(B) "parts 124, 264 through 267, and 270 of this chapter" is changed to "§335.2 of this title; Subchapters E - H of this chapter; Chapters 37, 39, and 305 of this title; and Chapter 281 of this title (relating to Consolidated Permits); and

(C) "§262.16(b) or §262.17(a), except as required in §262.15(a)(7) and (8)" is changed to "40 CFR §262.16(b) or §262.17(a), except as required in §262.15(a)(7) and (8) as adopted under subsections (d) - (f) of this section."

(2) In 40 CFR §262.15(a)(1), "§262.16(b) or §262.17(a)" is changed to "40 CFR §262.16(b) or §262.17(a)" as adopted under subsections (e) and (f) of this section.

(3) In 40 CFR §262.15(a)(3)(i), "appendix V of part 265" is changed to "Appendix V of 40 CFR Part 265 as adopted under §335.112(a)(25)(D) of this title (relating to Standards)"; and "§265.17(b) of this chapter" is changed to "40 CFR §265.17(b) as adopted under §335.112(a)(1) of this title."

(4) In 40 CFR §262.15(a)(3)(ii), "appendix V of part 265" is changed to "Appendix V of 40 CFR Part 265 as adopted under §335.112(a)(24)(D) of this title"; and "§265.17(b) of this chapter" is changed to "40 CFR §265.17(b) as adopted under §335.112(a)(1) of this title."

(5) In 40 CFR §262.15(a)(6), "§261.31 or §261.33(e) of this chapter" is changed to "40 CFR §261.31 or §261.33(e) as adopted under §335.504 of this title."

(6) In 40 CFR §262.15(a)(6)(i), "§262.16(b) or §262.17(a)" is changed to "40 CFR §262.16(b) or §262.17(a) as adopted under subsections (e) and (f) of this section."

(7) In 40 CFR §262.15(a)(6)(ii)(A), "§262.16(b) or §262.17(a)" is changed to "40 CFR §262.16(b) or §262.17(a) as adopted under subsections (e) and (f) of this section."

(8) In 40 CFR §262.15(a)(7), "§262.16(b)(8)" is changed to "40 CFR §262.16(b)(8) as adopted under subsection (e) of this section"; and "§262.16(b)(9)" is changed to "40 CFR §262.16(b)(9) as adopted under subsection (e) of this section."

(9) In 40 CFR §262.15(a)(8), "subpart M of this part" is changed to "40 CFR Part 262, Subpart M as adopted under §335.61 of this title (relating to Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators)."

(e) The commission adopts by reference the regulations contained in 40 CFR §262.16, as adopted in the *Federal Register* on November 28, 2016 (81 FR 85732), subject to the changes in this subsection.

(1) In the introductory text to 40 CFR §262.16, "parts 124, 264 through 267, and 270 of this chapter" is changed to "Chapters 37, 39, 281 and 305 of this title, §335.2 of this title and Subchapters E - H of this chapter."

(2) In 40 CFR §262.16(a), "§260.10 of this chapter" is changed to "§335.1 of this title."

(3) In 40 CFR §262.16(b), "paragraphs (d) and (e)" is changed to "paragraphs (c) and (d)";

(4) In 40 CFR §262.16(b)(2)(v)(A), "appendix V of part 265" is changed to "Appendix V of 40 CFR Part 265 as adopted under §335.112(A)(25)(D) of this title"; and "§265.17(b) of this chapter" is changed to "40 CFR §265.17(b) as adopted under §335.112(a)(1) of this title."

(5) In 40 CFR §262.16(b)(2)(v)(B), "appendix V of part 265" is changed to "Appendix V of 40 CFR Part 265 as adopted under §335.112(A)(25)(D) of this title"; and "§265.17(b) of this chapter" is changed to "40 CFR §265.17(b) as adopted under §335.112(a)(1) of this title."

(6) In 40 CFR §262.16(b)(3)(ii)(A), "§265.17(b) of this chapter" is changed to "40 CFR §265.17(b) as adopted under §335.112(a)(1) of this title."

(7) In 40 CFR §262.16(b)(3)(vi), "§261.3(c) or (d) of this chapter" is changed to "40 CFR §261.3(c) or (d) as adopted under 335.504"; and "parts 262, 263, 265 and 268 of this chapter" is changed to "Chapter 335 of this title and all applicable chapters of this title."

(8) In 40 CFR §262.16(b)(3)(vii)(A)(1), "§261.21 or §261.23 of this chapter" is changed to "40 CFR §261.21 or §261.23 as adopted under §335.504 of this title"; and "§265.17(b) of this chapter" is changed to "40 CFR §265.17(b) as adopted under §335.112(a)(1) of this title."

(9) In 40 CFR §262.16(b)(3)(vii)(B), "§260.11" is changed to "40 CFR §260.11, which is incorporated by reference under §335.31 of this title (relating to Incorporation of References)."

(10) In 40 CFR §262.16(b)(3)(vii)(C)(1), "part 265 appendix V " is changed to "Appendix V of 40 CFR Part 265 as adopted under §335.112(A)(24)(D) of this title"; and "§265.17(b) of this chapter" is changed to "40 CFR §265.17(b) as adopted under §335.112(a)(1) of this title."

(11) In 40 CFR §262.16(b)(3)(vii)(C)(2), "§265.17(b) of this chapter" is changed to "40 CFR §265.17(b) as adopted under §335.112(a)(1) of this title."

(12) In 40 CFR §262.16(b)(4)(i), "Subpart W of 40 CFR part 265 (except §265.445 (c))" is changed to "40 CFR Part 265, Subpart W (except §265.445(c)) as adopted under §335.112(a)(18) of this title."

(13) In 40 CFR §262.16(b)(4)(ii), "§262.15" is changed to "40 CFR §262.15 as adopted under subsection (d) of this section."

(14) In 40 CFR §262.16(b)(5), "40 CFR part 265 subpart DD" is changed to "40 CFR Part 265, Subpart DD as adopted under §335.112(a)(22) of this title."

(15) In 40 CFR §262.16(b)(5)(i), "40 CFR 265.1101" is changed to "40 CFR §265.1101 as adopted under §335.112(a)(22) of this title."

(16) In 40 CFR §262.16(b)(7), "40 CFR part 268" is changed to "40 CFR Part 268 as adopted under Subchapter O of this title."

(17) In 40 CFR §262.16(b)(8)(iv)(A) and (B), "(a)(8)(ii)" is changed to "(b)(8)(ii)."

(18) In 40 CFR §262.16(d), "40 CFR parts 264, 265, 267, 268, and 270 of this chapter" is changed to "Chapter 335 of this title and the applicable chapters of this title" and the terms "EPA" and "Regional Administrator" are changed to the term "executive director."

(19) In 40 CFR §262.16(e), "§264.72 or §265.72 of this chapter" is changed to "40 CFR §264.72 or §265.72 as adopted under §§335.112 or 335.152 of this title (relating to Standards and Standards)."

(20) In 40 CFR §262.16(f), "subpart L of this part" is changed to "§335.60 of this title (relating to Alternative Standards for Episodic Generation)"; and "§262.17" is changed to "40 CFR §262.17 as adopted under subsection (f) of this section."

(f) The commission adopts by reference the regulations contained in 40 CFR §262.17, as adopted in the *Federal Register* on November 28, 2016 (81 FR 85732), subject to the changes in this subsection.

(1) In the introductory text to 40 CFR §262.17, "parts 124, 264 through 267, and 270 of this chapter" is changed to "Chapters 37, 39, 281 and 305 of this title, §335.2 of this title, and Subchapters E - H of this chapter."

(2) In 40 CFR §262.17(a)(1)(i), "subparts AA, BB, and CC of 40 CFR part 265" is changed to "40 CFR Part 265, Subparts AA, BB, and CC as adopted under §335.112(a)(19) - (21) of this title (relating to Standards)."

(3) In 40 CFR §262.17(a)(1)(vii)(A), "appendix V of part 265" is changed to "Appendix V of 40 CFR Part 265 as adopted under §335.112(A)(25)(D) of this title"; and "§265.17(b) of this chapter" is changed to "40 CFR §265.17(b) as adopted under §335.112(a)(1) of this title."

(4) In 40 CFR §262.17(a)(1)(vii)(B), "appendix V of part 265" is changed to "Appendix V of 40 CFR Part 265 as adopted under §335.112(A)(24)(D) of this title"; and "§265.17(b) of this chapter" is changed to "40 CFR §265.17(b) as adopted under §335.112(a)(1) of this title."

(5) In 40 CFR §262.17(a)(2), "subparts J, except §265.197(c) of Closure and post-closure care and §265.200" is changed to "40 CFR Part 265, Subpart J, except §265.197(c) of Closure and post-closure care and §265.200 as adopted under §335.112(a)(9) of this title"; and "AA, BB, and CC of 40 CFR part 265" is changed to "40 CFR Part 265, Subparts AA, BB, and CC as adopted under §335.112(a)(19) - (21) of this title."

(6) In 40 CFR §262.17(a)(3)(i), "Subpart W of 40 CFR part 265 " is changed to "40 CFR Part 265, Subpart W as adopted under §335.112(a)(18) of this title."

(7) In 40 CFR §262.17(a)(3)(ii), "§262.15" is changed to "40 CFR §262.15 as adopted under subsection (d) of this section."

(8) In 40 CFR §262.17(a)(4), "40 CFR part 265 subpart DD" is changed to "40 CFR Part 265, Subpart DD as adopted under §335.112(a)(22) of this title."

(9) In 40 CFR §262.17(a)(4)(i), "40 CFR 265.1101" is changed to "40 CFR §265.1101 as adopted under §335.112(a)(22) of this title."

(10) In 40 CFR §262.17(a)(6), "subpart M of this part" is changed to "40 CFR Part 262, Subpart M as adopted under §335.61."

(11) In 40 CFR §262.17(a)(7)(i)(A), "(a)(7)(iv)" is changed to "(a)(7)(iv)(C)."

(12) In 40 CFR §262.17(a)(8)(ii)(B), "§265.310 of this chapter" is changed to "40 CFR §265.310 as adopted under

§335.112(a)(13) of this title"; and "§265.445(b)" is changed to "40 CFR §265.445(b) as adopted under §335.112(a)(18) of this title."

(13) In 40 CFR §262.17(a)(8)(iii)(A)(2), "§261.3(d) of this chapter" is changed to "40 CFR §261.3(d) as adopted under §335.504 of this title."

(14) In 40 CFR §262.17(a)(8)(iii)(A)(3), "parts 262, 263, 265 and 268 of this chapter" is changed to "Chapter 335 of this title, and all applicable chapters of this title."

(15) In 40 CFR §262.17(a)(8)(iii)(A)(4), "(a)(8)(ii)(A)(2)" is changed to "(a)(8)(iii)(A)(2)"; "§265.310 of this chapter" is changed to "40 CFR §265.310 as adopted under §335.112(a)(13) of this title"; and "subparts G and H of part 265 of this chapter" is changed to "40 CFR Part 265, Subparts G and H as adopted under §335.112(a)(6) and (7) of this title."

(16) In 40 CFR §262.17(a)(8)(iv), "§265.445(a) and (b) of this chapter" is changed to "40 CFR §265.445(a) and (b) as adopted under §335.112(a)(18) of this title."

(17) In 40 CFR §262.17(a)(9), "40 CFR part 268" is changed to "40 CFR Part 268 as adopted under Subchapter O of this title."

(18) In 40 CFR §262.17(b), "40 CFR parts 124, 264 through 268, and part 270 of this chapter" is changed to "Chapters 37, 39, 281 and 305 of this title, §335.2 of this title and Subchapters E - H and O of this chapter" and the terms "EPA" and "Regional Administrator" are changed to the term "executive director."

(19) In 40 CFR §262.17(c), "parts 124, 264 through 267 and part 270 of this chapter" is changed to "Chapters 37, 39, 281 and 305 of this title, §335.2 of this title and Subchapters E - H and O of this chapter."

(20) In 40 CFR §262.17(c)(4)(i)(C), "subpart DD of 40 CFR part 265" is changed to "40 CFR Part 265, Subpart DD as adopted under §335.112(a)(22) of this title"; and "40 CFR 265.1101" is changed to "40 CFR §265.1101 as adopted under §335.112(a)(22) of this title."

(21) In 40 CFR §262.17(c)(4)(ii), "subparts G and H of part 265" is changed to "40 CFR Part 265, Subparts G and H as adopted under §335.112(a)(6) and (7) of this title."

(22) In 40 CFR §262.17(d), "parts 124, 264 through 267, 270" is changed to "Chapters 37, 39, 281 and 305 of this title, §335.2 of this title and Subchapters E - H of this chapter."

(23) In 40 CFR §262.17(e), "40 CFR parts 124, 264 through 268, and 270 of this chapter" is changed to "Chapters 37, 39, 281 and 305 of this title, §335.2 of this title and Subchapters E - H and O of this chapter"; and the terms "EPA" and "Regional Administrator" are changed to the term "executive director."

(24) In 40 CFR §262.17(f), "§260.10 of this chapter" is changed to "§3.2 of this title (relating to Definitions)" and "parts 124, 264 through 268, and 270 of this chapter" is changed to "Chapters 37, 39, 281 and 305 of this title, §335.2 of this title and Subchapters E - H and O of this chapter."

(25) In 40 CFR §262.17(f)(1), "EPA" is changed to "TCEQ"; and "EPA Form 8700-12" is changed to "a method approved by the executive director."

(26) In 40 CFR §262.17(f)(1)(ii), "Site ID form (EPA Form 8700-12)" is changed to "notification using a method approved by the executive director."

(27) In 40 CFR §262.17(f)(3), "§262.10(a)(1)(iii)" is changed to "§335.52(a)(1)(C) of this title (relating to Purpose, Scope, and Applicability)."

(28) In 40 CFR §262.17(g), "§264.72 or §265.72 of this chapter" is changed to "40 CFR §264.72 or §265.72 as adopted under §§335.112 or 335.152 of this title."

(g) The commission adopts by reference the regulations contained in 40 CFR §262.18 (EPA identification numbers and re-notification for small quantity generators and large quantity generators), as adopted in the *Federal Register* on November 28, 2016 (81 FR 85732), subject to the changes in this subsection.

(1) The term "Administrator" is changed to the term "executive director."

(2) The generator shall provide the information required by the RCRA Site Identification Form (EPA Form 8700-12) using a method approved by the executive director.

(3) In 40 CFR §262.18(d)(1), the re-notification required of a small and large quantity generator must be made to the executive director instead of the EPA.

(4) In 40 CFR §262.18(d)(2), "Biennial Report required under §262.41" is changed to "Biennial Report required under 40 CFR §262.41 as adopted under §335.56 of this title (relating to Recordkeeping and Reporting Applicable to Small and Large Quantity Generators).

§335.58. Transboundary Movements of Hazardous Waste for Recovery or Disposal.

The commission adopts by reference the regulations contained in 40 Code of Federal Regulations Part 262, Subpart H, §§262.80 - 262.84 as amended in the *Federal Register* through October 1, 2021 (86 FR 54381) [~~August 6, 2018 (83 FR 38262)~~]. Availability and confidentiality of hazardous waste export, import, and transit information is subject to 40 CFR §260.2(d) as adopted under §335.46(c) of this title (relating to Sharing of Information).

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Amy L. Browning
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Texas Commission on Environmental Quality
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For further information, please call: (512) 239-0682

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SUBCHAPTER E. INTERIM STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES

30 TAC §335.112

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code

(THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§335.112. Standards.

(a) The following regulations contained in 40 Code of Federal Regulations (CFR) Part 265 (including all appendices to 40 CFR Part 265) (except as otherwise specified in this section) are adopted by reference as amended in the *Federal Register* through June 1, 1990 (55 FR 22685) and as further amended as indicated in each paragraph of this subsection:

(1) Subpart B - General Facility Standards (as amended in the *Federal Register* through October 1, 2021 (86 FR 54381)) [~~November 28, 2016 (81 FR 85732))~~];

(2) Subpart C - Preparedness and Prevention;

(3) Subpart D - Contingency Plan and Emergency Procedures (as amended in the *Federal Register* through March 18, 2010 (75 FR 12989)), except 40 CFR §265.56(d);

(4) Subpart E - Manifest System, Recordkeeping, and Reporting (as amended in the *Federal Register* through January 3, 2018 (83 FR 420)), except 40 CFR §265.76 and §265.77;

(5) Subpart F - Groundwater Monitoring (as amended in the *Federal Register* through April 4, 2006 (71 FR 16862)), except 40 CFR §265.90 and §265.94;

(6) Subpart G - Closure and Post-Closure (as amended in the *Federal Register* through July 14, 2006 (71 FR 40254)); except 40 CFR §265.112(d)(3) and (4) and §265.118(e) and (f);

(7) Subpart H - Financial Requirements (as amended in the *Federal Register* through September 16, 1992 (57 FR 42832)); except 40 CFR §§265.140, 265.141, 265.142(a)(2), (b) and (c), 265.143(a) - (g), 265.144(b) and (c), 265.145(a) - (g), 265.146, 265.147(a) - (d), and (f) - (k), and 265.148 - 265.150;

(8) Subpart I - Use and Management of Containers (as amended in the *Federal Register* through November 28, 2016 (81 FR 85732));

(9) Subpart J - Tank Systems (as amended in the *Federal Register* through November 28, 2016 (81 FR 85732));

(10) Subpart K - Surface Impoundments (as amended in the *Federal Register* through July 14, 2006 (71 FR 40254));

(11) Subpart L - Waste Piles (as amended in the *Federal Register* through July 14, 2006 (71 FR 40254)), except 40 CFR §265.253;

(12) Subpart M - Land Treatment (as amended in the *Federal Register* through July 14, 2006 (71 FR 40254)) except, 40 CFR §§265.272, 265.279, and 265.280;

(13) Subpart N - Landfills (as amended in the *Federal Register* through March 18, 2010 (75 FR 12989)), except 40 CFR §§265.301(f) - (i), 265.314, and 265.315;

(14) Subpart O - Incinerators (as amended in the *Federal Register* through October 12, 2005 (70 FR 59402));

(15) Subpart P - Thermal Treatment (as amended in the *Federal Register* through July 17, 1991 (56 FR 32692));

(16) Subpart Q - Chemical, Physical, and Biological Treatment (as amended in the *Federal Register* through July 14, 2006 (71 FR 40254));

(17) Subpart R - Underground Injection;

(18) Subpart W - Drip Pads (as amended in the *Federal Register* through July 14, 2006 (71 FR 40254));

(19) Subpart AA - Air Emission Standards for Process Vents (as amended in the *Federal Register* through November 28, 2016 (81 FR 85732));

(20) Subpart BB - Air Emission Standards for Equipment Leaks (as amended in the *Federal Register* through November 28, 2016 (81 FR 85732));

(21) Subpart CC - Air Emission Standards for Tanks, Surface Impoundments, and Containers (as amended in the *Federal Register* through January 3, 2018 (83 FR 420));

(22) Subpart DD - Containment Buildings (as amended in the *Federal Register* through November 28, 2016 (81 FR 85732));

(23) Subpart EE - Hazardous Waste Munitions and Explosives Storage (as amended in the *Federal Register* through February 12, 1997 (62 FR 6622));

(24) Subpart FF - Fees for the Electronic Hazardous Waste Manifest Program (as amended in the *Federal Register* through January 3, 2018 (83 FR 420); and

(25) the following appendices contained in 40 CFR Part 265:

(A) Appendix I - Recordkeeping Instructions (as amended in the *Federal Register* through March 24, 1994 (59 FR 13891));

(B) Appendix III - EPA Interim Primary Drinking Water Standards;

(C) Appendix IV - Tests for Significance;

(D) Appendix V - Examples of Potentially Incompatible Waste; and

(E) Appendix VI - Compounds With Henry's Law Constant Less Than 0.1 Y/X.

(b) Except in 40 CFR §265.71 adopted under subsection (a)(4) of this section and 40 CFR Part 265, Subpart FF adopted under subsection (a)(24) of this section, the regulations of the United States Environmental Protection Agency (EPA) that are adopted by reference in this section are adopted subject to the following changes.

(1) The term "regional administrator" is changed to the "executive director" of the Texas Commission on Environmental Quality or to the commission, consistent with the organization of the commission as set out in Texas Water Code, Chapter 5, Subchapter B.

(2) The term "treatment" is changed to "processing."

(3) Reference to Resource Conservation and Recovery Act, §3008(h) is changed to Texas Water Code, §7.031(c) - (e) (Corrective Action Relating to Hazardous Waste).

(4) Reference to:

(A) 40 CFR §260.10 is changed to §335.1 of this title (relating to Definitions);

(B) 40 CFR §264.90 is changed to §335.156 of this title (relating to Applicability of Groundwater Monitoring and Response);

(C) 40 CFR §264.101 is changed to §335.167 of this title (relating to Corrective Action for Solid Waste Management Units);

(D) 40 CFR §264.310 is changed to §335.174 of this title (relating to Closure and Post-Closure Care (Landfills));

(E) 40 CFR §265.1 is changed to §335.111 of this title (relating to Purpose, Scope, and Applicability);

(F) 40 CFR §265.90 is changed to §335.116 of this title (relating to Applicability of Groundwater Monitoring Requirements);

(G) 40 CFR §265.94 is changed to §335.117 of this title (relating to Recordkeeping and Reporting);

(H) 40 CFR §265.314 is changed to §335.125 of this title (relating to Special Requirements for Bulk and Containerized Waste);

(I) 40 CFR §270.1 is changed to §335.2 of this title (relating to Permit Required);

(J) 40 CFR §270.28 is changed to §305.50 of this title (relating to Additional Requirements for an Application for a Hazardous or Industrial Solid Waste Permit and for a Post-Closure Order);

(K) 40 CFR §270.41 is changed to §305.62 of this title (relating to Amendments);

(L) 40 CFR §270.42 is changed to §305.69 of this title (relating to Solid Waste Permit Modification at the Request of the Permittee); and

(M) Qualified professional engineer is changed to Texas licensed professional engineer.

(5) 40 CFR Parts 260 - 270 means the commission's rules including, but not limited to, Chapters 50, 305, and 335 of this title (relating to Action on Applications and Other Authorizations; Consolidated Permits; and Industrial Solid Waste and Municipal Hazardous Waste), as applicable.

(6) Reference to 40 CFR Part 265, Subpart D (Contingency Plan and Emergency Procedures) is changed to §335.112(a)(3) of this title (relating to Standards) and §335.113 of this title (relating to Reporting of Emergency Situations by Emergency Coordinator).

(7) References to 40 CFR §265.76 and §265.77 are changed to §335.15(3) of this title (relating to Recordkeeping and Reporting Requirements Applicable to Owners or Operators of Treatment, Storage, or Disposal Facilities), and §335.115 of this title (relating to Additional Reports), respectively.

(8) Reference to 40 CFR Part 264, Subpart F is changed to §335.156 of this title, §335.157 of this title (relating to Required Programs), §335.158 of this title (relating to Groundwater Protection Standard), §335.159 of this title (relating to Hazardous Constituents), §335.160 of this title (relating to Concentration Limits), §335.161 of this title (relating to Point of Compliance), §335.162 of this title (relating to Compliance Period), §335.163 of this title (relating to General Groundwater Monitoring Requirements), §335.164 of this title (relating to Detection Monitoring Program), §335.165 of this title (relating to Compliance Monitoring Program), §335.166 of this title (relating to Corrective Action Program), and §335.167 of this title.

(9) Reference to 40 CFR Part 265, Subpart F is changed to include §335.116 and §335.117 of this title, in addition to the reference to 40 CFR Part 265, Subpart F, except §265.90 and §265.94.

(10) Reference to the EPA is changed to the Texas Commission on Environmental Quality.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER F. PERMITTING STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES

30 TAC §335.152, §335.177

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§335.152. Standards.

(a) The following regulations contained in 40 Code of Federal Regulations (CFR) Part 264 (including all appendices to Part 264) are adopted by reference as amended in the *Federal Register* through June 1, 1990 (55 FR 22685) and as further amended and adopted as indicated in each paragraph of this subsection:

(1) Subpart B--General Facility Standards (as amended in the *Federal Register* through October 1, 2021 (86 FR 54381)) [~~November 28, 2016 (81 FR 85732)~~)]; in addition, the facilities which are subject to 40 CFR Part 264, Subpart X, are subject to regulation under 40 CFR §264.15(b)(4) and §264.18(b)(1)(ii);

(2) Subpart C--Preparedness and Prevention;

(3) Subpart D--Contingency Plan and Emergency Procedures (as amended in the *Federal Register* through March 18, 2010 (75 FR 12989)), except 40 CFR §264.56(d);

(4) Subpart E--Manifest System, Recordkeeping and Reporting (as amended in the *Federal Register* through January 3, 2018 (83 FR 420)), except 40 CFR §264.76 and §264.77; facilities which are subject to 40 CFR Part 264, Subpart X, are subject to 40 CFR §264.73(b)(6);

(5) Subpart G--Closure and Post-Closure (as amended in the *Federal Register* through July 14, 2006 (71 FR 40254)); facilities which are subject to 40 CFR Part 264, Subpart X, are subject to 40 CFR §§264.90(d), 264.111(c), 264.112(a)(2), 264.114, 264.117(a)(1)(i) and (ii), and 264.118(b)(1) and (2)(i) and (ii);

(6) Subpart H--Financial Requirements (as amended in the *Federal Register* through April 4, 2006 (71 FR 16862)); except 40 CFR §§264.140, 264.141, 264.142(a)(2), (b) and (c), 264.143(a) - (h), 264.144(b) and (c), 264.145(a) - (h), 264.146, 264.147(a) - (d), and (f) - (k), and 264.148 - 264.151; and subject to the following limitations: facilities which are subject to 40 CFR Part 264, Subpart X, are subject to 40 CFR§264.142(a) and §264.144(a), and §37.6031(c) of this title (relating to Financial Assurance Requirements for Liability);

(7) Subpart I--Use and Management of Containers (as amended in the *Federal Register* through November 28, 2016 (81 FR 85732));

(8) Subpart J--Tank Systems (as amended in the *Federal Register* through November 28, 2016 (81 FR 85732));

(9) Subpart K--Surface Impoundments (as amended in the *Federal Register* through July 14, 2006 (71 FR 40254)), except 40 CFR §264.221 and §264.228:

(A) reference to 40 CFR §264.221 is changed to §335.168 of this title (relating to Design and Operating Requirements (Surface Impoundments));

(B) reference to 40 CFR §264.228 is changed to §335.169 of this title (relating to Closure and Post-Closure Care (Surface Impoundments));

(10) Subpart L--Waste Piles (as amended in the *Federal Register* through July 14, 2006 (71 FR 40254)), except 40 CFR §264.251;

(11) Subpart M--Land Treatment (as amended in the *Federal Register* through July 14, 2006 (71 FR 40254)), except 40 CFR §264.273 and §264.280;

(12) Subpart N--Landfills (as amended in the *Federal Register* through March 18, 2010 (75 FR 12989)), except 40 CFR §§264.301, 264.310, 264.314, and 264.315;

(13) Subpart O--Incinerators (as amended in the *Federal Register* through April 8, 2008 (73 FR 18970));

(14) Subpart S--Special Provisions for Cleanup (as amended in the *Federal Register* through March 18, 2010 (75 FR 12989));

(15) Subpart W--Drip Pads (as amended in the *Federal Register* through July 14, 2006 (71 FR 40254));

(16) Subpart X--Miscellaneous Units (as amended in the *Federal Register* through July 14, 2006 (71 FR 40254));

(17) Subpart AA--Air Emission Standards for Process Vents (as amended in the *Federal Register* through November 28, 2016 (81 FR 85732) with the reference to "40 CFR 262.34(a)" replaced with "40 CFR §262.17 as adopted under §335.53 of this title (relating to General Standards Applicable to Generators of Hazardous Waste)");

(18) Subpart BB--Air Emission Standards for Equipment Leaks (as amended in the *Federal Register* through November 28, 2016 (81 FR 85732) with the reference to "40 CFR 262.34(a)" replaced with "40 CFR §262.17 as adopted under §335.53 of this title (relating to General Standards Applicable to Generators of Hazardous Waste)");

(19) Subpart CC--Air Emission Standards for Tanks, Surface Impoundments, and Containers (as amended in the *Federal Register* through January 3, 2018 (83 FR 420));

(20) Subpart DD--Containment Buildings (as amended in the *Federal Register* through November 28, 2016 (81 FR 85732));

(21) Subpart EE--Hazardous Waste Munitions and Explosives Storage (as amended in the *Federal Register* through August 1, 2005 (70 FR 44150));

(22) Subpart FF--Fees for the Electronic Hazardous Waste Manifest Program (as amended in the *Federal Register* through January 3, 2018 (83 FR 420); and

(23) the following appendices contained in 40 CFR Part 264:

(A) Appendix I--Recordkeeping Instructions (as amended in the *Federal Register* through March 24, 1994 (59 FR 13891));

(B) Appendix IV--Cochron's Approximation to the Behrens-Fisher Students' T-Test;

(C) Appendix V--Examples of Potentially Incompatible Waste;

(D) Appendix VI--Political Jurisdictions in Which Compliance With §264.18(a) Must Be Demonstrated; and

(E) Appendix IX--Ground-Water Monitoring List (as amended in the *Federal Register* through June 13, 1997 (62 FR 32451)).

(b) The provisions of 40 CFR §264.18(b) are applicable to owners and operators of hazardous waste management facilities, for which a permit is being sought, which are not subject to the requirements of §§335.201 - 335.206 of this title (relating to Purpose, Scope, and Applicability; Definitions; Site Selection to Protect Groundwater or Surface Water; Unsuitable Site Characteristics; Prohibition of Permit Issuance; and Petitions for Rulemaking).

(c) Except in 40 CFR §264.71 adopted under subsection (a)(4) of this section and 40 CFR Part 264, Subpart FF adopted under subsection (a)(22) of this section, the regulations of the United States Environmental Protection Agency (EPA) that are adopted by reference in this section are adopted subject to the following changes.

(1) The term "regional administrator" is changed to the "executive director" of the Texas Commission on Environmental Quality or to the commission, consistent with the organization of the commission as set out in Texas Water Code, Chapter 5, Subchapter B.

(2) The term "treatment" is changed to "processing."

(3) Reference to Resource Conservation and Recovery Act, §3008(h) is changed to Texas Water Code, §7.031(c) - (e) (Corrective Action Relating to Hazardous Waste).

(4) Reference to:

(A) 40 CFR §260.10 is changed to §335.1 of this title (relating to Definitions);

(B) 40 CFR §264.1 is changed to §335.151 of this title (relating to Purpose, Scope, and Applicability);

(C) 40 CFR §264.280 is changed to §335.172 of this title (relating to Closure and Post-Closure Care (Land Treatment Units));

(D) 40 CFR §264.90 is changed to §335.156 of this title (relating to Applicability of Groundwater Monitoring and Response);

(E) 40 CFR §264.101 is changed to §335.167 of this title (relating to Corrective Action for Solid Waste Management Units);

(F) 40 CFR §264.310 is changed to §335.174 of this title (relating to Closure and Post-Closure Care (Landfills));

(G) 40 CFR §270.41 is changed to §305.62 of this title (relating to Amendments); and

(H) 40 CFR §270.42 is changed to §305.69 of this title (relating to Solid Waste Permit Modification at the Request of the Permittee).

(5) 40 CFR Parts 260 - 270 means the commission's rules including, but not limited to, Chapters 50, 305, and 335 of this title (relating to Action on Applications and Other Authorizations; Consolidated Permits; and Industrial Solid Waste and Municipal Hazardous Waste), as applicable.

(6) Reference to 40 CFR Part 264, Subpart D is changed to §335.152(a)(3) of this title (relating to Standards) and §335.153 of this title (relating to Reporting of Emergency Situations by Emergency Coordinator).

(7) References to 40 CFR §264.76 and §264.77 are changed to §335.15(3) of this title (relating to Recordkeeping and Reporting Requirements Applicable to Owners or Operators of Treatment, Storage, or Disposal Facilities), and §335.155 of this title (relating to Additional Reports), respectively.

(8) Reference to 40 CFR Part 264, Subpart F is changed to §335.156 of this title, §335.157 of this title (relating to Required Programs), §335.158 of this title (relating to Groundwater Protection Standard), §335.159 of this title (relating to Hazardous Constituents), §335.160 of this title (relating to Concentration Limits), §335.161 of this title (relating to Point of Compliance), §335.162 of this title (relating to Compliance Period), §335.163 of this title (relating to General Groundwater Monitoring Requirements), §335.164 of this title (relating to Detection Monitoring Program), §335.165 of this title (relating to Compliance Monitoring Program), §335.166 of this title (relating to Corrective Action Program), and §335.167 of this title.

(9) Reference to 40 CFR Part 265, Subpart F is changed to include §335.116 of this title (relating to Applicability of Groundwater Monitoring Requirements) and §335.117 of this title (relating to Recordkeeping and Reporting), in addition to the reference to 40 CFR Part 265, Subpart F, except §265.90 and §265.94.

(10) Reference to the EPA is changed to the Texas Commission on Environmental Quality.

(11) Reference to qualified professional engineer is changed to Texas licensed professional engineer.

§335.177. General Performance Standard.

No person may cause, suffer, allow, or permit the storage, processing, or disposal of hazardous waste in such a manner so as to cause:

(1) the discharge or imminent threat of discharge of hazardous waste, hazardous or nonhazardous constituents, or any other materials resulting from industrial solid waste activities, including, but not limited to, reaction products, into or adjacent to the waters in the state without specific authorization for such discharge from the Texas Commission on Environmental Quality [~~Texas Natural Resource Conservation Commission~~];

(2) the creation and maintenance of a nuisance; or

(3) the endangerment of the public health or welfare.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Amy L. Browning
Deputy Director, Environmental Law Division
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For further information, please call: (512) 239-0682

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30 TAC §335.181

Statutory Authority

The repeal is proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed repealed rule implements THSC, Chapter 361.

§335.181. Need for Specific Commercial Hazardous Waste Management Technologies.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER G. LOCATION STANDARDS FOR HAZARDOUS WASTE STORAGE, PROCESSING, OR DISPOSAL

30 TAC §335.202

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§335.202. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Active geologic processes - Any natural process which alters the surface and/or subsurface of the earth, including, but not limited to, erosion (including shoreline erosion along the coast), submergence, subsidence, faulting, karst formation, flooding in alluvial flood wash zones, meandering river bank cutting, and earthquakes.

(2) Aquifer - A geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs. Portions of formations, such as clay beds, which are not capable of yielding a significant amount of groundwater to wells or springs are not aquifers.

(3) Area subject to active shoreline erosion - A coastal area where shoreline erosion has been documented within historic time.

(4) Areal expansion of an existing facility - The enlargement of a land surface area of an existing hazardous waste management facility from that described in a solid waste permit authorizing the facility.

(5) Areas of direct drainage - Those land areas from which surface water runoff could flow into a lake used to supply public drinking water.

(6) Commercial hazardous waste management facility - Any hazardous waste management facility that accepts hazardous waste or PCBs for a charge, except a captured facility or a facility that accepts waste only from other facilities owned or effectively controlled by the same person, where "captured facility" means a manufacturing or production facility that generates an industrial solid waste or hazardous waste that is routinely stored, processed, or disposed of on a shared basis in an integrated waste management unit owned, operated by, and located within a contiguous manufacturing complex.

(7) Critical habitat of an endangered species - An area that is determined by the United States Fish and Wildlife Service to be a critical habitat for an endangered species.

(8) Erosion - The group of natural processes, including weathering, deterioration, detachment, dissolution, abrasion, corrasion, wearing away, and transportation, by which earthen or rock material is removed from any part of the earth's surface.

(9) Existing hazardous waste management facility - Any facility used for the storage, processing, or disposal of hazardous waste and which is authorized by a hazardous waste permit. Facilities identified in the following pending applications will also be considered existing hazardous waste management facilities pending final action on the application by the commission:

(A) an application submitted pursuant to §335.2(c) of this title (relating to Permit Required), §335.43(b) of this title (relating to Permit Required), and §335.45(b) of this title (relating to Effect on Existing Facilities), including any revisions made in accordance with §305.51 of this title (relating to Revision of Applications for Hazardous Waste Permits); or

(B) an application filed pursuant to §335.2(a) of this title which has been submitted in accordance with Chapter 305 of this title (relating to Consolidated Permits) and which has been declared to be administratively complete pursuant to §281.3 of this title (relating to Initial Review) prior to September 1, 1984.

(10) New hazardous waste management facility - Any facility to be used for the storage, processing, or disposal of hazardous waste and which is not an existing hazardous waste management facility.

(11) One hundred-year floodplain - Any land area which is subject to a 1.0% or greater chance of flooding in any given year from any source.

(12) Public water system - A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly services an average of at least 25 individuals daily at least 60 days out of the year.

(13) Regional aquifer - An aquifer which has been identified by the Texas Commission on Environmental Quality [~~Texas Natural Resource Conservation Commission~~] as a major or minor aquifer. Major aquifers yield large quantities of water in large areas of the state. Minor aquifers yield large quantities of water in small areas of the state or small quantities of water in large areas of the state. (These aquifers are identified in Appendix B of the Texas Department of Water Resources Report Number 238, which is available at the Texas Water Development Board).

(14) Residence - The structure and surrounding property within the property boundaries not to exceed 100 feet from the structure in all directions.

(15) Secondary containment - A system designed and constructed to collect rainfall runoff, to prevent rainfall run-on from outside the structure, and to contain waste spills, leaks, or discharges within the structure until such waste can be removed.

(16) Sole-source aquifer - An aquifer designated pursuant to the Safe Drinking Water Act of 1974, §1424(e), which solely or principally supplies drinking water to an area, and which, if contaminated, would create a significant hazard to public health. The Edwards Aquifer has been designated a sole-source aquifer by the EPA. The Edwards Aquifer recharge zone is specifically that area delineated on maps in the offices of the executive director.

(17) Storage surface impoundment - A surface impoundment from which all wastes and waste- contaminated soils are removed at the time of closure of the impoundment.

(18) Wetlands - Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER H. STANDARDS FOR THE MANAGEMENT OF SPECIFIC WASTES AND SPECIFIC TYPES OF FACILITIES

DIVISION 1. RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL

30 TAC §335.211

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§335.211. Applicability.

(a) The regulations of this section and §§335.212 - 335.214 of this title (relating to Standards Applicable to Generators and Transporters of Materials Used in a Manner that Constitutes Disposal; Standards Applicable to Storers of Materials That Are To Be Used In a Manner that Constitutes Disposal Who Are Not the Ultimate Users; and Standards Applicable to Users of Materials That Are Used in a Manner that Constitutes Disposal) apply to recyclable materials that are applied to or placed on the land:

(1) without mixing with any other substance(s);

(2) after mixing or combination with any other substance(s). These materials will be referred to throughout this subpart as materials used in a manner that constitutes disposal.

(b) Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation if the recyclable materials have undergone a chemical reaction in the course of producing the product so as to become inseparable by physical means and if such products meet the applicable treatment standards in 40 Code of Federal Regulations (CFR), Part 268, Subpart D (or applicable prohibition levels in 40 CFR §268.32 or Resource Conservation Recovery Act, §3004(d), where no treatment standards have been established) for each recyclable material (i.e., hazardous waste) that they contain, and the recycler complies with 40 CFR §268.7(b)(6). [~~Commercial fertilizers that are produced for the general public's use that contain recyclable materials also are not presently subject to regulation provided they meet these same treatment standards or prohibition levels for each recyclable material that they contain. However, zinc-containing fertilizers using hazardous waste K061 that are produced for the general public's use are not presently subject to regulation.~~]

(c) Anti-skid/deicing uses of slags, which are generated from high temperature metals recovery (HTMR) processing of hazardous waste K061, K062, and F006, in a manner constituting disposal are not covered by the exemption in subsection (b) of this section and remain subject to regulation.

(d) Fertilizers that contain recyclable materials are not subject to regulation provided that:

(1) They are zinc fertilizers excluded from the definition of solid waste according to 40 CFR §261.4(a)(21) as adopted in §335.504(a)(1) of this title (relating to Hazardous Waste Determination); or

(2) They meet the applicable treatment standards in 40 CFR Part 268, Subpart D as adopted in §335.431 of this title (relating to Purpose, Scope, and Applicability) for each hazardous waste that they contain.

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DIVISION 2. HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

30 TAC §335.221

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under fed-

eral law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§335.221. Applicability and Standards.

(a) The following regulations contained in 40 Code of Federal Regulations (CFR) Part 266 (including all appendices to 40 CFR Part 266) are adopted by reference, as amended and adopted in the CFR through April 8, 2008 (73 FR 18970), except as noted in this section:

(1) 40 CFR §266.100--Applicability (as amended through July 14, 2006 (71 FR 40254)), except 40 CFR §266.100(c); and reference to "the applicable requirements of subparts A through H, BB, and CC of parts 264 and 265 of this chapter" is changed to "the applicable requirements of §§335.111 of this title (relating to Purpose, Scope, and Applicability), 335.112(a)(1) - (7), (20), and (21) of this title (relating to Standards), 335.151 of this title (relating to Purpose, Scope, and Applicability), and 335.152(a)(1) - (6), (18), and (19) of this title (relating to Standards)";

(2) 40 CFR §266.102(a)--Permit Standards for Burners - Applicability, excepting those portions of 40 CFR §266.102(a) containing references to 40 CFR §§264.56(d), 264.71 - 264.72, 264.75 - 264.77, 264.90, 264.101, and 264.142(a)(2);

(3) 40 CFR §266.102(b)--Permit Standards for Burners - Hazardous Waste Analysis;

(4) 40 CFR §266.102(c)--Permit Standards for Burners - Emission Standards;

(5) 40 CFR §266.102(d)--Permit Standards for Burners - Permits;

(6) 40 CFR §266.102(e)--Permit Standards for Burners - Operating Requirements (as amended in the *Federal Register* through July 14, 2006 (71 FR 40254));

(7) 40 CFR §266.103 (a)(1) - (3)--Interim Status Standards for Burners - Purpose, Scope, and Applicability--General; Exemptions; and Prohibition on Burning Dioxin-Listed Wastes, respectively, except 40 CFR §266.103(a)(1)(iii) and §266.103(a)(2);

(8) 40 CFR §266.103(a)(4)--Interim Status Standards for Burners--Purpose, Scope, and Applicability--Applicability of Part 265 Standards (as amended in the *Federal Register* through (July 14, 2006 (71 FR 40254))), excepting those portions of 40 CFR §266.103(a)(4) containing references to 40 CFR §§265.56(d), 265.71 - 265.72, 265.75 - 265.77, 265.142(a)(2); facilities qualifying for a corporate guarantee for liability are subject to 40 CFR §265.147(g)(2) and §264.151(h)(2), as amended;

(9) 40 CFR §266.103(a)(5) - (6)--Interim Status Standards for Burners - Purpose, Scope, and Applicability: Special Requirements for Furnaces; and Restrictions on Burning Hazardous Waste That Is Not a Fuel;

(10) 40 CFR §266.103(b)--Interim Status Standards for Burners - Certification of Precompliance (as amended through (July 14, 2006 (71 FR 40254))), except 40 CFR §266.103(b)(1) and (6);

(11) 40 CFR §266.103(c)--Interim Status Standards for Burners - Certification of Compliance (as amended through (July 14, 2006 (71 FR 40254))), except 40 CFR §266.103(c)(3)(i);

(12) 40 CFR §266.103(f)--Interim Status Standards for Burners - Start-Up and Shut-Down;

(13) 40 CFR §266.103(g)(1) - (2)--Interim Status Standards for Burners - Automatic Waste Feed Cutoff (as amended in the *Federal Register* through July 14, 2006 (71 FR 40254));

(14) 40 CFR §266.103(h) - (l)--Interim Status Standards for Burners: Fugitive Emissions; Changes; Monitoring and Inspections; Recordkeeping; and Closure, respectively, as amended in the *Federal Register* through April 4, 2006 (71 FR 16862);

(15) 40 CFR §266.104--Standards to Control Organic Emissions, except 40 CFR §266.104(h), as amended in the *Federal Register* through March 20, 2023 (88 FR 16732);

(16) 40 CFR §266.105--Standards to Control Particulate Matter, except 40 CFR §266.105(d);

(17) 40 CFR §266.106--Standards to Control Metals Emissions (as amended in the *Federal Register* through (July 14, 2006 (71 FR 40254))), except 40 CFR §266.106(i);

(18) §266.107--Standards to Control Hydrogen Chloride (HCl) and Chlorine Gas ($C1_2$) Emissions, except 40 CFR §266.107(h);

(19) 40 CFR §266.108--Small Quantity On-Site Burner Exemption, except §266.108(d), and except that hazardous wastes generated by a very small quantity generator may not be burned in an off-site device under the exemption provided by 40 CFR §266.108;

(20) 40 CFR §266.109--Low-Risk Waste Exemption (as amended in the *Federal Register* through (July 14, 2006 (71 FR 40254)));

(21) 40 CFR §266.110--Waiver of DRE Trial Burn for Boilers;

(22) 40 CFR §266.111--Standards for Direct Transfer; and

(23) 40 CFR §266.112--Regulation of Residues.

(b) The following hazardous wastes and facilities are not regulated under this division:

(1) used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in 40 CFR Part 261, Subpart C, from use versus mixing. Such used oil is subject to regulation by the United States Environmental Protection Agency (EPA) under 40 CFR Part 279 and Chapter 324 of this title (relating to Used Oil Standards). This exception does not apply if the used oil has been made hazardous by mixing with characteristic or listed hazardous waste other than by a generator that meets the conditions for exemption for a very small quantity generator or household generator;

(2) hazardous wastes that are exempt from regulation under 40 CFR §261.4 and §335.24(c)(3) - (4) of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials);

(3) hazardous wastes generated by a very small quantity generator that meets the conditions for exemption of a very small quantity generator;

(4) gas recovered from hazardous or solid waste landfills when such gas is burned for energy recovery; and

(5) coke ovens, if the only hazardous waste burned is EPA Hazardous Waste No. K087, decanter tank tar sludge from coking operations.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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DIVISION 4. SPENT LEAD-ACID BATTERIES BEING RECLAIMED

30 TAC §335.251

Statutory Authority

The repealed rule is proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed repealed rule implements THSC, Chapter 361.

§335.251. Applicability and Requirements.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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30 TAC §335.251

Statutory Authority

The new section is proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed new section implements THSC, Chapter 361.

§335.251. Applicability and Requirements.

(a) Persons who generate, collect, transport, store, or regenerate lead-acid batteries for reclamation purposes may be exempt from certain hazardous waste management requirements. Except for certain requirements of this Chapter as described below in this subsection, the persons are not subject to regulations of Chapter 39 of this title (relating to Public Notice); Chapter 50 of this title (relating to Action on Applications and Other Authorizations); Chapter 55 of this title (relating to Requests for Contested Case Hearings; Public Comment); Chapter 281 of this title (Applications Processing), Chapter 305 of this title (relating to Consolidated Permits) unless required in subsection (b) of this section. Use the following table to determine which requirements apply. Alternatively, spent lead-acid batteries may be managed under the "Universal Waste" rule of 40 CFR Part 273 which is adopted by reference in §335.261 (relating to Universal Waste Rule).
Figure: 30 TAC §335.251(a)

(b) The requirements of this section apply if spent lead-acid batteries are going to be stored before it is reclaimed other than through regeneration. The requirements are slightly different depending on the Hazardous Waste (Resource Conservation and Recovery Act (RCRA)) permit status.

(1) For Interim Status facilities, you must comply with:

(A) Notification requirements under §335.6 of this title (relating to Notification Requirements).

(B) All applicable provisions in §335.41 of this title (relating to Purpose, Scope and Applicability), §335.111(a) - (c) of this title (relating to Purpose, Scope, And Applicability), §335.271(a) of this title (relating to Purpose, Scope, and Applicability), and §335.272 of this title (relating to Standards).

(C) All applicable provisions in §335.112(a)(1) of this title (relating to Standards) except waste analysis.

(D) All applicable provisions in §335.112(a)(2) and (3) of this title.

(E) All applicable provisions in §335.112(a)(4) of this title.

(F) All applicable provisions in §335.112(a)(5) - (11) of this title.

(G) All applicable provisions in Chapters 39, 50, 55, 281, and 305 of this title.

(H) All applicable provisions in Chapter 335, Subchapter U of this title (relating to Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a Standard Permit).

(2) For permitted facilities:

(A) Notification requirements under RCRA §3010.

(B) All applicable provisions in §335.41 of this title, §335.151 of this title (relating to Purpose, Scope, and Applicability) and §335.152 of this title (relating to Standards).

(C) All applicable provisions in §335.152(a)(1) of this title except waste analysis.

(D) All applicable provisions in §335.152(a)(2) and (3) of this title.

(E) All applicable provisions in §335.152(a)(4) of this title.

(F) All applicable provisions in §335.112(a)(5) - (10) of this title and §§335.156 - 335.167 of this title.

(G) All applicable provisions in Chapters 39, 50, 55, 281, and 305 of this title.

(H) All applicable provisions in Chapter 335, Subchapter U of this title.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER I. PROHIBITION ON OPEN DUMPS

30 TAC §335.303

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§335.303. Criteria for Classification of Solid Waste Disposal Facilities and Practices.

Except to the extent that they are clearly inconsistent with the express provisions of Texas Health and Safety Code, Chapter 361, or the rules of the commission, the regulations contained in 40 Code of Federal Regulations (CFR) Part 257 are adopted by reference. The executive director will maintain in the offices of the commission a set of the regulations contained in 40 CFR Part 257 and adopted by reference herein. The regulations may be examined in the library of the Texas Commission on Environmental Quality [~~Texas Natural Resource Conservation Commission~~], located on the first floor of Building A at 12100 Park 35 Circle, Austin, Texas.

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SUBCHAPTER J. HAZARDOUS WASTE GENERATION, FACILITY AND DISPOSAL FEE SYSTEM

30 TAC §335.328

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§335.328. Fees Payment.

(a) Generation and facility fees are payable each year for all Class 1 industrial solid waste and hazardous waste generators, permittees, and facilities. Fees must be paid by check, electronic funds transfer, certified check, or money order payable to Texas Commission on Environmental Quality [~~Texas Natural Resource Conservation Commission~~]. Annual facility fees are payable by permittees, owners, or operators regardless of whether the facility is in actual operation. All annual generation and facility fees shall be due by a date to be established by the Texas Commission on Environmental Quality [~~Texas Natural Resource Conservation Commission~~] at the time payment is requested.

(b) Except as provided in subsection (c) of this section, waste management fees are to be paid monthly by each operator of a waste storage, processing, or disposal facility for wastes managed subject to the provisions of §335.325 of this title (relating to Industrial Solid Waste and Hazardous Waste Management Fee Assessment) in that month. Fees must be paid by check, electronic funds transfer, certified check, or money order to Texas Commission on Environmental Quality [~~Texas Natural Resource Conservation Commission~~] and shall be due by the 25th day following the end of the month for which payment is due.

(c) An owner or operator required to pay a waste management fee who owes less than $500 for a calendar month or less than $1,500 for a calendar quarter is not required to file a monthly report under §335.329 of this title (relating to Records and Reports) but should file a quarterly report with and pay a quarterly fee to the commission.

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For further information, please call: (512) 239-0682

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SUBCHAPTER R. WASTE CLASSIFICATION

30 TAC §§335.504, 335.509, 335.521

Statutory Authority

The amendments are proposed under Texas Water Code (TWC), §5.102, which provides the commission with the authority to carry out its duties and general powers; TWC, §5.103, which authorizes the commission to adopt rules necessary to carry out its powers and duties; Texas Health and Safety Code (THSC), §361.017, which establishes the commission's jurisdiction over industrial solid waste and municipal hazardous waste; THSC, §361.024, which authorizes the commission to adopt rules regarding the management and control of solid waste; THSC, §361.036, regarding records and manifests; THSC, §361.061 and §361.082, authorizing the issuance of permits for solid and hazardous waste facilities; THSC, §361.078, relating to the maintenance of state program authorization under federal law; THSC, §361.085, relating to financial assurance and disclosure by permit applicants; and THSC, §361.119, which authorizes the regulation of industrial solid waste and hazardous waste.

The proposed rulemaking implements THSC, Chapter 361.

§335.504. Hazardous Waste Determination.

(a) Hazardous waste determination. A person who generates a solid waste, as defined in §335.1 of this title (relating to Definitions), must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable Resource Conservation and Recovery Act (RCRA) and Texas Administrative Code regulations. The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change. A hazardous waste determination is made using the following steps:

(1) A person must determine whether the material is excluded or exempted from regulation as a solid waste or as hazardous waste under the definition of solid waste in §335.1 of this title or identified in 40 Code of Federal Regulations (CFR) Part 261, Subpart A as amended in the *Federal Register* through December 9, 2019 (84 FR 67202), or Subpart E as amended in the *Federal Register* through August 6, 2018 (83 FR 38262).

(2) If the waste is not excluded from regulation as a solid waste, the person must then use knowledge of the waste to determine whether the waste is a hazardous waste because it meets any of the listing descriptions, or is mixed with or derived from a waste that meets any of the listing descriptions identified in 40 CFR Part 261, Subpart D, as amended in the *Federal Register* through February 22, 2019 (84 FR 5816). Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin, composition, the process producing the waste, feedstock, and other reliable and relevant information.

(3) The person must also determine whether the waste exhibits one or more hazardous characteristics as identified in 40 CFR Part 261, Subpart C, as amended in the *Federal Register* through July 7, 2020 (85 FR 40594) [~~March 18, 2010 (75 FR 12989)~~] by following the procedures in subparagraph (A) or (B) of this paragraph or a combination of both.

(A) The person must apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to generate the waste. Acceptable knowledge may include process knowledge (e.g., information about chemical feedstocks and other inputs to the production process); knowledge of products, by-products, and intermediates produced by the manufacturing process; chemical or physical characterization of wastes; information on the chemical and physical properties of the chemicals used or produced by the process or otherwise contained in the waste; testing that illustrates the properties of the waste; or other reliable and relevant information about the properties of the waste or its constituents. A test other than a test method set forth in 40 CFR Part 261, Subpart C or an equivalent test method approved by the United States Environmental Protection Agency (EPA) Administrator under 40 CFR §260.21, or by the executive director under §335.509 of this title (relating to Waste Analysis), may be used as part of a person's knowledge to determine whether a solid waste exhibits a characteristic of hazardous waste. However, such tests do not, by themselves, provide definitive results. Persons testing their waste must obtain a representative sample, as defined in §335.1 of this title, of the waste for the testing,

(B) When available knowledge is inadequate to make an accurate determination, the person must test the waste according to the applicable methods set forth in 40 CFR Part 261, Subpart C or according to an equivalent method approved by the EPA Administrator under 40 CFR §260.21, or approved by the executive director under §335.509 of this title, and in accordance with the following:

(i) Persons testing their waste must obtain a representative sample, as defined in §335.1 of this title, of the waste for the testing.

(ii) Where a test method is specified in 40 CFR Part 261, Subpart C, the results of the regulatory test, when properly performed, are definitive for determining the regulatory status of the waste.

(b) Recordkeeping for small or large quantity generators. A large quantity generator and a small quantity generator shall maintain records supporting its hazardous waste determinations in accordance with 40 CFR §262.11(f) as adopted under §335.53 of this title (relating to General Standards Applicable to Generators of Hazardous Waste).

(c) Recordkeeping for hazardous waste and Class 1 waste generators. Generators shall make and maintain records of a hazardous waste determination in accordance with §335.513 of this title (relating to Documentation Required), and 40 CFR §262.11(f) as adopted under §335.53 of this title.

§335.509. Waste Analysis.

(a) Generators who use analytical methods to classify their waste must use methods described in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (EPA SW-846), "Methods for Chemical Analysis of Water and Wastes" (EPA-600/4-79-020) [~~(EPA-600/4-79/020)~~], "Standard Methods for the Examination of Water and Wastewater", American Society for Testing and Materials (ASTM) Standard Methods, or any other approved EPA methods or may request in writing that the executive director review and approve an alternate method. The generator must also choose representative sample(s) of their waste, as described in Chapter 9 of EPA SW-846. A generator who proposes to use an alternate method must validate the alternate method by demonstrating that the method is equal to or superior in accuracy, precision, and sensitivity to the corresponding SW-846, EPA-600, Standard Method or ASTM method identified in this subsection.

(b) The generator proposing an alternate method shall provide the executive director with the following information:

(1) a full description of the proposed method including all equipment used;

(2) a description of the types of wastes and waste matrices analyzed or to be analyzed;

(3) comparative quality assurance results of the proposed method and the corresponding SW-846 method;

(4) a complete assessment of any factors which may interfere with the method; and

(5) a description of the Quality Control procedures necessary to ensure the sensitivity, accuracy, and precision of the proposed method.

(c) Upon request of the executive director, the generator shall provide additional information as necessary to enable the executive director to adequately review the alternate methods proposed by the generator.

§335.521. Appendices.

(a) Appendix 1.

(1) Table 1.

Figure: 30 TAC §335.521(a)(1)

[~~Figure: 30 TAC §335.521(a)(1)~~]

(2) Table 2.

Figure: 30 TAC §335.521(a)(2)

[~~Figure: 30 TAC §335.521(a)(2)~~]

(3) Table 3.

Figure: 30 TAC §335.521(a)(3)

[~~Figure: 30 TAC §335.521(a)(3)~~]

(b) Appendix 2.

Figure: 30 TAC §335.521(b)

[~~Figure: 30 TAC §335.521(b)~~]

(c) Appendix 3.

Figure: 30 TAC §335.521(c)

[~~Figure: 30 TAC §335.521(c)~~]

(d) Appendix 4.

Figure: 30 TAC §335.521(d) (No change.)

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 14, 2026.

TRD-202603481

Amy L. Browning

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Earliest possible date of adoption: September 27, 2026

For further information, please call: (512) 239-0682

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 20. TEXAS WORKFORCE COMMISSION

CHAPTER 842. WIOA NONDISCRIMINATION AND EQUAL OPPORTUNITY

The Texas Workforce Commission (TWC) proposes amendments to the following section in Chapter 842, WIOA Nondiscrimination and Equal Opportunity:

Subchapter A. WIOA Nondiscrimination and Equal Opportunity, §842.5

TWC proposes the repeal of the following section in Chapter 842, WIOA Nondiscrimination and Equal Opportunity:

Subchapter A. WIOA Nondiscrimination and Equal Opportunity, §842.7

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the Chapter 842 rule change is to remove affirmative outreach requirements for recipients of Workforce Innovation and Opportunity Act (WIOA) Title I financial assistance (including Local Workforce Development Boards), ensuring alignment with federal regulatory changes.

On June 23, 2026, the US Department of Labor (DOL) issued a final rule rescinding the regulatory affirmative outreach requirements for recipients of financial assistance under WIOA Title I, as implemented under Title 29, Code of Federal Regulations (CFR), §38.40, effective July 24, 2026.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

SUBCHAPTER A. WIOA NONDISCRIMINATION AND EQUAL OPPORTUNITY

TWC proposes the following amendments to Subchapter A:

The chapter is reorganized by removing the Subchapter A heading, as Chapter 842 does not contain any other subchapters, thereby eliminating an unnecessary organizational level.

§842.5. Notice and Communication

Section 842.5(a) is amended to remove 29 CFR §38.40 from the reference to the notice and communication requirements in the CFR.

§842.7. Affirmative Outreach

Section 842.7 is repealed to conform with DOL's rescission of 29 CFR §38.40.

PART III. IMPACT STATEMENTS

Chris Nelson, Chief Financial Officer, has determined that for each year of the first five years the proposed rules will be in effect, the following statements will apply:

There are no additional estimated costs to the state or to local governments expected as a result of enforcing or administering the proposed rules.

There are no estimated cost reductions to the state or to local governments as a result of enforcing or administering the proposed rules.

There are no estimated losses or increases in revenue to the state or local governments as a result of enforcing or administering the proposed rules.

There are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the proposed rules.

There are no anticipated economic costs to individuals required to comply with the proposed rules.

There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural communities as a result of enforcing or administering the proposed rules.

Based on the analyses required by Texas Government Code, §2001.024, TWC has determined that the requirement to repeal or amend a rule, as required by Texas Government Code, §2001.0045, does not apply to this rulemaking.

Takings Impact Assessment

Under Texas Government Code, §2007.002(5), "taking" means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the US Constitution or the Texas Constitution, §17 or §19, Article I, or restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action, and is the producing cause of a reduction of at least 25 percent in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect. TWC completed a Takings Impact Assessment for the proposed rulemaking action under Texas Government Code, §2007.043. The primary purpose of this proposed rulemaking action, as discussed elsewhere in this preamble, is to align rules with federal regulatory changes that removed the affirmative outreach requirement for recipients of financial assistance under WIOA Title I.

The proposed rulemaking action will not create any additional burden on private real property or affect private real property in a manner that would require compensation to private real property owners under the US Constitution or the Texas Constitution. The proposal also will not affect private real property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of the governmental action. Therefore, the proposed rulemaking will not cause a taking under Texas Government Code, Chapter 2007.

Government Growth Impact Statement

TWC has determined that during the first five years the rules will be in effect, they:

--will not create or eliminate a government program;

--will not require the creation or elimination of employee positions;

--will not require an increase or decrease in future legislative appropriations to TWC;

--will not require an increase or decrease in fees paid to TWC;

--will not create a new regulation;

--will not expand, limit, or eliminate an existing regulation;

--will not change the number of individuals subject to the rules; and

--will not positively or adversely affect the state's economy.

Economic Impact Statement and Regulatory Flexibility Analysis

TWC has determined that the rules will not have an adverse economic impact on small businesses or rural communities, as the proposed rules place no requirements on small businesses or rural communities.

Mariana Vega, Director, Labor Market Information, has determined that there is not a significant negative impact upon employment conditions in the state as a result of the rules.

Jason Stalinsky, Director, Fraud Deterrence and Compliance Monitoring, has determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated as a result of the proposal will be alignment of TWC nondiscrimination rules with federal regulations and WIOA §188.

PART IV. REQUEST FOR IMPACT INFORMATION

TWC requests, from any person required to comply with the proposed rules or any other interested person, information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. Please submit the requested information to TWCPolicyComments@twc.texas.gov no later than September 28, 2026.

PART V. PUBLIC COMMENTS

Comments on the proposed rules may be submitted to TWCPolicyComments@twc.texas.gov and must be received no later than September 28, 2026.

40 TAC §842.5

PART VI. STATUTORY AUTHORITY

The rule is proposed under Texas Labor Code, §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The rule relates to Texas Labor Code, Title 4, particularly Chapters 301 and 302, as well as Texas Government Code, Chapter 2308.

§842.5. Notice and Communication.

(a) Each recipient shall comply with the notice and communication requirements of 29 CFR §§38.34 - 38.39 [~~§§38.34 - 38.40~~].

(b) The notice required by 29 CFR §38.35 shall be made available to each participant and made part of each participant's file. A copy of an acknowledgment of receipt of notice, in a format determined by the State-Level Agency EO Officer and signed by the participant, must be maintained in each participant's file. This information must be communicated in appropriate languages as required by 29 CFR §38.9 and in formats accessible for individuals with disabilities as required in 29 CFR §38.15.

(c) The notice shall be posted prominently, in reasonable numbers and places, in physical locations and on the recipient's website.

(d) Each recipient shall comply with the tagline requirements of 29 CFR §38.38 for recruitment brochures and other materials as described in 29 CFR §38.38.

(e) When communicating vital information to participants, recipients must incorporate a Babel notice into the communication as required by 29 CFR §38.9(g)(3). The notice must indicate in appropriate languages that language assistance is available free of charge.

(f) For information and services accessed electronically, each recipient shall establish a procedure that ensures that the notice requirements of 29 CFR Part 38 are met.

(g) Each Board shall ensure compliance with and dissemination of information regarding the requirements of 29 CFR Part 38 by assuring that training regarding the nondiscrimination and equal opportunity requirements of WIOA is provided to the Board, the operator of the Workforce Solutions Office, other workforce area recipients, and recipients' staffs.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 11, 2026.

TRD-202603377
Les Trobman
General Counsel
Texas Workforce Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (737) 301-9662

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40 TAC §842.7

The rule is repealed under Texas Labor Code, §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The repeal relates to Texas Labor Code, Title 4, particularly Chapters 301 and 302, as well as Texas Government Code, Chapter 2308.

§842.7. Affirmative Outreach.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 11, 2026.

TRD-202603378
Les Trobman
General Counsel
Texas Workforce Commission
Earliest possible date of adoption: September 27, 2026
For further information, please call: (737) 301-9662

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TITLE 43. TRANSPORTATION

PART 10. TEXAS DEPARTMENT OF MOTOR VEHICLES

CHAPTER 218. MOTOR CARRIERS
SUBCHAPTER B. MOTOR CARRIER REGISTRATION

43 TAC §218.16

INTRODUCTION. The Texas Department of Motor Vehicles (department) proposes amendments to 43 Texas Administrative Code (TAC) Subchapter B, Motor Carrier Registration, §218.16, regarding Insurance Requirements. These amendments are necessary to streamline language and update the rule to align with federal and state safety ratings practices.

EXPLANATION.

A proposed amendment to §218.16(a) would modify subsection (a) to remove unnecessary rule text about the department rejecting extraneous information in a motor carrier's proof of automobile liability insurance. The department's current application form does not permit the submission of extraneous information, so there is no need for a rule about rejection of such information.

Proposed amendments to §218.16(b) would modify language for subject-verb agreement to improve readability.

A proposed amendment to §218.16(c) would condense language about required insurance coverage for a motor carrier whose primary business is transportation for compensation or hire between two municipalities. The proposed amendments would strike language that is redundant of Transportation Code, §643.106, while preserving the requirement that the carrier obtain at least the minimum amounts of insurance coverage specified by the statute to qualify for registration.

A proposed amendment to §218.16(d)(2)(C) would permit the department to approve an applicant who wishes to establish proof of self-insurance coverage, but has not been rated on safety by either the Texas Department of Public Safety (DPS) or the Federal Motor Carrier Safety Administration (FMCSA). While any carrier that is given a safety rating by DPS or FMCSA must be rated "satisfactory" to qualify for self-insured status, many carriers are not rated, and the operative agencies do not perform compliance reviews for safety ratings by request. The proposed amendments would also further align the department's rules with related federal regulation regarding self-insurance, as the governing federal provision, 49 C.F.R. §387.309(a)(3), permits certain interstate motor carriers to qualify for self-insurance by certifying that they have not been rated on safety by FMCSA. The proposed amendments would therefore allow the department to approve the self-insurance application of a motor carrier that has not been rated on safety by either DPS or FMCSA, while continuing to require a satisfactory safety rating for a motor carrier that has been rated.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Chris Hayden, Chief Financial Officer, has determined that for each year of the first five years the amendments will be in effect, there will be no fiscal impact to state or local governments as a result of the enforcement or administration of the proposal. Clint Thompson, Director of the Motor Carrier Division, has determined that there will be no measurable effect on local employment or the local economy as a result of the proposal.

PUBLIC BENEFIT AND COST NOTE. Mr. Thompson has also determined that, for each year of the first five years the amended sections would be in effect, the anticipated public benefit is that the amended rules would be updated and streamlined to more

accurately reflect and aid public understanding of current department and industry practice.

Anticipated Costs to Comply with the Proposal. Mr. Thompson anticipates that there will be no costs to comply with these rules. The proposed rules would clarify existing law and practice, rather than add new compliance activities.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. As required by the Government Code, §2006.002, the department has determined that the proposed amendments will not have an adverse economic effect on small businesses, micro-businesses, and rural communities because the rule changes do not add new requirements and do not have any differential impact on small businesses, micro-businesses, or rural communities. Therefore, the department is not required to prepare a regulatory flexibility analysis under Government Code, §2006.002.

TAKINGS IMPACT ASSESSMENT. The department has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT. The department has determined that for each year of the first five years the proposed amendments would be in effect, no government program would be created or eliminated. Implementation of the proposed amendments would not require the creation of new employee positions or elimination of existing employee positions. Implementation would not require an increase or decrease in future legislative appropriations to the department, or an increase or decrease in fees paid to the department. The proposed amendments would not create a new regulation, repeal a regulation, or expand existing regulations. Rather, the proposed amendments to §218.16 would limit the application of existing regulatory requirements by allowing certain unrated motor carriers to qualify as self-insured, without expanding the rule's overall scope. Lastly, the proposed amendments would not affect the number of individuals subject to the rule's applicability and will not affect this state's economy.

REQUEST FOR PUBLIC COMMENT.

If you want to comment on the proposal, submit your written comments by 5:00 p.m. CDT on September 28, 2026. The department requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. A request for a public hearing must be sent separately from your written comments. Send written comments or hearing requests by email to *rules@txdmv.gov* or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the department will consider written comments and public testimony presented at the hearing.

STATUTORY AUTHORITY. The department proposes amendments to §218.16 under Transportation Code, §643.003, which authorizes the department to adopt rules to administer Transportation Code, Chapter 643; Transportation Code, §643.102, which permits motor carriers to comply with liability insurance requirements through self-insurance in certain instances; Transportation Code, §643.106, which directs certain motor carriers to maintain either workers' compensation or accidental insurance coverage; Government Code, §2001.004, which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures; Government Code, §2001.054, which specifies the requirements regarding the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a license; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department.

CROSS REFERENCE TO STATUTE. The amendments would implement Transportation Code, §643.102 and §643.106.

§218.16. Insurance Requirements.

(a) Automobile liability insurance requirements. A motor carrier must file proof of automobile liability insurance with the department on a form acceptable to the director for each vehicle required to be registered under this subchapter. The motor carrier shall carry and maintain automobile liability insurance that is combined single limit liability for bodily injury to or death of an individual per occurrence, and loss or damage to property (excluding cargo) per occurrence. [~~Extraneous information will not be considered acceptable, and the department may reject proof of automobile liability insurance if it is provided in a format that includes information beyond what is required.~~] Minimum insurance levels are indicated in the following table. However, a motor carrier that is required to register with the department under Transportation Code, Chapter 643 and operates a foreign commercial motor vehicle must comply with the minimum level of financial responsibility in 49 C.F.R. Part 387 for such vehicle. The department adopts by reference 49 C.F.R. Part 387 regarding the required level of financial responsibility, including any amendments that became effective through July 1, 2024.
Figure: 43 TAC §218.16(a) (No change.)

(b) Cargo insurance. Household goods carriers shall file and maintain with the department proof of financial responsibility.

(1) The minimum limits of financial responsibility for a household goods carrier are [~~is~~] $5,000 for loss or damage to a single shipper's cargo carried on any one motor vehicle.

(2) The minimum limits of financial responsibility for a household goods carrier are [~~is~~] $10,000 for aggregate loss or damage to multiple shippers' cargo carried on any one motor vehicle. In cases in which multiple shippers sustain damage and the aggregate amount of cargo damage is greater than the cargo insurance in force, the insurance company shall prorate the benefits among the shippers in relationship to the damage incurred by each shipper.

(c) Workers' compensation or accidental insurance coverage.

[~~(1)~~] A motor carrier that is required to register under this subchapter and whose primary business is transportation for compensation or hire between two or more municipalities shall provide workers' compensation for all its employees or accidental insurance coverage in at least the minimum amounts prescribed in Transportation Code, §643.106(b) [~~paragraph (2) of this subsection~~].

[~~(2) Accidental insurance coverage required by paragraph (1) of this subsection shall be at least in the following amounts:~~]

[~~(A) $300,000 for medical expenses for at least 104 weeks;~~]

[~~(B) $100,000 for accidental death and dismemberment;~~]

[~~(C) 70 percent of the employee's pre-injury income for not less than 104 weeks when compensating for loss of income; and~~]

[~~(D) $500 for the maximum weekly benefit.~~]

(d) Qualification of motor carrier as self-insured motor carrier.

(1) General qualifications. A motor carrier may meet the insurance requirements of subsections (a) and (b) of this section by filing an application, in a form prescribed by the department, to qualify as a self-insured motor carrier. The application must include a true and accurate statement of the motor carrier's financial condition and other evidence that establishes its ability to satisfy obligations for bodily injury and property damage liability, or cargo liability, if applicable, without affecting the stability or permanency of its business. The department may accept USDOT evidence of the motor carrier's qualifications as a self-insured motor carrier.

(2) Applicant guidelines. In addition to filing an application as prescribed by the department, an applicant for self-insured status must submit information and documents that will enable the department to determine the following information.

(A) Applicant's net worth. An applicant's net worth must be adequate in relation to the size of its operations and the extent of its request for self-insurance authority. The applicant must demonstrate that it can and will maintain an adequate net worth.

(B) Self-insurance program. An applicant must demonstrate that it has established and shall maintain a sound insurance program that will protect the public against all claims involving motor vehicles to the same extent as the minimum insurance levels applicable under this section. In determining whether an applicant is maintaining a sound insurance program, the department shall consider:

(i) reserves;

(ii) sinking funds;

(iii) third-party financial guarantees;

(iv) parent company or affiliate sureties;

(v) excess insurance coverage; and

(vi) other appropriate aspects of the applicant's program.

(C) Safety program. An applicant that has received a [~~must submit evidence of a current "satisfactory"~~] safety rating from the Texas Department of Public Safety (DPS) under Transportation Code, Chapter 644 and administrative rules adopted under Transportation Code, Chapter 644 or a [~~"satisfactory"~~] safety rating from FMCSA under federal law, as applicable, must submit evidence of a current "satisfactory" safety rating. An application by a motor carrier that has received a safety rating from DPS or FMCSA but does not have [~~with less than~~] a current "satisfactory" safety rating [~~or no safety rating~~] will be summarily denied. If an applicant has not been rated on safety by either DPS or FMCSA, the department may approve the application.

(3) Other securities or agreements. The department may accept an application for approval of a security or agreement if satisfied that the security or agreement offered will adequately protect the public.

(4) Periodic reports. An approved self-insured motor carrier shall file with the department annual statements and any reports required by the department reflecting the motor carrier's financial condition and the status of its self-insurance program while the motor carrier is self-insured.

(5) Duration and coverage of self-insured status. The department may approve an applicant as a self-insured motor carrier for any specific time or for an indefinite time. An approved self-insured status only applies to the type of cargo that the motor carrier reported to the department in the application for self-insured status, and is subject to any limitations, restrictions, or requirements that the department includes in any letter approving self-insured status.

(6) Revocation of self-insured status. On receiving evidence that a self-insured motor carrier's financial condition has changed, that its safety program or record is inadequate, or that it is otherwise not in compliance with this subchapter, the department may at any time require the self-insured motor carrier to provide additional information and documents. On 10 days' notice from the department, the self-insured motor carrier shall provide the department with information and documents, as applicable, that demonstrate that it remains in compliance with the requirements of this section and of any active self-insurance requirements included in the department's approval letter. If a motor carrier fails to comply with the applicable requirements under this section, its self-insured status may be revoked. The revocation of self-insured status will be governed by Chapter 224 of this title (relating to Adjudicative Practice and Procedure) and Transportation Code, Chapter 643.

(7) Appeal of denial of application for self-insured status. An applicant may appeal a denial of self-insured status by filing an appeal in accordance with §224.126 of this title (relating to Appeal of a Denial of Self-Insured Status).

(e) Filing proof of insurance with the department.

(1) Forms.

(A) A motor carrier shall file and maintain proof of automobile liability insurance for all vehicles required to be registered under this subchapter at all times. This proof shall be filed on a form acceptable to the director.

(B) A household goods carrier shall also file and maintain proof of cargo insurance for its cargo at all times. This proof shall be on a form acceptable to the director.

(2) Filing proof of insurance. A motor carrier's insurer shall file and maintain proof of insurance on a form acceptable to the director:

(A) at the time of the original application for a motor carrier certificate of registration;

(B) on or before the cancellation date of the insurance coverage as described in subsection (f) of this section;

(C) when the motor carrier changes insurers;

(D) when the motor carrier asks to retain the certificate number of a revoked certificate of registration;

(E) when the motor carrier changes its name under §218.13(e)(2) of this title (relating to Application for Motor Carrier Registration);

(F) when the motor carrier, under subsection (a) of this section, changes the classification of the cargo being transported; and

(G) when replacing another active insurance filing.

(3) Filing fee. Each certificate of insurance or proof of financial responsibility filed with the department for the coverage required under this section must be accompanied by a nonrefundable filing fee of $100 when the carrier submits an original application and when the carrier submits a supplemental application when retaining a revoked certificate of registration number.

(4) Acceptable filings. The motor carrier's insurer must file proof of insurance with the department in a form prescribed by the department and approved by an authorized agent of the insurer.

(f) Cancellation of insurance coverage. Except when replaced by another acceptable form of insurance coverage or proof of financial responsibility approved by the department, insurance coverage may not be canceled or withdrawn until 30 days after notice has been given to the department by the insurer in a form approved by the department. Nonetheless, proof of insurance coverage for a seven-day or 90-day certificate of registration may be canceled by the insurer without 30 days' notice if the certificate of registration is expired, suspended, or revoked, and the insurer provides a cancellation date on the proof of insurance coverage.

(g) Replacement insurance filing. The department shall consider a new insurance filing as the current record of financial responsibility required by this section if:

(1) the new insurance filing is received by the department; and

(2) a cancellation notice has not been received for previous insurance filings.

(h) Insolvency of insurance carrier. An affidavit required by Transportation Code, §643.105 must be executed by an owner, partner, or officer of the motor carrier.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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TRD-202603442
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
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For further information, please call: (512) 465-4160

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CHAPTER 219. OVERSIZE AND OVERWEIGHT VEHICLES AND LOADS

INTRODUCTION. The Texas Department of Motor Vehicles (department) proposes amendments to 43 Texas Administrative Code (TAC) Subchapter A, General Provisions, §219.3; and Subchapter B, General Permits, §§219.11, 219.12, and 219.15, concerning modernization of bond certification, and updates and clean-up for general, single-trip, and portable building unit permits. The proposed amendments are necessary to update department rules on electronic bond filing and certification, as well as to modernize the rules for permits to align with current statute and practice, to delete unnecessary language, and to improve readability.

EXPLANATION.

§219.3

Currently, §219.3(b)(2) requires that surety bonds for vehicles transporting recycled materials or solid waste expire at the end of each state fiscal year. A proposed amendment to §219.3(b) would delete §219.3(b)(2) and add new §219.3(b)(1)(D) and (E) to allow more flexibility, requiring only that the surety bonds are valid and effective during the time period when the applicant for the bond certification is transporting recycled materials or solid waste, regardless of when that period falls with respect to the end of the state fiscal year. Current §219.3(b)(3) is proposed to be renumbered to accommodate the deletion of §219.3(b)(2).

Proposed amendments to proposed renumbered §§219.3(b)(2), 219.3(c), and §219.3(d) would modernize the rules by allowing for electronic document transfer between the department and applicants for surety bond certification. Proposed renumbered §219.3(b)(2) and §219.3(d)(4) would be updated to provide that the bond holder must carry in the cab of the bonded vehicle a copy of the bond, bond certification form, and a copy of any bond amendments and bond amendment forms, that have been filed with and certified by the department. This clarification aligns these rules with the statutory requirement under Transportation Code, §622.134(d) and §623.163(d) that a copy of the bond must be carried in the vehicle, eliminates the inconvenience and risk of having to carry the original documents, and provides an immediate mechanism for law enforcement to determine that the bond or bond amendment has been certified by the department.

Proposed amendments to §219.3(c)(1) would modernize the rule to allow electronic submission by removing a requirement that a bond certificate be completed in duplicate, because duplicate copies are unnecessary in electronic transmission. Proposed amendments to §219.3(c)(2) and §219.3(d)(2) would clarify that the department will review a bond or bond amendment prior to certification to determine that it meets requirements. Additional proposed amendments to §219.3(c)(2) and §219.3(d)(2) would modernize the rules to accommodate electronic document transfers by allowing the department flexibility to return either an electronic or hard copy of a bond certificate form or bond amendment form to the applicant. The current rules reference a single copy being returned and imply that the certificate is returned as a physical copy, which would no longer be the case with electronic document transmission. However, the rules would retain flexibility to allow for paper transmission in the unlikely event an electronic copy could not be transmitted.

Proposed amendments to §219.3(e) would modernize the rule to allow electronic document transfers. The proposed amendments would delete language requiring original copies of bond documents, and would instead allow bond holders to submit bonds and bond amendments to the department electronically, and allow the department to return electronic copies of certified forms for those bonds and amendments. The proposed amendments would add language clarifying that electronic copies of bond documents would be valid to the same extent as hard copies.

§219.11

A proposed amendment to §219.11(l)(2)(A) would remove outdated language related to an expiration date for holiday restrictions on permits. The Texas Department of Transportation has adopted a rule in 43 TAC §28.4, imposing dimension limits for permits issued on holidays effective February 19, 2025. Thus, the restrictions are now indefinitely in effect. The proposed amendment would update the rule accordingly.

Proposed amendments to §219.11(n) would align the provision with proposed changes in §219.3 related to the effective date and electronic transmission of bonds. Currently, §219.11(n)(1)(C) provides that surety bonds expire at the end of each state fiscal year for the vehicles required to obtain such bonds under Transportation Code, §623.075. A proposed amendment would delete §219.11(n)(1)(C) and add new §219.11(n)(1)(C) and (D) to allow more flexibility, requiring only that the surety bonds are valid and effective during the time period when the applicant for the bond certification is operating under the permit authorized in the section, regardless of when that period falls with respect to the end of the state fiscal year. The remaining subsections would

be relettered to accommodate the addition of §219.11(n)(1)(C) and (D).

§219.12

Proposed amendments to §219.12(a) would clarify the time-frame in which movement is authorized under a single-trip permit. Single-trip permits are currently issued for a five-day period as this is generally a reasonable time frame for a single, continuous movement and offers some flexibility while remaining consistent with the concept of a single trip. However, the time frame may be extended with department approval for an additional five days if the movement is delayed--for example, if the load to be transported is not delivered when anticipated. Accordingly, the proposed amendment would update the rule to clarify current practice. A proposed amendment to §219.12(b)(4) would strike an outdated reference to exemption from the vehicle supervision fee for the holder of a fixed price public works contract that was entered into prior to February 21, 1999. The rule authorizing an exemption from the fee is no longer needed as there should be no remaining fixed price public works contracts to which the exemption would apply. The remaining subsections would be renumbered based on the proposed deletion of §219.12(b)(4).

§219.15

Proposed amendments to §219.15(a) would repeal rule language that is unnecessarily duplicative of statutory language in Transportation Code, Chapter 623, Subchapter F, and instead refer directly to the statute. A proposed amendment to §219.15(d) would replace language indicating that no fees are refundable with language that would allow the department flexibility to issue a refund if it is necessary to correct an error made by a permit officer of the department.

Several amendments are proposed to §219.15(e). Proposed amendments to §219.15(e)(2) would align the rule with Transportation Code §623.121(b), which allows for a permit load of over 80 feet in length only in truck-tractor or truck-tractor combination vehicle configurations, which are exempted by Transportation Code, §623.121(b). Other proposed amendments to §219.15(e) would delete §219.15(e)(5) and (e)(6) because the language is duplicative of statute, and would delete §219.15(e)(7) because the language is outdated and refers to a process for voiding permits that is no longer in use.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Chris Hayden, Chief Financial Officer, has determined that for each year of the first five years the amendments will be in effect, there will be no fiscal impact to state or local governments as a result of the enforcement or administration of the proposal. Clint Thompson, Director of the Motor Carrier Division, has determined that there will be no measurable effect on local employment or the local economy as a result of the proposal.

PUBLIC BENEFIT AND COST NOTE. Mr. Thompson has also determined that, for each year of the first five years the amended section is in effect, there are several public benefits. Proposed amendments that would allow for electronic document processing would make the department more efficient in issuing bond certifications and permits, which would in turn create time savings and efficiencies for motor carriers and, in turn, members of the public served by motor carriers. In addition, the public would benefit from the improved clarity and readability of the department's rules, improved by removing language that is redundant with statute and outdated language, and by updating language to reflect current agency processes.

Anticipated Costs To Comply with the Proposal. Mr. Thompson anticipates that there will be no costs to comply with these rules. The proposed changes would simplify processes and clarify language for surety bond holders as well as permit applicants and holders.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. As required by the Government Code, §2006.002, the department has determined that the proposed amendments will not have an adverse economic effect on small businesses, micro-businesses, and rural communities because there are not costs anticipated to comply with the proposal, so there would be no particular impact to small businesses, micro-businesses, or rural communities. Therefore, the department is not required to prepare a regulatory flexibility analysis under Government Code, §2006.002.

TAKINGS IMPACT ASSESSMENT. The department has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT. The department has determined that each year of the first five years the proposed amendments are in effect, no government program would be created or eliminated. Implementation of the proposed amendments would not require the creation of new employee positions or elimination of existing employee positions. Implementation would not require an increase or decrease in future legislative appropriations to the department or an increase or decrease of fees paid to the department. The proposed amendments do not create a new regulation. The proposed amendments slightly expand current regulation by clarifying the documentation that must be carried in the vehicle to demonstrate department certification of a bond or amendment. The proposed amendments limit an existing regulation by allowing for electronic completion of existing requirements for bond filing and certification as well as increased flexibility in the time period during which the bonds must be valid and effective. In addition, the proposed amendments repeal portions of several existing regulations that are unnecessary, duplicative of statute, or in need of modernization. Lastly, the proposed amendments do not affect the number of individuals subject to the rule's applicability and will not affect this state's economy.

REQUEST FOR PUBLIC COMMENT.

If you want to comment on the proposal, submit your written comments by 5:00 p.m. CDT on September 28, 2026. The department requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. A request for a public hearing must be sent separately from your written comments. Send written comments or hearing requests by email to *rules@txdmv.gov* or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the department will consider written comments and public testimony presented at the hearing.

SUBCHAPTER A. GENERAL PROVISIONS

43 TAC §219.3

STATUTORY AUTHORITY. The Texas Department of Motor Vehicles (department) proposes amendments under Transportation Code, §621.008, which authorizes the board to adopt rules that are necessary to implement and enforce Transportation Code, Chapter 621; Transportation Code, §622.002, which authorizes the board to adopt rules that are necessary to implement and enforce Transportation Code, Chapter 622; Transportation Code, §622.134, which outlines requirements for a surety bond for certain vehicles transporting recyclable materials; Transportation Code, §623.002, which authorizes the board to adopt rules as necessary to implement Transportation Code, Chapter 623; Transportation Code, §623.163, which outlines requirements for a surety bond for certain vehicles transporting solid waste; Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department; and Government Code, §2001.004, which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures; and the statutory authority referenced throughout the preamble and in the rule text.

CROSS REFERENCE TO STATUTE. The proposed amendments would implement Transportation Code, Chapters 621, 622, and 623; and Government Code, Chapter 2001.

§219.3. Surety Bonds for Vehicles Transporting Recyclable Materials or Solid Waste.

(a) Surety bond required. A surety bond is required for:

(1) vehicles used exclusively to transport recyclable materials operated under the provisions of Transportation Code, §622.134; and

(2) vehicles used exclusively to transport solid waste under the provisions of Transportation Code, §623.163.

(b) Surety bonds.

(1) Surety bonds filed under this section must:

(A) be in the amount of $1,000 per vehicle;

(B) indicate the total amount of coverage; [~~and~~]

(C) be filed on a form and in a manner prescribed by the department; [~~.~~]

(D) indicate the effective date and expiration date; and

(E) remain valid and in effect while the vehicle is operating as specified in subsection (a).

[~~(2) A surety bond is effective the day it is issued and expires at the end of the state fiscal year.~~]

(2) [~~(3)~~] A copy of the [~~The original~~] bond and certificate form, filed with and certified by the department, must be carried in the cab of the bonded vehicle.

(c) Bond certification.

(1) For each vehicle, a bond certificate must:

(A) be on a form prescribed by the department; and

(B) be completed [~~in duplicate~~] and submitted to the department in a manner prescribed by the department for certification.

(2) The department will review the bond to determine whether it meets the requirements of this section and, if so, certify and return an electronic or hard [~~one~~] copy of the bond certificate form to the principal.

(d) Bond amendment.

(1) A bond amendment form must be submitted to the department to add or delete a vehicle covered by a certified surety bond. A bond amendment must be completed [~~in duplicate~~] on a form and in a manner prescribed by the department.

(2) The department will review the bond amendment to determine whether it meets the requirements of this section and, if so, certify and return to the principal an [~~one~~] electronic or hard copy of the bond amendment form when a new vehicle is added to the surety bond.

(3) When a vehicle is removed from the surety bond, the department will make the necessary revision to the principal's file.

(4) A copy of the [~~The~~] certified bond amendment and amendment form must be carried in the cab of the bonded vehicle.

(e) Acceptable bond documents. The department may accept an electronic copy of a surety bond or bond amendment in lieu of an original. In addition, the department may allow the electronic filing of a bond certificate form or bond amendment form. An electronically transmitted copy of a bond certificate, bond amendment, or an approved bond certificate or amendment form is valid to the same extent as a hard copy version of the document. [~~An electronic copy or facsimile copy of a surety bond form, bond certification form, or bond amendment form is not acceptable in lieu of the original surety bond.~~]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
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SUBCHAPTER B. GENERAL PERMITS

43 TAC §§219.11, 219.12, 219.15

STATUTORY AUTHORITY. The department proposes amendments under Transportation Code, §621.008, which authorizes the board to adopt rules that are necessary to implement and enforce Transportation Code, Chapter 621; Transportation Code, §622.002, which authorizes the board to adopt rules that are necessary to implement and enforce Transportation Code, Chapter 622; Transportation Code, §623.002, which authorizes the board to adopt rules as necessary to implement Transportation Code, Chapter 623; Transportation Code, §623.071, which authorizes the department to issue a permit to an applicant to move certain equipment or commodities; Transportation Code, §623.075, which requires a surety bond for certain permit applicants not subject to intrastate registration authority under Transportation Code, Chapter 643; Transportation Code §623.078, which requires a vehicle supervision fee in specific instances; Transportation Code, §623.121, which authorizes the department to issue permits to move portable building units; Transportation Code, §623.127, which lists the duration of a portable building unit permit; Transportation Code, §623.128, which restricts movement authorized by a portable building unit permit to daytime hours; Transportation Code, §1002.001, which authorizes

the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department; Government Code, §2001.004, which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures; and the statutory authority referenced throughout the preamble and in the rule text.

CROSS REFERENCE TO STATUTE. The proposed amendments would implement Transportation Code, Chapters 621, 622, and 623; and Government Code, Chapter 2001.

§219.11. General Oversize/Overweight Permit Requirements and Procedures.

(a) Purpose and scope. This section contains general requirements relating to oversize/overweight permits, including single-trip permits. Specific requirements for each type of specialty permit are provided for in this chapter.

(b) Motor carrier registration or surety bond. Unless exempted by law, prior to obtaining an oversize/overweight permit, an applicant permitted under the provisions of Transportation Code, Chapter 623, Subchapter D, must be registered as a motor carrier under Chapter 218 of this title (relating to Motor Carriers) or, if not required to obtain a motor carrier registration, file a surety bond with the department as described in subsection (n) of this section.

(c) Permit application.

(1) An application for a permit shall be made in a form and by the method prescribed by the department, and at a minimum shall include the following, unless stated otherwise in this subchapter:

(A) name, customer identification number, and address of the applicant;

(B) name, telephone number, and email address of contact person;

(C) applicant's USDOT Number if applicant is required by law to have a USDOT Number;

(D) complete load description, including maximum width, height, length, overhang, and gross weight;

(E) complete description of vehicle, including truck year, make, license plate number and state of issuance, and vehicle identification number, if required;

(F) vehicle axle and tire information including number of axles, distance between axles, axle weights, number of tires, and tire size for overweight permit applications; and

(G) any other information required by law.

(2) Applications transmitted electronically are considered signed if a digital signature is transmitted with the application and intended by the applicant to authenticate the application.

(A) The department may only accept a digital signature used to authenticate an application under procedures that comply with any applicable rules adopted by the Department of Information Resources regarding department use or acceptance of a digital signature.

(B) The department may only accept a digital signature to authenticate an application if the digital signature is:

(i) unique to the person using it;

(ii) capable of independent verification;

(iii) under the sole control of the person using it; and

(iv) transmitted in a manner that will make it infeasible to change the data in the communication or digital signature without invalidating the digital signature.

(d) Maximum permit weight limits.

(1) General. An overweight permitted vehicle will not be routed over a load-restricted bridge when exceeding the posted capacity of the bridge, unless a special exception is granted by TxDOT, based on an analysis of the bridge performed by a TxDOT approved licensed professional engineer or by TxDOT. Any analysis by a non-TxDOT licensed professional engineer must have final approval from TxDOT.

(A) An axle group must have a minimum spacing of four feet, measured from center of axle to center of axle, between each axle in the group to achieve the maximum permit weight for the group.

(B) The maximum permit weight for an axle group with spacing of five or more feet between each axle will be based on an engineering study of the equipment conducted by TxDOT.

(C) A permitted vehicle will be allowed to have air suspension, hydraulic suspension, and mechanical suspension axles in a common weight equalizing suspension system for any axle group.

(D) The department may permit axle weights greater than those specified in this section, for a specific individual permit request, based on an engineering study of the route and hauling equipment performed by a TxDOT approved licensed professional engineer or by TxDOT. Any analysis by a non-TxDOT licensed professional engineer must have final approval from TxDOT.

(E) A permitted vehicle or combination of vehicles may not exceed the manufacturer's rated tire carrying capacity, unless expressly authorized in the language on the permit based on an analysis performed by a TxDOT approved licensed professional engineer or by TxDOT. Any analysis by a non-TxDOT licensed professional engineer must have final approval from TxDOT.

(F) If two or more consecutive axle groups have an axle spacing of less than 12 feet, measured from the center of the last axle of the preceding group to the center of the first axle of the following group, the maximum permit weight on the axle groups will be reduced by 2.5% for each foot less than 12 feet.

(2) Maximum axle weight limits. Maximum permit weight for an axle or axle group is based on 650 pounds per inch of tire width or the following axle or axle group weights, whichever is the lesser amount:

(A) single axle--25,000 pounds;

(B) two-axle group--46,000 pounds;

(C) three-axle group--60,000 pounds;

(D) four-axle group--70,000 pounds;

(E) five-axle group--81,400 pounds;

(F) axle group with six or more axles--determined by TxDOT based on an engineering study of the equipment, which will include the type of steering system used, the type of axle suspension, the spacing distance between each axle, the number of tires per axle, and the tire size on each axle; or

(G) trunnion axles--30,000 pounds per axle if the trunnion configuration has:

(i) two axles;

(ii) eight tires per axle;

(iii) axles a minimum of 10 feet in width; and

(iv) at least five feet of spacing between the axles, not to exceed six feet.

(3) Weight limits for load restricted roads. Maximum permit weight for an axle or axle group, when traveling on a load restricted road, will be based on 650 pounds per inch of tire width or the following axle or axle group weights, whichever is the lesser amount:

(A) single axle--22,500 pounds;

(B) two-axle group--41,400 pounds;

(C) three-axle group--54,000 pounds;

(D) four-axle group--63,000 pounds;

(E) five-axle group--73,260 pounds;

(F) axle group with six or more axles--determined by TxDOT based on an engineering study of the equipment, which will include the type of steering system used, the type of axle suspension, the spacing distance between each axle, the number of tires per axle, and the tire size on each axle;

(G) trunnion axles--54,000 pounds; and

(H) if two or more consecutive axle groups have an axle spacing of less than 12 feet, measured from the center of the last axle of the preceding group to the center of the first axle of the following group, the maximum permit weight on the axle groups will be reduced by 2.5% for each foot less than 12 feet.

(e) Permit issuance.

(1) General. Upon receiving an application in the form prescribed by the department, the department will review the permit application for the appropriate information and will then determine the most practical route based on information provided by TxDOT.

(2) Routing.

(A) A permitted vehicle will be routed over the most practical route available taking into consideration:

(i) the size and weight of the overdimension load in relation to vertical clearances, width restrictions, steep grades, and reduced capacity or load restricted bridges;

(ii) the geometrics of the roadway in comparison to the overdimension load;

(iii) sections of highways restricted to specific load sizes and weights due to construction, maintenance, and hazardous conditions;

(iv) traffic conditions, including traffic volume;

(v) route designations by municipalities in accordance with Transportation Code, §623.072;

(vi) load restricted roads; and

(vii) other considerations for the safe transportation of the load.

(B) When a permit applicant desires a route other than the most practical, more than one permit will be required for the trip unless an exception is granted by the department.

(3) Movement to and from point of origin or place of business. A permitted vehicle will be allowed to:

(A) move empty oversize and overweight hauling equipment to and from the job site; and

(B) move oversize and overweight hauling equipment with a load from the permitted vehicle's point of origin to pick up a permitted load, and to the permitted vehicle's point of origin or the permittee's place of business after dropping off a permitted load, as long as:

(i) the load does not exceed legal size and weight limits under Transportation Code, Chapters 621 and 622; and

(ii) the transport complies with the permit, including the time period stated on the permit.

(f) Refund of permit fees. A permit fee will not be refunded after the permit number has been issued unless such refund is necessary to correct an error made by the permit officer.

(g) Amendments. A permit may be amended for the following reasons:

(1) vehicle breakdown;

(2) changing the intermediate points in an approved permit route;

(3) extending the expiration date due to conditions which would cause the move to be delayed;

(4) changing route origin or route destination prior to the start date as listed on the permit;

(5) changing vehicle size limits prior to the permit start date as listed on the permit, provided that changing the vehicle size limit does not necessitate a change in the approved route; and

(6) correcting any mistake that is made due to permit officer error.

(h) Requirements for overwidth loads.

(1) Unless stated otherwise on the permit, an overwidth load must travel in the outside traffic lane on multi-lane highways, when the width of the load exceeds 12 feet.

(2) Overwidth loads are subject to the escort requirements of subsection (k) of this section.

(3) A permitted vehicle exceeding 16 feet in width will not be routed on the main lanes of a controlled access highway, unless an exception is granted by TxDOT, based on a route and traffic study. The load may be permitted on the frontage roads when available, if the movement will not pose a safety hazard to other highway users.

(4) An applicant requesting a permit to move a load exceeding 20 feet wide will be furnished with a proposed route. The applicant must physically inspect the proposed route to determine if the vehicle and load can safely negotiate it, unless an exception is granted based on a route and traffic study conducted by TxDOT. A permit application and the appropriate fee are required for every route inspection.

(A) The applicant must notify the department in writing whether the vehicle and load can or cannot safely negotiate the proposed route.

(B) If any section of the proposed route is unacceptable, the applicant shall provide the department with an alternate route around the unacceptable section.

(C) Once a route is decided upon and a permit issued, the permit may not be amended unless an exception is granted by the department.

(i) Requirements for overlength loads.

(1) Overlength loads are subject to the escort requirements stated in subsection (k) of this section.

(2) A single vehicle, such as a motor crane, that has a permanently mounted boom is not considered as having either front or rear overhang as a result of the boom because the boom is an integral part of the vehicle.

(3) When a single vehicle with a permanently attached boom exceeds the maximum legal length of 45 feet, a permit will not be issued if the boom projects more than 25 feet beyond the front bumper of the vehicle, or when the boom projects more than 30 feet beyond the rear bumper of the vehicle, unless an exception is granted by TxDOT, based on a route and traffic study.

(4) Maximum permit length for a single vehicle is 75 feet.

(5) A load extending more than 20 feet beyond the front or rearmost portion of the load carrying surface of the permitted vehicle must have a rear escort flag vehicle, unless an exception is granted by TxDOT, based on a route and traffic study.

(6) A permit will not be issued for an oversize vehicle and load with:

(A) more than 25 feet front overhang; or

(B) more than 30 feet rear overhang, unless an exception is granted by TxDOT, based on a route and traffic study.

(7) An applicant requesting a permit to move an oversize vehicle and load exceeding 125 feet overall length will be furnished with a proposed route. The applicant must physically inspect the proposed route to determine if the oversize vehicle and load can safely negotiate it, unless an exception is granted based on a route and traffic study conducted by TxDOT. A permit application and the appropriate fee are required for every route inspection.

(A) The applicant must notify the department in writing whether the oversize vehicle and load can or cannot safely negotiate the proposed route.

(B) If any section of the proposed route is unacceptable, the applicant shall provide the department with an alternate route around the unacceptable section.

(C) Once a route is decided upon and a permit issued, the permit may not be amended unless an exception is granted by the department.

(8) A permitted vehicle that is not overwidth or overheight, and does not exceed 150 feet overall length, may be moved in a convoy consisting of not more than four overlength permitted vehicles. A permitted vehicle that is not overwidth or overheight that exceeds 150 feet, but does not exceed 180 feet overall length, may be moved in a convoy consisting of not more than two overlength permitted vehicles. Convoys are subject to the requirements of subsection (k) of this section. Each permitted vehicle in the convoy must:

(A) be spaced at least 1,000 feet, but not more than 2,000 feet, from any other permitted vehicle in the convoy; and

(B) have a rotating amber beacon or an amber pulsating light, not less than eight inches in diameter, mounted at the rear top of the load being transported.

(j) Requirements for overheight loads.

(1) Overheight loads are subject to the escort requirements stated in subsection (k) of this section.

(2) An applicant requesting a permit to move an oversize vehicle and load with an overall height of 19 feet or greater will be furnished with a proposed route. The applicant must physically inspect the proposed route to determine if the oversize vehicle and load can safely negotiate it, unless an exception is granted based on a route and traffic study conducted by TxDOT. A permit application and the appropriate fee are required for every route inspection.

(A) The applicant must notify the department in writing whether the oversize vehicle and load can or cannot safely negotiate the proposed route.

(B) If any section of the proposed route is unacceptable, the applicant shall provide the department with an alternate route around the unacceptable section.

(C) Once a route is decided upon and a permit issued, the permit may not be amended unless an exception is granted by the department.

(k) Escort flag vehicle requirements. Escort flag vehicle requirements are provided to facilitate the safe movement of permitted vehicles and to protect the traveling public during the movement of permitted vehicles. A permittee must provide for escort flag vehicles and law enforcement assistance when required by TxDOT. The requirements in this subsection do not apply to the movement of manufactured housing, portable building units, or portable building compatible cargo, unless stated otherwise in this chapter.

(1) General.

(A) Applicability. The operator of an escort flag vehicle shall, consistent with applicable law, warn the traveling public when:

(i) a permitted vehicle must travel over the center line of a narrow bridge or roadway;

(ii) a permitted vehicle makes any turning movement that will require the permitted vehicle to travel in the opposing traffic lanes;

(iii) a permitted vehicle reduces speed to cross under a low overhead obstruction or over a bridge;

(iv) a permitted vehicle creates an abnormal and unusual traffic flow pattern; or

(v) in the opinion of TxDOT, warning is required to ensure the safety of the traveling public or safe movement of the permitted vehicle.

(B) Law enforcement assistance. Law enforcement assistance may be required by TxDOT to control traffic when a permitted vehicle is being moved within the corporate limits of a city, or at such times when law enforcement assistance would provide for the safe movement of the permitted vehicle and the traveling public.

(C) Obstructions. It is the responsibility of the permittee to contact utility companies, telephone companies, television cable companies, or other entities as they may require, when it is necessary to raise or lower any overhead wire, traffic signal, street light, television cable, sign, or other overhead obstruction. The permittee is responsible for providing the appropriate advance notice as required by each entity.

(2) Escort requirements for overwidth loads. Unless an exception is granted based on a route and traffic study conducted by TxDOT, an overwidth load must:

(A) have a front escort flag vehicle if the width of the load exceeds 14 feet, but does not exceed 16 feet, when traveling on a two lane roadway;

(B) have a rear escort flag vehicle if the width of the load exceeds 14 feet, but does not exceed 16 feet, when traveling on a roadway of four or more lanes; and

(C) have a front and a rear escort flag vehicle for all roads, when the width of the load exceeds 16 feet.

(3) Escort requirements for overlength loads. Unless an exception is granted by TxDOT, based on a route and traffic study, overlength loads must have:

(A) a front escort flag vehicle when traveling on a two lane roadway if the vehicle exceeds 110 feet overall length, but does not exceed 125 feet overall length;

(B) a rear escort flag vehicle when traveling on a multi-lane highway if the vehicle exceeds 110 feet overall length, but does not exceed 125 feet overall length; and

(C) a front and rear escort flag vehicle at all times if the permitted vehicle exceeds 125 feet overall length.

(4) Escort requirements for overheight loads. Unless an exception is granted by TxDOT, based on a route and traffic study, overheight loads must have:

(A) a front escort flag vehicle equipped with a height pole to ensure the vehicle and load can clear all overhead obstructions for any permitted vehicle that exceeds 17 feet in height; and

(B) a front and rear escort flag vehicle for any permitted vehicle exceeding 18 feet in height.

(5) Escort requirements for permitted vehicles exceeding legal limits in more than one dimension. When a load exceeds more than one dimension that requires an escort under this subsection, front and rear escort flag vehicles will be required unless an exception is granted by TxDOT.

(6) Escort requirements for convoys. Convoys must have a front escort flag vehicle and a rear escort flag vehicle on all highways at all times.

(7) General equipment requirements. The following special equipment requirements apply to permitted vehicles and escort flag vehicles that are not motorcycles.

(A) An escort flag vehicle must be a single unit with a gross vehicle weight (GVW) of not less than 1,000 pounds nor more than 10,000 pounds.

(B) An escort flag vehicle must be equipped with two flashing amber lights; one rotating amber beacon of not less than eight inches in diameter; or alternating or flashing blue and amber lights, each of which must be visible from all directions while actively engaged in escort duties for the permitted vehicle.

(C) An escort flag vehicle must display a sign, on either the roof of the vehicle, or the front and rear of the vehicle, with the words "OVERSIZE LOAD" or "WIDE LOAD." The sign must be visible from the front and rear of the vehicle while escorting the permitted load. The sign must meet the following specifications:

(i) at least five feet, but not more than seven feet in length, and at least 12 inches, but not more than 18 inches in height;

(ii) the sign must have a yellow background with black lettering;

(iii) letters must be at least eight inches, but not more than 10 inches high with a brush stroke at least 1.41 inches wide; and

(iv) the sign must be visible from the front or rear of the vehicle while escorting the permitted vehicle, and the signs must not be used at any other time.

(D) An escort flag vehicle must maintain two-way communications with the permitted vehicle and other escort flag vehicles involved with the movement of the permitted vehicle.

(8) Equipment requirements for motorcycles.

(A) An official law enforcement motorcycle may be used as a primary escort flag vehicle for a permitted vehicle traveling within the limits of an incorporated city, if the motorcycle is operated by a highway patrol officer, sheriff, or duly authorized deputy, or municipal police officer.

(B) An escort flag vehicle must maintain two-way communications with the permitted vehicle and other escort flag vehicles involved with the movement of the permitted vehicle.

(l) Restrictions.

(1) Daytime and nighttime movement restrictions.

(A) A permitted vehicle may be moved only during the daytime unless:

(i) the permitted vehicle is overweight only;

(ii) the permitted vehicle is traveling on an interstate highway and does not exceed 10 feet wide and 100 feet long, with front and rear overhang that complies with legal standards; or

(iii) the permitted vehicle meets the criteria of clause (ii) of this subparagraph and is overweight.

(B) An exception may be granted allowing nighttime movement, based on a route and traffic study conducted by TxDOT. Escort flag vehicles may be required when an exception allowing nighttime movement is granted.

(2) Holiday restrictions.

(A) The [~~Effective through January 10, 2025, the~~] maximum size limits for a permit issued under Transportation Code, Chapter 623, Subchapter D, for holiday movement is 14 feet wide, 16 feet high, and 110 feet long, unless an exception is granted based on a route and traffic study conducted by TxDOT.

(B) The department may restrict holiday movement of specific loads based on TxDOT's determination that the load could pose a hazard for the traveling public due to local road or traffic conditions.

(3) Curfew restrictions. The operator of a permitted vehicle must observe the curfew movement restrictions published by the department.

(m) General provisions.

(1) Multiple commodities.

(A) When a permitted commodity creates a single overdimension, two or more commodities may be hauled as one permit load, provided legal axle weight and gross weight are not exceeded, and provided an overdimension of width, length or height is not created or made greater by the additional commodities. For example, a permit issued for the movement of a 12 foot wide storage tank may also include a 10 foot wide storage tank loaded behind the 12 foot wide tank provided that legal axle weight and gross weight are not exceeded, and provided an overdimension of width, length or height is not created.

(B) Subject to the restrictions in subparagraph (A) of this paragraph and the definition of a "nondivisible load or vehicle" in

§219.2 of this title (relating to Definitions), an applicant requesting a permit to haul a dozer and its detached blade may be issued a permit, as a nondivisible load, if removal of the blade will decrease the overall width of the load, thereby reducing the hazard to the traveling public.

(2) Oversize hauling equipment. A vehicle that exceeds the legal size limits, as set forth by Transportation Code, Chapter 621, Subchapter C, may only haul a load that exceeds legal size limits unless otherwise noted in this subchapter, but such vehicle may haul an overweight load that does not exceed legal size limits, except for the special exception granted in §219.13(c)(3) of this title (relating to Time Permits).

(n) Surety bonds under Transportation Code, §623.075.

(1) General requirements. The surety bond must comply with the following requirements:

(A) be in the amount of $10,000;

(B) be filed on a form and in a manner prescribed by the department;

(C) indicate the effective date and expiration date [~~be effective the day it is issued and expire at the end of the state fiscal year~~];

(D) remain valid and in effect while the vehicle is operating as specified in this section;

(E) [~~(D)~~] include the primary mailing address and zip code of the principal;

(F) [~~(E)~~] be signed by the principal; and

(G) [~~(F)~~] have a single entity as principal with no other principal names listed.

(2) Non-resident agent. A non-resident agent with a valid Texas insurance license may issue a surety bond on behalf of an authorized insurance company when in compliance with Insurance Code, Chapter 4056.

(3) Certificate of continuation. A certificate of continuation will not be accepted.

(4) Electronic copy of surety bond. The department will accept an electronic copy of the surety bond in lieu of the original surety bond.

§219.12. Single-Trip Permits Issued Under Transportation Code, Chapter 623, Subchapter D.

(a) General.

(1) The information in this section applies to single-trip permits issued under Transportation Code, Chapter 623, Subchapter D. The department will issue permits under this section in accordance with the requirements of §219.11 of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).

(2) The department will issue a permit for a single, continuous movement from the origin to the destination during a time period not to exceed five days, unless the department grants an extension pursuant to §219.11(g)(3) of this title, relating to General Oversize/Overweight Permit Requirements and Procedures.

(b) Overweight loads.

(1) The maximum weight limits for an overweight permit are specified in §219.11(d).

(2) The applicant shall pay, in addition to the single-trip permit fee of $60, the applicable highway maintenance fee.

(3) The applicant must also pay the vehicle supervision fee (VSF) for a permit issued for an overweight vehicle and load exceeding 200,000 pounds gross weight.

(A) The VSF is $35 if:

(i) the vehicle and load do not exceed 254,300 pounds gross weight;

(ii) there is at least 95 feet of overall axle spacing; and

(iii) the vehicle and load do not exceed maximum permit weight on any axle or axle group, as described in §219.11(d).

(B) The VSF is $500 if:

(i) there is less than 95 feet of overall axle spacing;

(ii) the vehicle and load exceed maximum permit weight on any axle or axle group, as described in §219.11(d); or

(iii) the vehicle and load exceed 254,300 pounds gross weight. However, for a vehicle and load described in this subparagraph, the VSF is reduced from $500 to $100 if no bridges are crossed, and the VSF is reduced from $500 to $35 for an additional identical load that is to be moved over the same route within 30 days of the movement date of the original permit.

(C) An applicant must pay the VSF at the time of permit application in order to offset TxDOT's costs for analyses performed in advance of issuing the permit. A request for cancellation must be in writing and received by the department prior to collection of the structural information associated with the permit application. If the application is canceled, the department will return the vehicle supervision fee.

[~~(4) An applicant applying for a permit to move a load that is required for the fulfillment of a fixed price public works contract that was entered into prior to the effective date of this section, and administered by federal, state, or local governmental entities, will not be required to pay the vehicle supervision fee, provided the applicant presents proof of the contract to the department prior to permit issuance.~~]

(4) [~~(5)~~] When the department has determined that a permit can be issued for an overdimension load exceeding 200,000 pounds gross weight, all remaining fees are due at the time the permit is issued.

(5) [~~(6)~~] Unless the permit is issued for a load under subsection (c) of this section, this permit may not be used for a container, including a trailer, loaded with divisible cargo.

(6) [~~(7)~~] The following provisions apply to an application for a superheavy permit to move an overdimension load that is over 254,300 pounds gross weight, between 200,001 and 254,300 pounds gross weight with less than 95 feet overall axle spacing, or over the maximum permitted weight on any axle or axle group described in §219.11(d) of this title.

(A) In consultation with TxDOT and the applicant as necessary, the department will determine a tentative route based on the physical size of the overdimension load excluding the weight. After the department provides the tentative route to the applicant, the applicant must investigate the tentative route and acknowledge in writing to the department that the tentative route is capable of accommodating the overdimension load. If the applicant tells the department that the tentative route is not capable of accommodating the overdimension load, the department will consult with TxDOT and the applicant as necessary to attempt to create a tentative route that the applicant can acknowledge is capable of accommodating the overdimension load.

(B) The applicant must provide the department with the name and email address of the applicant's TxDOT-certified, licensed professional engineering firm, which TxDOT certifies under Chapter 28, Subchapter G of this title (relating to Oversize and Overweight Vehicles and Loads). Once the applicant provides the department with the name and email address of the applicant's TxDOT-certified, licensed professional engineering firm and acknowledges to the department that the tentative route is capable of accommodating the overdimension load, the department will provide the tentative route and the applicant's application information to the applicant's TxDOT-certified, licensed professional engineering firm.

(C) The applicant must provide information and documents, as requested, to the applicant's TxDOT-certified, licensed professional engineering firm to enable the engineering firm to provide TxDOT with a written report under §28.86 of this title (relating to Bridge Report).

(D) Before the superheavy permit may be issued, the applicant's TxDOT-certified, licensed professional engineering firm must provide TxDOT with a written report that includes a detailed structural analysis of the bridges on the tentative route, demonstrating that the bridges and culverts on the tentative route are capable of sustaining the load. The department will not issue a superheavy permit unless TxDOT provides the department with approval for the tentative route proposed by the department and acknowledged by the applicant as capable of accommodating the overdimension load.

(c) Drill pipe and drill collars hauled in a pipe box.

(1) A vehicle or combination of vehicles may be issued a permit under Transportation Code, §623.071, to haul drill pipe and drill collars in a pipe box.

(2) The maximum width must not exceed 10 feet.

(3) The axle weight limits must not exceed the maximum weight limits as specified in §219.11(d)(3).

(4) The height and length must not exceed the legal limits specified in Transportation Code, Chapter 621, Subchapter C.

(5) The permit will be issued for a single-trip only. For loads over 80,000 pounds, the applicant must pay the single-trip permit fee, in addition to the highway maintenance fee specified in Transportation Code, §623.077.

(6) The permit is valid only for travel on any farm-to-market and ranch-to-market road, and such road will be specified on the permit; however, the permitted vehicle will not be allowed to cross any load restricted bridge when exceeding the posted capacity of the bridge.

(7) Movement will be restricted to daytime only.

(d) Houses.

(1) The issuance of a permit for a house exceeding 20 feet in width will be based on:

(A) the amount of inconvenience and hazard to the traveling public, based on traffic volume;

(B) highway geometrics and time of movement; and

(C) the overall width, measured to the nearest inch, of the house, including the eaves or porches.

(2) The proposed route must include the beginning and ending points on a state highway.

(3) A permit may be issued for the movement of an overweight house provided:

(A) the applicant provides the department with the requested information regarding weights;

(B) each support beam, parallel to the centerline of the highway, is equipped with an identical number of two-axle groups which may be placed directly in line and across from the other corresponding two-axle group or may be placed in a staggered offset arrangement to provide for proper weight distribution;

(C) that, when a support beam is equipped with two or more two-axle groups, each two-axle group is connected to a common mechanical or hydraulic system to ensure that each two-axle group shares equally in the weight distribution at all times during the movement; and when the spacing between the two-axle groups, measured from the center of the last axle of the front group to the center of the first axle of the following group, is eight feet or more, the front two-axle group is equipped for self-steering in a manner that will guide or direct the axle group in turning movements without tire scrubbing or pavement scuffing; and

(D) the department conducts a detailed analysis of each structure on the proposed route and determines the load can be moved without damaging the roads and bridges.

(e) Self-propelled off-road equipment. A permit may be issued for the movement of oversize and overweight self-propelled off-road equipment under the following conditions.

(1) The weight per inch of tire width must not exceed 650 pounds.

(2) The rim diameter of each wheel must be a minimum of 25 inches.

(3) The maximum weight per axle must not exceed 45,000 pounds.

(4) The minimum spacing between axles, measured from center of axle to center of axle, must not be less than 12 feet.

(5) The equipment must be moved empty.

(6) The route will not include any controlled access highway, unless an exception is granted based on a route and traffic study conducted by TxDOT.

§219.15. Portable Building Unit Permits.

(a) Statutory authority. Permits under this section are issued under Transportation Code, Chapter 623, Subchapter F. [~~General information.~~]

[~~(1) A vehicle or vehicle combination transporting one or more portable building units and portable building compatible cargo that exceed legal length or width limits set forth by Transportation Code, Chapter 621, Subchapters B and C, may obtain a permit under Transportation Code, Chapter 623, Subchapter F.~~]

[~~(2) In addition to the fee required by statute, the department shall collect an amount equal to any fee that would apply to the movement of cargo exceeding any applicable width limits, if such cargo were moved in a manner not governed by this section.~~]

(b) Application for permit. Applications shall be made in accordance with §219.11(c) of this title (relating to General Oversize/Overweight Permit Requirements and Procedures).

(c) Permit issuance. Permit issuance is subject to the requirements of §219.11(e) and (g) of this title.

(d) Refund of permit fees. A permit fee will not be refunded after the permit number has been issued unless such refund is necessary

to correct an error made by the permit officer. [~~Non-refundable permit fee. All fees are non-refundable.~~]

(e) Permit provisions and conditions.

(1) A portable building unit may only be issued a single-trip permit.

(2) Portable building units may be loaded end-to-end to create an overlength permit load, provided the overall length does not exceed 80 feet, unless the vehicle configuration is a truck- tractor or truck-tractor combination exempted by Transportation Code, §623.121(b).

(3) Portable building units must not be loaded side-by-side to create an overwidth load, or loaded one on top of another to create an overheight load.

(4) Portable building units must be loaded in a manner that will create the narrowest width for permit purposes and provide for greater safety to the traveling public.

[~~(5) The permit will be issued for a single continuous movement from the origin to the destination for an amount of time necessary to make the move, not to exceed 10 consecutive days.~~]

[~~(6) Movement of the permitted vehicle must be made during daytime only.~~]

[~~(7) A permittee may not transport portable building units or portable building compatible cargo with a void permit; a new permit must be obtained.~~]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 13, 2026.

TRD-202603444
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 465-4160

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CHAPTER 221. SALVAGE VEHICLE DEALERS

INTRODUCTION. The Texas Department of Motor Vehicles (department) proposes to repeal 43 Texas Administrative Code (TAC) Chapter 221, Subchapter A, General Provisions, §221.1; proposes amendments to Subchapter B, Licensing, §§221.13 - 221.15, 221.19, and 221.20, and to repeal §221.11; proposes amendments to Subchapter C, Licensed Operations, §221.44 and to repeal §221.49; proposes amendments to Subchapter D, Records, §§221.71 - 221.73; and proposes amendments to Subchapter E, Administrative Sanctions, §221.111 and §221.112. The amendments are necessary to enhance the enforceability of the Motor Vehicle Records Disclosure Act in Transportation Code, Chapter 730; to remove language that the department identified as unenforceable or redundant of statute through its review by the Texas Regulatory Efficiency Office (TREO); to bring consistency with other chapters of Texas Administrative Code Title 43 and department practice; to correct cross-references; and to make signage requirements less burdensome on licensees. Redundant or unnecessary rules identified through the department's work with the TREO are proposed for repeal, including §§221.1, 221.11, and 221.49.

EXPLANATION. The department is conducting a review of Chapter 221 rules in compliance with Government Code, §2001.039. Notice of the department's plan to review is also published in this issue of the *Texas Register*. As a part of the review, the department is proposing necessary amendments and repeals as detailed in the following paragraphs.

Subchapter A, General Provisions

§221.1

The department proposes the repeal of §221.1 because the section is unnecessary and redundant of provisions in Transportation Code, §1001.002 and Occupations Code, Chapter 2302. The department identified the need for this change as part of its review by TREO.

Subchapter B, Licensing

§221.11

The department proposes the repeal of §221.11 because the rule is unnecessary and redundant of statute in Occupations Code, Chapter 2302. The department identified the need for this change as part of its review by TREO.

§221.13

Proposed amendments to §221.13 would streamline language by removing unnecessary statutory citations and by simplifying wording. The department identified the need for these changes as part of its review by TREO.

The department proposes to remove a citation to Occupations Code, Chapter 2302 from §221.13(b) to clarify the language because a salvage vehicle dealer does not hold more than one license issued under Occupations Code, Chapter 2302 for the same location, so there should not be a need to align multiple expiration dates for that license type. However, the dealer may hold multiple licenses issued under Occupations Code, Chapter 2301 or Transportation Code, Chapter 503, for which alignment of expiration dates may provide significant efficiency.

§221.14

The proposed amendments to §221.14(b) would delete §221.14(b)(1) to remove language that is redundant of statute, specifically Occupations Code, §2302.103. The department identified the need for this change as part of its review by TREO. The remaining subparagraphs of §221.14(b) are proposed to be renumbered to accommodate the deletion of §221.14(b)(1). A new subsection (c) is proposed to specify that an authorized representative of an applicant or license holder may be required to provide written proof of authority to act on behalf of the applicant or license holder, and the remaining subsections are relettered accordingly. This amendment would assist the department in verifying that a person submitting information or acting on behalf of an applicant or license holder has authority to do so, help prevent unauthorized filings or communications, and improve the integrity and efficiency of the licensing process. Proposed amendments to §221.14(f) and (g), as relettered by the proposed changes, would correct cross-references and a rule title to align with changes the department has recently adopted in 43 TAC Chapter 211, relating to Criminal History Offense and Action on License, and with the proposed renumbering of the subparagraphs in §221.14(b).

§221.15

Proposed amendments to §221.15(a) would make the rule more resilient to changes in the formatting of the department's website by stating that a salvage vehicle dealer can access the department's licensing system through the department's website, rather than specifying the page and icon to click. Additional proposed amendments to §221.15(b)(10) would align cross-references with changes the department has recently adopted in 43 TAC Chapter 211.

§221.19

Proposed amendments to §221.19(b)(2) would align cross-references with changes the department has recently adopted in 43 TAC Chapter 211.

§221.20

Proposed amendments to §221.20 would delete §221.20(i) because it is redundant with statute, specifically Government Code, §2001.054. The department identified the need for this change as part of its review by TREO. The proposed amendments would reletter the remaining paragraph of §221.20 to accommodate the deletion.

Subchapter C, Licensed Operations

§221.44

Proposed amendments to §221.44 would align business sign requirements for salvage vehicle dealer license holders with recently amended requirements for dealers with general distinguishing numbers under 43 TAC §215.140, relating to Established and Permanent Place of Business Premises Requirements. Proposed amendments to §221.44(a) would add the term "legible" to clarify the requirements for letters on a business sign. Proposed amendments to §221.44(b) would allow a business sign to be permanently affixed or etched on an exterior window, wall, or door as an alternative to a sign permanently installed in the ground.

§221.49

The department proposes to repeal §221.49 because it is duplicative of statutory requirements in Occupations Code, §2302.255. The department identified the need for this change as part of its review by TREO.

Subchapter D, Records

§221.71

The department proposes to delete §221.71(f) because it is redundant to Occupations Code, §2302.254.

§221.72

Proposed amendments to §221.72(c) would align cross-references in the rule with current titles and references in 43 TAC Chapter 217, relating to Vehicle Titles and Registration.

§221.73

A proposed amendment to §221.73(a)(11) would add the phrase "unless prohibited by federal law" to clarify that a salvage vehicle dealer is not required to copy a purchaser's photo identification document if doing so would violate federal law. This proposed amendment aligns with amendments the department has proposed recently to 43 TAC §215.144(e)(8)(L), relating to Vehicle Records.

Subchapter E, Administrative Sanctions

§221.111

Proposed amendments to §221.111(a) would clarify the persons whose actions, omissions, or background may form the basis for denial of an application or renewal. Proposed amendments to §221.111(a)(1) and (2) would align the rule with Occupations Code, §2302.106 and comparable provisions in 43 TAC Chapter 215. Proposed amendments to §221.111(a)(3) would revise language to align with the amended structure of the section. Current §221.111(a)(4) is proposed for repeal because its provisions are addressed in proposed renumbered §221.111(a)(4) and (5). Proposed amendments to renumbered §221.111(a)(4) would clarify that an application may be denied when a person who is ineligible for licensure or whose current or previous license, permit, or other authorization has been subject to disciplinary action, has the ability to direct or control the management, policies, or activities of an applicant or license holder through an ownership, organizational, managerial, or other business arrangement. Proposed amendments to proposed renumbered §221.111(a)(5) would remove language that is redundant to the language proposed to be added to §221.111(a) specifying the individuals whose actions are relevant to the department's determination of an applicant's eligibility for licensure. Proposed new §221.111(a)(6) would allow the department to deny a license application for a violation of Transportation Code, Chapter 730, the Motor Vehicle Records Disclosure Act, including a violation by an employee or other agent. This amendment would allow the department to consider Chapter 730 violations in evaluating an applicant's fitness for licensure and would align the rule for salvage dealer licensees with the department's treatment of Chapter 730 violations under 43 TAC §215.121. Proposed new §221.111(a)(7) and (8) would allow the department to deny a license application because of prior disciplinary actions and findings contained in final orders issued following contested case hearings, to align the rule for salvage dealer licensees with 43 TAC §215.89, relating to Fitness, which applies to GDN-holder licensees, and to allow the department to consider an applicant's prior regulatory compliance history when evaluating fitness for licensure. The amendments would also align cross-references with recent changes adopted in 43 TAC Chapters 211 and 224. Proposed amendments would delete §221.111(c) because it is redundant of Occupations Code, §2302.108. The department identified the need for this change as part of its review by TREO.

§221.112

Proposed amendments to §221.112(16) would align cross-references with changes the department has recently adopted in 43 TAC Chapter 211. Proposed new §221.112(22) would add a violation of Transportation Code, Chapter 730, the Motor Vehicle Records Disclosure Act, as a basis for administrative sanctions against a salvage vehicle dealer, including violations committed by an employee or agent. This proposed amendment would align the sanction provisions applicable to salvage vehicle dealers with recently amended sanction provisions applicable to other department license holders under 43 TAC §215.121, relating to Sanctions.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Chris Hayden, Chief Financial Officer, has determined that for each year of the first five years the amendments and repeals will be in effect, there will be no fiscal impact to state or local governments as a result of the enforcement or administration of the proposal. Monique Johnston, Director of the Motor Vehicle Division, has determined that there will be no measurable effect on local employment or the local economy as a result of the proposal.

PUBLIC BENEFIT AND COST NOTE. Monique Johnston, Director of the Motor Vehicle Division, has also determined that, for each year of the first five years the amendments and repeals are in effect, several public benefits are anticipated because the proposed amendments would improve enforcement of the Motor Vehicle Records Disclosure Act, remove redundant and unnecessary rule provisions, improve consistency with other department rules and department practices, correct cross-references, and reduce unnecessary burdens on license holders.

Anticipated Public Benefits. The public benefits anticipated as a result of the proposal include improved protection of motor vehicle record information, increased clarity and consistency in the department's rules, more efficient administration and enforcement of the salvage vehicle dealer licensing program, and reduced regulatory burden through the repeal of unnecessary or redundant rules.

Anticipated Costs To Comply With The Proposal. Ms. Johnston anticipates that there will be no costs to comply with these rules. The proposed amendments primarily clarify existing requirements, remove redundant provisions, update cross-references, and align the rules with current department practices. The proposal does not impose new fees, equipment requirements, reporting requirements, training requirements, or operational requirements on license holders.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. As required by the Government Code, §2006.002, the department has determined that the proposed amendments and repeals will not have an adverse economic effect on small businesses, micro-businesses, and rural communities because the proposal primarily clarifies existing requirements, removes redundant provisions, updates cross-references, and aligns the rules with current department practices. The proposed amendments and repeals do not require small businesses, micro-businesses, or rural communities to incur additional expenses or comply with new substantive regulatory requirements. Therefore, the department is not required to prepare a regulatory flexibility analysis under Government Code, §2006.002.

TAKINGS IMPACT ASSESSMENT. The department has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under the Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT STATEMENT. The department has determined that each year of the first five years the proposed amendments and repeals are in effect, no government program would be created or eliminated. Implementation of the proposed amendments and repeals would not require the creation of new employee positions or elimination of existing employee positions. Implementation would not require an increase or decrease in future legislative appropriations to the department or an increase or decrease in fees paid to the department. The proposed amendments and repeals do create new regulations and expand existing regulations to provide more flexibility to license holders, protect consumers, and facilitate the department's obligation to monitor compliance with existing statutes. The proposed amendments and repeals do not limit existing regulations. The proposed rule revisions would repeal portions of existing regulations that are redundant of statute or otherwise unnecessary and update certain existing regulations to improve clarity, consistency, and enforcement. Lastly, the proposed amendments and repeals do not affect the number of individuals subject to the rules' applicability and will not affect this state's economy.

REQUEST FOR PUBLIC COMMENT.

If you want to comment on the proposal, submit your written comments by 5:00 p.m. CDT on September 28, 2026. The department requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. A request for a public hearing must be sent separately from your written comments. Send written comments or hearing requests by email to *rules@txdmv.gov* or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the department will consider written comments and public testimony presented at the hearing.

SUBCHAPTER A. GENERAL PROVISIONS

43 TAC §221.1

STATUTORY AUTHORITY. The department proposes amendments to and repeals in Chapter 221 under Government Code, §411.122(d), which authorizes department access to criminal history record information maintained by DPS; Government Code, §411.12511, which authorizes the department to obtain criminal history record information from DPS and the FBI for license applicants, license holders, certain affiliates of applicants and license holders, and representatives whose act or omission would be cause for denying, revoking, or suspending a license issued under Occupations Code, Chapter 2302; Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Occupations Code, §2302.052, which assigns the board a duty to set reasonable and necessary application fees, license fees, renewal fees, and other fees as required to implement Chapter 2302; Occupations Code, §2302.101, which requires a salvage vehicle dealer license or general distinguishing number for a person to engage in certain activities related to the salvage vehicle business; Occupations Code, §2302.103, which requires a salvage vehicle dealer to apply for a license on a form prescribed by the department and pay an application fee; Occupations Code, §2302.104, which prescribes content that must be included in an application; Occupations Code, §2302.105, which requires the department to complete an investigation of the applicant's qualifications before issuing a license; Occupations Code, §2302.106, which governs issuance of licenses and use of fictitious names; Occupations Code, §2302.108, which authorizes the department to deny, suspend, revoke, or reinstate a license issued under Chapter 2302 based on grounds establish by the board and consistent with the requirements of Government Code, Chapter 2001; Transportation Code, Chapter 730, relating to the Motor Vehicle Records Disclosure Act; Transportation Code §1001.002, which provides that the department shall administer and enforce Occupations Code, Chapter 2302; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department. The department also proposes amendments and repeals under the authority of Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and to take any action that is necessary or convenient to exercise that authority; Transportation Code, §§501.0041, 502.0021, and 503.002; and Government

Code, §§2001.004, 2001.039, and 2001.054, in addition to the statutory authority referenced throughout this preamble.

Transportation Code, §501.0041 authorizes the department to adopt rules to administer Transportation Code, Chapter 501. Transportation Code, §502.0021 authorizes the department to adopt rules to administer Transportation Code, Chapter 502. Transportation Code, §503.002 authorizes the department to adopt rules to administer Transportation Code, Chapter 503.

Government Code, §2001.004 requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures. Government Code, §2001.039 requires state agencies to review and readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule. Government Code, §2001.054 specifies the requirements regarding the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a license.

CROSS REFERENCE TO STATUTE. The proposed amendments and repeals would implement Government Code, Chapters 411 and 2001; Occupations Code, Chapters 53, 55, 2301, and 2302; and Transportation Code, Chapters 501-503, 730, 1001, and 1005.

§221.1. Purpose and Scope.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Laura Moriaty
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Texas Department of Motor Vehicles
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For further information, please call: (512) 465-4160

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SUBCHAPTER B. LICENSING

43 TAC §221.11

STATUTORY AUTHORITY. The department proposes amendments to Chapter 221 under Government Code, §411.122(d), which authorizes department access to criminal history record information maintained by DPS; Government Code, §411.12511, which authorizes the department to obtain criminal history record information from DPS and the FBI for license applicants, license holders, and representatives whose act or omission would be cause for denying, revoking, or suspending a license issued under Occupations Code, Chapter 2302; Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Occupations Code, §2302.052, which assigns the board a duty to set reasonable and necessary application fees, license fees, renewal fees, and other fees as required to implement Chapter 2302; Occupations Code, §2302.103, which requires a salvage vehicle dealer to apply for a license on a form prescribed by the department and pay an application fee; Occupations Code, §2302.104, which prescribes content that must be included in an application; Occupations Code, §2302.105, which requires the department to complete an investigation of the applicant's qualifications before issuing a license; Occupations Code, §2302.106, which governs issuance of licenses and use of fictitious names; Occupations Code, §2302.108, which authorizes the department to deny, suspend, revoke, or reinstate a license issued under Chapter 2302 consistent with the requirements of Government Code, Chapter 2001; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department.

The department also proposes amendments and repeals under the authority of Transportation Code, §§501.0041, 502.0021, and 503.002; and Government Code, §§2001.004, 2001.039, and 2001.054, in addition to the statutory authority referenced throughout this preamble.

Transportation Code, §501.0041 authorizes the department to adopt rules to administer Transportation Code, Chapter 501. Transportation Code, §502.0021 authorizes the department to adopt rules to administer Transportation Code, Chapter 502. Transportation Code, §503.002 authorizes the department to adopt rules to administer Transportation Code, Chapter 503.

Government Code, §2001.004 requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures. Government Code, §2001.039 requires state agencies to readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule. Government Code, §2001.054 specifies the requirements regarding the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a license.

CROSS REFERENCE TO STATUTE. The proposed amendments and repeals would implement Government Code, Chapters 411 and 2001; Occupations Code, Chapters 53, 55, 2301, and 2302; and Transportation Code, Chapters 501-503, 730, 1001-1003, and 1005.

§221.11. License Required.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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43 TAC §§221.13 - 221.15, 221.19, 221.20

STATUTORY AUTHORITY. The department proposes amendments to Chapter 221 under Government Code, §411.122(d), which authorizes department access to criminal history record information maintained by DPS; Government Code, §411.12511, which authorizes the department to obtain criminal history record information from DPS and the FBI for license applicants, license holders, and representatives whose act or omission would be cause for denying, revoking, or suspending a license issued under Occupations Code, Chapter 2302; Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Occupations Code, §2302.052, which assigns the board a duty to set reasonable and necessary application fees, license fees, renewal fees, and other fees as required to implement Chapter 2302; Occupations Code, §2302.103, which requires a salvage

vehicle dealer to apply for a license on a form prescribed by the department and pay an application fee; Occupations Code, §2302.104, which prescribes content that must be included in an application; Occupations Code, §2302.105, which requires the department to complete an investigation of the applicant's qualifications before issuing a license; Occupations Code, §2302.106, which governs issuance of licenses and use of fictitious names; Occupations Code, §2302.108, which authorizes the department to deny, suspend, revoke, or reinstate a license issued under Chapter 2302 consistent with the requirements of Government Code, Chapter 2001; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department.

The department also proposes amendments and repeals under the authority of Transportation Code, §§501.0041, 502.0021, and 503.002; and Government Code, §§2001.004, 2001.039, and 2001.054, in addition to the statutory authority referenced throughout this preamble.

Transportation Code, §501.0041 authorizes the department to adopt rules to administer Transportation Code, Chapter 501. Transportation Code, §502.0021 authorizes the department to adopt rules to administer Transportation Code, Chapter 502. Transportation Code, §503.002 authorizes the department to adopt rules to administer Transportation Code, Chapter 503.

Government Code, §2001.004 requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures. Government Code, §2001.039 requires state agencies to readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule. Government Code, §2001.054 specifies the requirements regarding the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a license.

CROSS REFERENCE TO STATUTE. The proposed amendments and repeals would implement Government Code, Chapters 411 and 2001; Occupations Code, Chapters 53, 55, 2301, and 2302; and Transportation Code, Chapters 501-503, 730, 1001-1003, and 1005.

§221.13. License Term and Fees.

(a) The term of a salvage vehicle dealer license [~~issued by the department under Occupations Code, Chapter 2302, and this chapter,~~] is two years. The fee for a salvage vehicle dealer license is $190. The entire amount of the fee is due at the time of application for the license.

(b) The department may prorate [~~the fee for~~] a salvage vehicle dealer license fee to allow the salvage vehicle dealer license to expire on the same day as another license issued by the department under Occupations Code, Chapter 2301, [~~; Chapter 2302;~~] or Transportation Code, Chapter 503.

(c) The [~~fee for a~~] license amendment fee is $25 and applies to a license amendment changing a license holder's name, changing ownership or management, or when adding a new business address and assumed name.

§221.14. License Applications Generally.

(a) A salvage vehicle dealer license may be issued for multiple locations within a single county. A separate license and fee is required for a business location in another county.

(b) An application for a new license, license amendment, or license renewal filed with the department must be:

[~~(1) on a form prescribed by the department;~~]

(1) [~~(2)~~] completed by the applicant, license holder, or authorized representative who is an employee, a licensed attorney, or a certified public accountant; and

(2) [~~(3)~~] accompanied by the required fee from an account held by the applicant or license holder, or from a trust account of the applicant's or license holder's attorney or certified public accountant.

(c) An authorized representative of the applicant or license holder who files an application with the department on behalf of an applicant or license holder may be required to provide written proof of authority to act on behalf of the applicant or license holder.

(d) [~~(c)~~] License applications and fees must be submitted to the department electronically in a system designated by the department for licensing. Fees may be paid by credit card or electronic funds transfer.

(e) [~~(d)~~] In evaluating a new or renewal salvage vehicle dealer license application or an application for a new location, the department may require a site visit to determine if the business location meets the requirements in this chapter.

(f) [~~(e)~~] An applicant for a salvage vehicle dealer license must also comply with fingerprint requirements in §211.13 [~~§211.6~~] of this title (relating to Fingerprint Requirements for Designated License Types [~~Applicants and License Holders~~]).

(g) [~~(f)~~] The department will not provide information regarding the status of an application, application deficiencies, or pending new license numbers to a person other than a person listed in subsection (b)(1) [~~(b)(2)~~] of this section unless the person files a written request under Government Code, Chapter 552.

§221.15. Required License Application Information.

(a) An applicant for a new salvage dealer license must register for an account in the department-designated licensing system by accessing the licensing system through [~~selecting the licensing system icon on the dealer page of~~] the department's [~~department~~] website. An applicant must designate the account administrator and provide the name and email address for that person, and provide the business telephone number, name, business type, and social security number or employer identification number, as applicable. The applicant's licensing account administrator must be an owner, officer, manager, or bona fide employee.

(b) Once registered, an applicant for a new salvage dealer license may apply for a license and must provide the following:

(1) the application reason;

(2) business information including:

(A) the name, provided that the applicant may not use a name or assumed name under which the applicant is authorized to do business that may be confused with or is similar to that of a governmental entity or that is otherwise deceptive or misleading to the public;

(B) mailing address;

(C) the full business physical address, including number, street, municipality, county, and zip code for each location where the applicant will conduct business in the same county;

(D) business email;

(E) telephone number;

(F) Texas Sales Tax Identification Number;

(G) National Motor Vehicle Title Information System (NMVTIS) Identification Number;

(H) Secretary of State file number, if applicable; and

(I) website address, if applicable.

(3) application contact name, email address, and telephone number;

(4) the name, social security number, date of birth, identity document information, and ownership percentage for each owner, partner, member, beneficiary, or principal if the applicant is not a publicly traded company;

(5) the name, social security number, date of birth, and identity document information for each officer, director, manager, trustee, or other representative authorized to act on behalf of the applicant if the applicant is owned in full or in part by a legal entity;

(6) the name, employer identification number, ownership percentage, and non-profit or publicly-traded status for each legal entity that owns the applicant in full or in part;

(7) the name, social security number, date of birth, and identity document information of at least one manager or other bona fide employee who will be present at the business location if the license holder is out of state or will not be present during business hours at the business location in Texas;

(8) criminal history record information under the laws of Texas, another state of the United States, the United States, and any foreign jurisdiction for each person listed in the application, including offense description, date, and location;

(9) military service status;

(10) licensing history required to evaluate business reputation, character, and fitness for licensure including a statement indicating whether the applicant or any person described in §211.9 [~~§211.2~~] of this title (relating to Application of Subchapter B) has previously applied for a license under this chapter or the salvage vehicle dealer licensing laws of another jurisdiction, the result of the previous application, and whether the applicant, including a person described in §211.9 [~~§211.2~~] of this title, has ever been the holder of a license issued by the department or another jurisdiction that was revoked, suspended, or subject of an order issued by the board or by another jurisdiction to pay an administrative penalty that remains unpaid;

(11) information about each business location and business premises to demonstrate compliance with related rules in this chapter;

(12) signed Certification of Responsibility, which is a form provided by the department; and

(13) any other information required by the department to evaluate the application under current law and board rules.

(c) A salvage vehicle dealer renewing or amending its license must verify current license information and provide related information for any new requirements or changes to the license.

§221.19. Notice of Change in License Holder Information.

(a) A license holder shall notify the department by electronically submitting a license amendment application in the department-designated licensing system to amend its license within 30 days of a change in the license holder's business name or assumed name. Upon submission of an amendment to change the business name or assumed name, the department shall reflect the new business name in the department's records. The dealer shall retain the same salvage vehicle dealer license number except if the business name change is the result of a change in the type of entity being licensed, such as a sole proprietorship becoming a corporation, or if the ownership of the business changes as discussed in subsection (b) of this section.

(b) A salvage vehicle dealer shall notify the department by electronically submitting a license amendment application in the department-designated licensing system within 30 days of a change to:

(1) the entity type of the applicant or license holder;

(2) the departure or addition of any person reported to the department in the original license application or most recent renewal application, including any person described in §211.9 [~~§211.2~~] of this title (relating to Application of Subchapter B);

(3) an ownership, organizational, managerial, or other business arrangement that would allow the power to direct or cause the direction of the management and policies and activities of an applicant or license holder, whether directly or indirectly, to be established in or with a person not described in paragraph (1) or (2) of this subsection; or

(4) a business email address, telephone number, mailing address, or change in license contact.

(c) The license holder must submit to the department all information required by the department to evaluate the license amendment application under current law and rules.

§221.20. License Renewal.

(a) A salvage vehicle dealer license expires on the second anniversary of the date the license was issued.

(b) A salvage vehicle dealer license may be renewed for an additional period of two years upon timely submission of a renewal application on a form prescribed by the department with all required information, attachments, and fees. A renewal application is considered "timely" submitted if the renewal application with all required information, attachments, and required fees is received by the department on or before the expiration date of the existing license.

(c) The department will send a written notice of expiration to a license holder's email address at least 31 days before expiration of a license.

(d) Failure by the department to send written notice of expiration under this section does not relieve a license holder from timely renewing a license.

(e) The renewal fee for a salvage vehicle dealer license is $170.

(f) A license holder may renew an expired license by submitting a renewal application and paying a late renewal fee of $85 in addition to the renewal fee, if 90 or fewer days have elapsed since the license expired.

(g) A license holder may renew an expired license by submitting a renewal application and paying a late renewal fee of $170 in addition to the renewal fee, if more than 90 days but less than one year has elapsed since the license expired.

(h) If a license has been expired for one year or longer and the department has not received a renewal application, the department will close the license, and the license holder must apply for a new license.

~~[(i) In accordance with Government Code, §2001.054, a license holder that timely submits a renewal application under subsection (b) of this section may continue to operate under the expired license until the status of the renewal application is determined by the department.]~~

(i) [~~(j)~~] If the department does not receive a timely renewal application with all required information and attachments and the applicable renewal fee on or before the license expiration date, a salvage vehicle dealer may not engage in the activities that require the license until the license has been renewed by the department.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER C. LICENSED OPERATIONS

43 TAC §221.44

STATUTORY AUTHORITY. The department proposes amendments to and repeals of §221.44 and §221.49 under Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Occupations Code, §2302.255, which establishes requirements relating to the assignment of unique inventory numbers to component parts; Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and to take any action that is necessary or convenient to exercise that authority; Transportation Code, §501.0041, which authorizes the department to adopt rules to administer Transportation Code, Chapter 501; Transportation Code, §502.0021, which authorizes the department to adopt rules to administer Transportation Code, Chapter 502; Transportation Code, §503.002, which authorizes the department to adopt rules to administer Transportation Code, Chapter 503; Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department; and Government Code, §2001.004, and §2001.039. Government Code, §2001.004 requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures. Government Code, §2001.039 requires state agencies to readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule.

CROSS REFERENCE TO STATUTE. The proposed amendments and repeal would implement Occupations Code, Chapters 2301 and 2302, and Transportation Code, Chapters 501 - 503, and 1001 - 1003.

§221.44. Business Sign Requirements.

(a) The license holder must display a permanent business sign with legible letters at least six inches in height showing the license holder's business name or assumed name as reflected on the license issued by the department. A business sign is considered permanent only if it is made of durable, weather-resistant material.

(b) A business sign must be permanently mounted at each physical business address listed on the license. A business sign is considered permanently mounted if bolted to an exterior building wall, [~~or~~] bolted or welded to a dedicated sign pole or sign support permanently installed in the ground, or permanently affixed or etched on an exterior window, wall, or door.

(c) A license holder may use a temporary sign or banner if that license holder can show proof that a business sign that meets the requirements of this paragraph has been ordered and provides a written statement that the business sign will be promptly and permanently mounted upon delivery.

(d) A license holder is responsible for ensuring that the business sign complies with municipal ordinances, and that any lease signage requirements are consistent with the signage requirements in this section.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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43 TAC §221.49

STATUTORY AUTHORITY. The department proposes amendments to and repeals of §221.44 and §221.49 under Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Occupations Code, §2302.255, which establishes requirements relating to the assignment of unique inventory numbers to component parts; Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and to take any action that is necessary or convenient to exercise that authority; Transportation Code, §501.0041, which authorizes the department to adopt rules to administer Transportation Code, Chapter 501; Transportation Code, §502.0021, which authorizes the department to adopt rules to administer Transportation Code, Chapter 502; Transportation Code, §503.002, which authorizes the department to adopt rules to administer Transportation Code, Chapter 503; Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department; and Government Code, §2001.004, and §2001.039. Government Code, §2001.004 requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures. Government Code, §2001.039 requires state agencies to readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule.

CROSS REFERENCE TO STATUTE. The proposed amendments and repeal would implement Occupations Code, Chapters 2301 and 2302, and Transportation Code, Chapters 501 - 503, and 1001 - 1003.

§221.49. Unique Inventory Number.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER D. RECORDS

43 TAC §§221.71 - 221.73

STATUTORY AUTHORITY. The department proposes amendments to and repeals of §§221.71 - 221.73 under Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Occupations Code, §2302.254, which establishes recordkeeping requirements for salvage vehicle dealers; Transportation Code, §501.0041, which authorizes the department to adopt rules to administer Transportation Code, Chapter 501; Transportation Code, §502.0021, which authorizes the department to adopt rules to administer Transportation Code, Chapter 502; Transportation Code, §503.002 authorizes the department to adopt rules to administer Transportation Code, Chapter 503; Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise that authority; Government Code, §2001.004, which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures; Government Code, §2001.039, which requires state agencies to readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department.

CROSS REFERENCE TO STATUTE. The proposed amendments and repeal would implement Occupations Code, Chapters 2301 and 2302, and Transportation Code, Chapters 501 - 503 and 1001 - 10023.

§221.71. Records; Generally.

(a) A salvage vehicle dealer shall maintain a record of each salvage motor vehicle and nonrepairable motor vehicle purchased, sold, or exchanged by the salvage vehicle dealer.

(b) A salvage vehicle dealer's records must be maintained at the licensed business location.

(c) Any records required to be maintained by a license holder may be maintained in an electronic format if the record can be reviewed and printed at the licensed business location or provided electronically upon request of the department.

(d) A salvage vehicle dealer must make records available for review and copying upon request by the department. The department may request records in person, by mail, or electronically from a department email or a department-designated system.

(e) A salvage vehicle dealer must provide copies of requested records to the department within 15 days of receipt of the request.

~~[(f) Occupations Code, §2302.254, establishes the requirements that a salvage vehicle dealer maintain a record of an inventory of component parts purchased by or delivered to the salvage vehicle dealer.]~~

§221.72. Record Retention.

(a) A salvage vehicle dealer must retain at the licensed business location, or have electronic access at the licensed business location of records stored electronically, a complete record of all purchases and sales of salvage motor vehicles and nonrepairable motor vehicles for a minimum period of 36 months from the date of the transaction.

(b) A salvage vehicle dealer shall maintain at the licensed business location a record of each vehicle that is dismantled, scrapped or destroyed, and a photocopy of the front and back of all salvage vehicle titles and nonrepairable vehicle titles, or a photocopy or electronic copy of all salvage records of title, and nonrepairable records of title, and, if applicable, a photocopy of any out-of-state evidence of ownership surrendered to the department, until the third anniversary of the date the report was acknowledged as received by the department.

(c) A salvage vehicle dealer utilizing the department's web-based title application known as webDEALER, as defined in §217.71 of this title (relating to Definitions [~~Automated and Web-Based Vehicle Registration and Title Systems~~]), must comply with §217.74 of this title (relating to webDEALER Access, Use, and Training [~~Access to and Use of webDEALER~~]). Original hard copy titles are not required to be kept at the licensed business location but must be made available to the department upon request.

§221.73. Content of Records.

(a) The records of a salvage vehicle dealer for purchases and sales shall include:

(1) the date the license holder purchased the salvage motor vehicle, or nonrepairable motor vehicle;

(2) the name and address of the person who sold the salvage motor vehicle or nonrepairable motor vehicle to the salvage vehicle dealer;

(3) if the person is not an insurance company or a license holder, a photocopy of the photo identification document of the person who purchased the salvage motor vehicle or nonrepairable motor vehicle from the salvage vehicle dealer or sold the salvage motor vehicle or nonrepairable motor vehicle to the salvage vehicle dealer;

(4) a description of the salvage motor vehicle or nonrepairable motor vehicle, including the model, year, make, and vehicle identification number, if applicable;

(5) the ownership document number and state of issuance of the salvage motor vehicle or nonrepairable motor vehicle ownership document, if applicable;

(6) a copy of the salvage record of title or nonrepairable record of title, if applicable, or a copy of the front and back of the ownership document for the salvage motor vehicle or nonrepairable motor vehicle;

(7) a copy of the form if the ownership document has been surrendered to the department;

(8) any evidence indicating that the motor vehicle was dismantled, scrapped, or destroyed;

(9) the sales contract or buyer's order;

(10) the salvage disclosure notice required under §221.51 of this title (relating to Duty to Identify a Motor Vehicle Offered for Sale);

(11) a copy of the photo identification document required for export sales under §221.52 (relating to Export-Only Sales), unless prohibited by federal law;

(12) records for a casual sale as required under §221.53 (relating to Casual Sales); and

(13) any other records required under current rules in this title.

(b) If the salvage motor vehicle has been rebuilt, repaired, or reconstructed by the salvage vehicle dealer the salvage vehicle dealer's records must also include a form prescribed by the department in accordance with §217.89 of this title (relating to Rebuilt Salvage Motor Vehicles).

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER E. ADMINISTRATIVE SANCTIONS

43 TAC §221.111, §221.112

STATUTORY AUTHORITY. The department proposes amendments to §221.111 and §221.112 under Government Code, §411.122(d), which authorizes department access to criminal history record information maintained by DPS; Government Code, §411.12511, which authorizes the department to obtain criminal history record information from DPS and the FBI for license applicants, license holders, and representatives whose act or omission would be cause for denying, revoking, or suspending a license issued under Occupations Code, Chapter 2302; Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Occupations Code, §2302.108, which authorizes the department to deny, suspend, revoke, or reinstate a license issued under Chapter 2302 consistent with the requirements of Government Code, Chapter 2001; Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise that authority; Transportation Code, Chapter 730, relating to the Motor Vehicle Records Disclosure Act; Transportation Code, §501.0041, which authorizes the department to adopt rules to administer Transportation Code, Chapter 501; Transportation Code, §502.0021, which authorizes the department to adopt rules to administer Transportation Code, Chapter 502; Transportation Code, §503.002, which authorizes the department to adopt rules to administer Transportation Code, Chapter 503; Government Code, §2001.004, which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures; Government Code, §2001.039, which requires state agencies to readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule.; Government Code, §2001.054, which specifies the requirements regarding the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a license; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department.

CROSS REFERENCE TO STATUTE. The proposed amendments would implement Government Code, Chapters 411 and 2001; Occupations Code, Chapters 53, 55, 2301 and 2302; and Transportation Code, Chapters 501 - 503, 730 and 1001 - 1003.

§221.111. Denial of License.

(a) The department may deny an application for a new license or an application for a license renewal under Occupations Code Chapter 53 or Chapter 2302, and §211.10 [~~§211.3~~] of this title (relating to Criminal Offense Guidelines) or this chapter, if the applicant, license holder, or any person who is acting at the time of application, or will later act, in a representative capacity for an applicant or holder, including the applicant's or holder's officers, directors, members, managers, trustees, partners, principals, or managers of business affairs:

(1) fails to meet or maintain the qualifications and requirements of licensure [~~all the information required on the application is not complete~~];

(2) omits or provides false, misleading, or incomplete information on an initial application, renewal application, amendment application or application attachment, for a license or other authorization issued by the department or by any local, state, or federal regulatory authority [~~the applicant or any owner, officer, director, or other person described in §211.2 of this title (relating to Application of Subchapter) made a false statement, material misrepresentation, or a material omission, on the application to issue, renew, or amend a license~~];

(3) is, [~~the applicant,~~] or any owner, officer, director, or other person described in §211.9 [~~§211.2~~] of this title (relating to Application of Subchapter B), has been convicted, or considered convicted under Occupations Code §53.021(d), by any local, state, federal, or foreign authority, of an offense that directly relates to the duties or responsibilities of the licensed occupation as described in §211.10 [~~§211.3~~] of this title (relating to Criminal Offense Guidelines) or is convicted of an offense that is independently disqualifying under Occupations Code §53.021;

~~[(4) the applicant's or any owner's, officer's, director's, or other person described in §211.2 of this title, previous license was revoked;]~~

(4) [~~(5)~~] [~~the applicant~~] has an ownership, organizational, managerial, or other business arrangement that would allow a person the power to direct, management, policies, or activities, of the applicant or license holder, whether directly or indirectly, when the person is ineligible for licensure, or the person's current or previous license, permit, or other authorization issued by any local, state, or federal regulatory authority [~~who~~] has been subject to disciplinary action, including suspension, revocation, denial, corrective action, cease and desist order, or assessment of a civil penalty, administrative fine, fee, or similar assessment for a current or previous license, permit, or other authorization issued by any local, state, or federal regulatory authority; [~~or~~]

(5) [~~(6)~~] [~~the applicant, or any owner, officer, or director, or other person described in §211.2 of this title~~] whose current or previous license, permit, or other authorization issued by any local, state, or federal regulatory authority has been subject to disciplinary action, including suspension, revocation, denial, corrective action, cease and desist order, or assessment of a civil penalty, administrative fine, fee, or similar assessment;[~~.~~]

(6) has violated a provision of Transportation Code, Chapter 730, Motor Vehicle Records Disclosure Act, including a violation by an employee or other agent;

(7) is assessed a civil penalty, administrative fine, fee, or similar assessment, by the board, department, or a local, state, or federal regulatory authority, for violation of a requirement governing or

impacting the acquisition, sale, repair, rebuild, reconstruction, or other dealing of a salvage motor vehicle or nonrepairable motor vehicle, and fails to comply with the terms of a final order or fails to pay the penalty pursuant to the terms of a final order; or

(8) is found in a final order issued after a contested case hearing to be acting in a manner detrimental to the system of distribution or sale of salvage or nonrepairable motor vehicles in Texas, the economy of the state, the public interest, or the welfare of Texas residents.

(b) If the department denies an application for a license to be issued under the authority of Occupations Code Chapter 2302, the applicant may request an administrative hearing in the manner specified in §224.56 [~~§224.54~~] of this title (relating to Notice of Department Decision).

~~[(c) In accordance with Occupations Code §2302.108, the department shall reject any application for issuance of a new license under Occupations Code Chapter 2302 filed by a person whose license is revoked before the first anniversary of the date of revocation.]~~

§221.112. Suspension, Revocation and Administrative Penalties.

The department may suspend or revoke a license or impose an administrative penalty if the license holder, or any person who is acting, or will later act, in a representative capacity for a holder of a license, including the holder's officers, directors, members, managers, trustees, partners, principals, or managers of business affairs:

(1) fails to meet or maintain the qualifications and requirements for a license;

(2) violates any law relating to the purchase, sale, exchange, storage, or distribution of motor vehicles, including salvage motor vehicles and nonrepairable motor vehicles;

(3) willfully defrauds a purchaser;

(4) fails to maintain purchase, sales, and inventory records as required by Occupations Code, Chapter 2302, Transportation Code, Chapter 501, Chapter 217, Subchapter D of this title, or this chapter;

(5) refuses or fails to comply with a request by the department to examine, during normal business hours, the license holder's records as required by Occupations Code, Chapter 2302, or this chapter;

(6) engages in motor vehicle or salvage business without the required license;

(7) engages in business as a salvage vehicle dealer at a location for which a license has not been issued by the department;

(8) fails to notify the department of a change of the salvage vehicle dealer's license holder information as required under §221.19 of this title (relating to Notice of Change in License Holder Information);

(9) fails to notify the department of a change in location prior to operating in a new location or closing a location in accordance with §221.18 of this title (relating to Additional, New, or Closed Location);

(10) fails to remain regularly and actively engaged in the business for which the salvage vehicle dealer license is issued;

(11) sells more than five (5) nonrepairable motor vehicles or salvage motor vehicles to the same person in a casual sale during a calendar year;

(12) violates any provision of Occupations Code Chapters 2301 or 2302, Transportation Code Chapters 501, 502, or 503, or any board rule or order promulgated under those statutes;

(13) uses or allows use of the salvage vehicle dealer's license or business location for the purpose of avoiding the requirements of Occupations Code Chapters 2301 or 2302, Transportation Code, Chapters 501, 502 or 503, or any board rule or order promulgated under those statutes;

(14) violates any law, ordinance, rule or regulation governing the purchase, sale, exchange, or storage, of salvage motor vehicles or nonrepairable motor vehicles;

(15) sells or offers for sale a nonrepairable motor vehicle or a salvage motor vehicle from any location other than the salvage vehicle dealer's licensed business location;

(16) is, or any owner, officer, director, or other person described in §211.9 [~~§211.2~~] of this title (relating to Application of Subchapter B), is convicted, or considered convicted under Occupations Code §53.021(d), by any local, state, federal, or foreign authority, of an offense that directly relates to the duties or responsibilities of the licensed occupation as described in §211.10 [~~§211.3~~] of this title (relating to Criminal Offense Guidelines) or an offense that is independently disqualifying under Occupations Code §53.021 after initial issuance or renewal of the salvage vehicle dealer license, or that has not been reported to the department as required;

(17) makes a false statement, material misrepresentation, or material omission in any application or other information filed with the department;

(18) fails to timely remit payment for administrative penalties imposed by the department;

(19) engages in business without a license required under Occupations Code Chapters 2301 or 2302, or Transportation Code Chapter 503;

(20) operates a salvage motor vehicle or a nonrepairable motor vehicle on public highways or allows another person to operate a salvage motor vehicle or a nonrepairable motor vehicle on public highways; [~~or~~]

(21) deals in used automotive parts as more than an incidental part of the salvage vehicle dealer's primary business; or [~~.~~]

(22) violates a provision of Transportation Code, Chapter 730, Motor Vehicle Records Disclosure Act, including a violation by an employee or other agent.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 13, 2026.

TRD-202603452
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Earliest possible date of adoption: September 27, 2026
For further information, please call: (512) 465-4160

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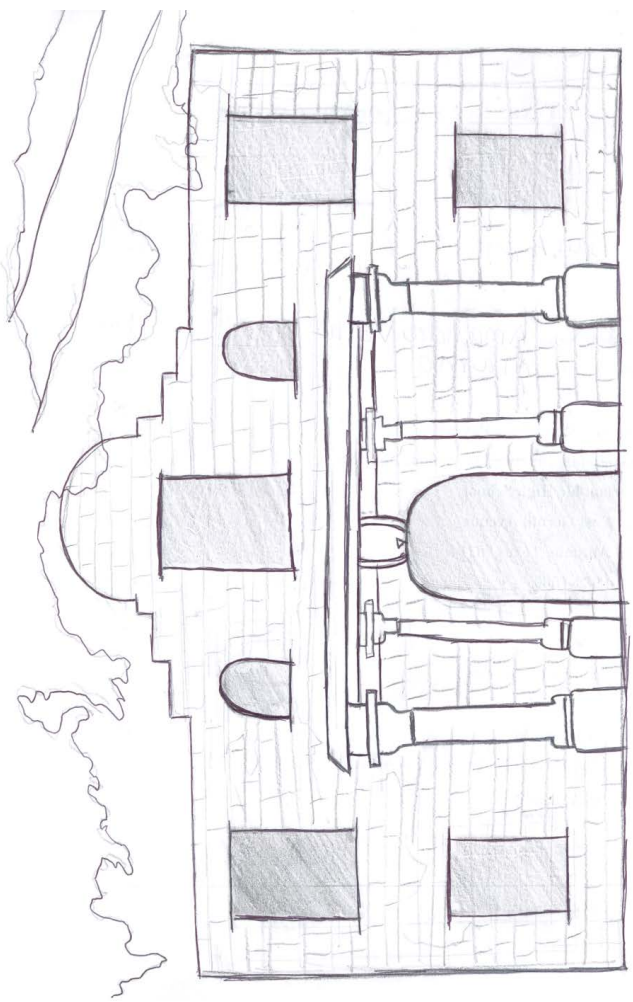

WITHDRAWN RULES

Withdrawn Rules include proposed rules and emergency rules. A state agency may specify that a rule is withdrawn immediately or on a later date after filing the notice with the Texas Register. A proposed rule is withdrawn six months after the date of publication of the proposed rule in the Texas Register if a state agency has failed by that time to adopt, adopt as amended, or withdraw the proposed rule. Adopted rules may not be withdrawn. (Government Code, §2001.027)

TITLE 22. EXAMINING BOARDS

PART 23. TEXAS REAL ESTATE COMMISSION

CHAPTER 535. GENERAL PROVISIONS

SUBCHAPTER R. REAL ESTATE INSPECTORS

22 TAC §§535.223, 535.227 - 535.233

The Texas Real Estate Commission withdraws proposed amendments to §§535.223, 535.227 - 535.233 which appeared in the May 22, 2026, issue of the *Texas Register* (51 TexReg 3512).

Filed with the Office of the Secretary of State on August 11, 2026.

TRD-202603397
Abby Lee
General Counsel
Texas Real Estate Commission
Effective date: August 11, 2026
For further information, please call: (512) 936-3057

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ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 16. ECONOMIC REGULATION

PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 60. PROCEDURAL RULES OF THE COMMISSION AND THE DEPARTMENT

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 60, Subchapter C, §60.32; Subchapter F, §60.82; and Subchapter I, §60.301 and §60.302, regarding the Procedural Rules of the Commission and the Department, without changes to the proposed text as published in the May 29, 2026, issue of the *Texas Register* (51 TexReg 3667). These rules will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 60, implement Texas Occupations Code, Chapter 51, the enabling statute of the Commission and the Texas Department of Licensing and Regulation (Department), and other laws applicable to the Commission and the Department.

The Chapter 60 rules are the procedural rules of the Commission and the Department. These rules apply to all of the agency's programs and to all license applicants and licensees, except where there is a conflict with the statutes and rules of a specific program.

The adopted rules are necessary to implement Senate Bill (SB) 2443, 89th Legislature, Regular Session (2025), which amends certain provisions under Texas Occupations Code, Chapter 51, including §51.207, Use of Technology.

Background

Prior to the passage of SB 2443, provisions of the Administrative Procedure Act (Texas Government Code, Chapter 2001) and several of the Department's program statutes required the Department to use certified mail or personal delivery to provide pleadings, notices, or orders to contested case respondents. While previous legislation and agency rules authorized the Department to require an applicant or license holder to provide an e-mail address for purposes of receiving licensing-related correspondence, the Department remained unable to use electronic means to provide documents to contested case respondents. SB 2443 addressed this conflict by specifically authorizing the Department to use electronic methods of notice for all purposes, regardless of conflicting provisions in program statutes or the Administrative Procedure Act.

Explanation of Adopted Rules

The adopted rules will modernize the delivery of contested case pleadings, notices, and orders by allowing applicants and license holders to opt in to receiving those notices electronically, and to opt out of electronic service if desired. Pursuant to previous legislation and agency rules, the Department may send other types of correspondence (such as communications related to a license application or renewal) to applicants and license holders without their explicit consent.

Additionally, consistent with SB 2443, the adopted rules clarify that the Department's authority to require e-mail addresses extends only to applicants and license holders. The adopted rules also amend the rules concerning dishonored payment fees, notices of alleged violation and continued license restrictions, and notices of proposed denial, to allow electronic service of these notices. Lastly, the adopted rules provide that the presumption of receipt, which currently applies to certain documents sent through certified mail, also applies to electronically served documents and that it is the recipient's responsibility to view electronically served documents, including those that may have been directed to a "spam" or "junk" folder.

SECTION-BY-SECTION SUMMARY

Subchapter C. License Applications and Renewals

The adopted rules amend §60.32 by changing the title from "E-mail Communications and Requirements" to "Electronic Communications and Requirements." Existing subsection (a) has been modified to clarify who may be required to provide the Department with an e-mail address for purposes of receiving general correspondence. New subsection (c) is added to provide that an applicant or license holder may consent to receive contested case pleadings, notices, and orders through electronic means including e-mail, an online portal, or another electronic method authorized by the Department. Subsection (c) also provides that a person may opt out of electronic service of these documents. New subsection (d) provides that once the applicant or license holder consents to electronic delivery, the Department may serve contested case-related documents to the person electronically.

Subchapter F. Fees

The adopted rules amend §60.82, Dishonored Payment Fee. Existing subsection (c) has been modified to include electronic service as a way for the Department to notify an applicant, license holder, or other person if a payment has been dishonored.

Subchapter I. Contested Cases

The adopted rules amend §60.301, Contested Cases. Existing subsection (c) has been amended to include electronic service as an option when the Department sends notices under this rule. Existing subsection (d) has been modified by adding language to clarify proper service of notices under existing subsection (c).

New subsection (e) has been added to clarify how the presumption of receipt applies to electronically served documents. The remaining subsections have been re-lettered.

The adopted rules amend §60.302, Notice of Proposed Denial. Existing subsection (b) has been modified to include electronic service as an option when the Department sends notices of proposed denials under this rule. Existing subsection (c) has been modified by adding language to clarify proper service of notices under existing subsection (b). New subsection (d) has been added to clarify how the presumption of receipt applies to electronically served documents. The remaining subsections are re-lettered.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the May 29, 2026, issue of the *Texas Register* (51 TexReg 3667). The Department requested public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. The public comment period closed on June 29, 2026.

The Department received comments from seven interested parties in response to the required summary of the proposed rules, which was posted on the Department's website and distributed on May 18, 2026, the same day that the proposed rules were filed with the *Texas Register*, but before the official publication of the proposed rules and the official start of the public comment period. Of these comments, five of the interested parties expressed support for the proposed rules, and one requested changes to the proposed rules. One interested party did not indicate whether he was in support or against the proposed rules but requested changes to the proposed rules. Subsequently, the Department did not receive any relevant comments from interested parties on the published proposed rules during the official public comment period. The public comments are summarized below. Similar comments are grouped together for brevity.

Comments in Support

Comment (from one individual and one community health clinic): The proposed rules will expedite communications between the Department and stakeholders and save costs related to mailing.

Department Response: The Department appreciates the supportive comments and makes no changes in response.

Comment (from three individuals): The commenters expressed agreement without providing a supporting rationale.

Department Response: The Department appreciates the supportive comments and makes no changes in response.

Comments Requesting Changes

Comment (from an individual): If electronic service is allowed, there should be no adverse consequences from failure to respond unless a copy of the correspondence is also mailed. Many people may not have access to electronic means of receiving a notification or may not check these services as diligently as their written mail.

Department Response: The Department appreciates the comment. The current rules allow for most correspondence to be sent electronically. The proposed rules are limited in scope to contested case notices and other types of correspondence where the current rules require certified mail. With respect to these types of correspondence, the proposed rules give individuals the ability to opt-in to electronic service. Because it is the individual's choice whether to opt-in, the Department believes that it would be redundant to also mail notices to these individuals. Therefore, the Department declines to make changes in response to this comment.

Comment (from an individual): The proposed rules are advisable only if a secure site can be used for corresponding with license applicants and license holders and those individuals are able to revoke their consent and go back to receiving certified mail notifications.

Department Response: The Department appreciates the comment. Although the Department anticipates that a secure online messaging portal will be developed in the future, the Department finds that traditional email may also be properly used for electronic service if proper safeguards are employed to secure the message or to remove sensitive information. Under the proposed rules, individuals will retain the ability to opt out of electronic service with respect only to those types of correspondence that currently require certified mail. The Department believes that this approach reflects the best balance of the interests of fairness and efficiency. Therefore, the Department declines to make changes in response to this comment.

Comments in Response to the Published Proposed Rules

The Department received three comments that did not appear to relate to the proposed rules. The Department routed those comments to the appropriate personnel and will not make changes to the proposed rules in response to those comments.

COMMISSION ACTION

At its meeting on July 28, 2026, the Commission adopted the proposed rules as published in the *Texas Register*.

SUBCHAPTER C. LICENSE APPLICATIONS AND RENEWALS

16 TAC §60.32

STATUTORY AUTHORITY

The rules are adopted under Texas Occupations Code §51.201 and §51.203, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement its own procedures, Chapter 51, and any other law establishing a program regulated by the Department; and §51.207, which authorizes the Commission by rule to require an applicant or license holder to provide an e-mail address to the Department and to provide that any correspondence sent or received by the Department be delivered electronically. In addition, the rules are adopted under Texas Government Code §2001.004, which requires a state agency to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapter 51; Texas Government Code, Chapter 2001; and the program statutes for all of the Department programs: Agriculture Code, Chapter 301 (Weather Modification and Control); Education Code, Chapter 1001 (Driver and Traffic Safety Education); Government Code, Chapters 171 (Court-Ordered Programs); and 469 (Elimination of Architectural Barriers); Health and Safety Code, Chapters 401, Subchapter M (Laser Hair Removal); 466 (State Lottery);

754 (Elevators, Escalators, and Related Equipment); and 755 (Boilers); Labor Code, Chapter 91 (Professional Employer Organizations); Occupations Code, Chapters 202 (Podiatrists); 203 (Midwives); 401 (Speech-Language Pathologists and Audiologists); 402 (Hearing Instrument Fitters and Dispensers); 403 (Dyslexia Practitioners and Therapists); 451 (Athletic Trainers); 455 (Massage Therapy); 506 (Behavioral Analysts); 605 (Orthotists and Prosthetists); 701 (Dietitians); 802 (Dog or Cat Breeders); 1151 (Property Tax Professionals); 1152 (Property Tax Consultants); 1202 (Industrialized Housing and Buildings); 1302 (Air Conditioning and Refrigeration Contractors); 1304 (Service Contract Providers and Administrators); 1305 (Electricians); 1603 (Barbers and Cosmetologists); 1802 (Auctioneers); 1806 (Residential Solar Retailers); 1901 (Water Well Drillers); 1902 (Water Well Pump Installers): 1952 (Code Enforcement Officers); 1953 (Sanitarians); 1958 (Mold Assessors and Remediators); 2001 (Charitable Bingo); 2052 (Combative Sports); 2303 (Vehicle Storage Facilities); 2308 (Vehicle Towing and Booting); 2309 (Used Automotive Parts Recyclers); 2310 (Motor Fuel Metering and Quality); 2311 (Electric Vehicle Charging Stations); and 2402 (Transportation Network Companies); and Transportation Code, Chapters 551A (Off-Highway Vehicle Training and Safety); and 662 (Motorcycle Operator Training and Safety). No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the rules are adopted is Senate Bill 2443, 89th Legislature, Regular Session (2025).

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 August 12, 2026.

TRD-202603406
Deanne Rienstra
General Counsel
Texas Department of Licensing and Regulation
Effective date: September 1, 2026
Proposal publication date: May 29, 2026
For further information, please call: (512) 344-5392

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SUBCHAPTER F. FEES

16 TAC §60.82

STATUTORY AUTHORITY

The rules are adopted under Texas Occupations Code §51.201 and §51.203, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement its own procedures, Chapter 51, and any other law establishing a program regulated by the Department; and §51.207, which authorizes the Commission by rule to require an applicant or license holder to provide an e-mail address to the Department and to provide that any correspondence sent or received by the Department be delivered electronically. In addition, the rules are adopted under Texas Government Code §2001.004, which requires a state agency to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapter 51; Texas Government Code, Chapter 2001; and the program statutes for all of the Department programs: Agriculture Code, Chapter 301 (Weather Modification and Control); Education Code, Chapter 1001 (Driver and Traffic Safety Education); Government Code, Chapters 171 (Court-Ordered Programs); and 469 (Elimination of Architectural Barriers); Health and Safety Code, Chapters 401, Subchapter M (Laser Hair Removal); 466 (State Lottery); 754 (Elevators, Escalators, and Related Equipment); and 755 (Boilers); Labor Code, Chapter 91 (Professional Employer Organizations); Occupations Code, Chapters 202 (Podiatrists); 203 (Midwives); 401 (Speech-Language Pathologists and Audiologists); 402 (Hearing Instrument Fitters and Dispensers); 403 (Dyslexia Practitioners and Therapists); 451 (Athletic Trainers); 455 (Massage Therapy); 506 (Behavioral Analysts); 605 (Orthotists and Prosthetists); 701 (Dietitians); 802 (Dog or Cat Breeders); 1151 (Property Tax Professionals); 1152 (Property Tax Consultants); 1202 (Industrialized Housing and Buildings); 1302 (Air Conditioning and Refrigeration Contractors); 1304 (Service Contract Providers and Administrators); 1305 (Electricians); 1603 (Barbers and Cosmetologists); 1802 (Auctioneers); 1806 (Residential Solar Retailers); 1901 (Water Well Drillers); 1902 (Water Well Pump Installers): 1952 (Code Enforcement Officers); 1953 (Sanitarians); 1958 (Mold Assessors and Remediators); 2001 (Charitable Bingo); 2052 (Combative Sports); 2303 (Vehicle Storage Facilities); 2308 (Vehicle Towing and Booting); 2309 (Used Automotive Parts Recyclers); 2310 (Motor Fuel Metering and Quality); 2311 (Electric Vehicle Charging Stations); and 2402 (Transportation Network Companies); and Transportation Code, Chapters 551A (Off-Highway Vehicle Training and Safety); and 662 (Motorcycle Operator Training and Safety). No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the rules are adopted is Senate Bill 2443, 89th Legislature, Regular Session (2025).

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 August 12, 2026.

TRD-202603407
Deanne Rienstra
General Counsel
Texas Department of Licensing and Regulation
Effective date: September 1, 2026
Proposal publication date: May 29, 2026
For further information, please call: (512) 344-5392

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SUBCHAPTER I. CONTESTED CASES

16 TAC §60.301, §60.302

STATUTORY AUTHORITY

The rules are adopted under Texas Occupations Code §51.201 and §51.203, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement its own procedures, Chapter 51, and any other law establishing a program regulated by the Department; and §51.207, which authorizes the Commission by rule to require an applicant or license holder to provide an e-mail address to the Department and to provide that any correspondence sent or received by the

Department be delivered electronically. In addition, the rules are adopted under Texas Government Code §2001.004, which requires a state agency to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapter 51; Texas Government Code, Chapter 2001; and the program statutes for all of the Department programs: Agriculture Code, Chapter 301 (Weather Modification and Control); Education Code, Chapter 1001 (Driver and Traffic Safety Education); Government Code, Chapters 171 (Court-Ordered Programs); and 469 (Elimination of Architectural Barriers); Health and Safety Code, Chapters 401, Subchapter M (Laser Hair Removal); 466 (State Lottery); 754 (Elevators, Escalators, and Related Equipment); and 755 (Boilers); Labor Code, Chapter 91 (Professional Employer Organizations); Occupations Code, Chapters 202 (Podiatrists); 203 (Midwives); 401 (Speech-Language Pathologists and Audiologists); 402 (Hearing Instrument Fitters and Dispensers); 403 (Dyslexia Practitioners and Therapists); 451 (Athletic Trainers); 455 (Massage Therapy); 506 (Behavioral Analysts); 605 (Orthotists and Prosthetists); 701 (Dietitians); 802 (Dog or Cat Breeders); 1151 (Property Tax Professionals); 1152 (Property Tax Consultants); 1202 (Industrialized Housing and Buildings); 1302 (Air Conditioning and Refrigeration Contractors); 1304 (Service Contract Providers and Administrators); 1305 (Electricians); 1603 (Barbers and Cosmetologists); 1802 (Auctioneers); 1806 (Residential Solar Retailers); 1901 (Water Well Drillers); 1902 (Water Well Pump Installers): 1952 (Code Enforcement Officers); 1953 (Sanitarians); 1958 (Mold Assessors and Remediators); 2001 (Charitable Bingo); 2052 (Combative Sports); 2303 (Vehicle Storage Facilities); 2308 (Vehicle Towing and Booting); 2309 (Used Automotive Parts Recyclers); 2310 (Motor Fuel Metering and Quality); 2311 (Electric Vehicle Charging Stations); and 2402 (Transportation Network Companies); and Transportation Code, Chapters 551A (Off-Highway Vehicle Training and Safety); and 662 (Motorcycle Operator Training and Safety). No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the rules are adopted is Senate Bill 2443, 89th Legislature, Regular Session (2025).

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 August 12, 2026.

TRD-202603408
Deanne Rienstra
General Counsel
Texas Department of Licensing and Regulation
Effective date: September 1, 2026
Proposal publication date: May 29, 2026
For further information, please call: (512) 344-5392

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CHAPTER 73. ELECTRICIANS

16 TAC §73.100

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to an existing rule at 16 Texas Administrative Code (TAC), Chapter 73, §73.100, regarding the Electricians program, without changes to the proposed text as published in the March 20, 2026, issue of the *Texas Register* (51 TexReg 1785). This rule will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 73, implement Texas Occupations, Chapter 1305, Electricians.

The adopted rule adopts the 2026 National Electrical Code (NEC) published by the National Fire Protection Association (NFPA) as the state's electrical code, with one modification. The adopted rule is necessary for the Texas Department of Licensing and Regulation (Department) to comply with its statutory responsibilities under Occupations Code §1305.101(a)(2), while balancing concerns of public safety and workability.

An updated NEC is published by NFPA every three years. Under Texas Occupations Code §1305.101(a)(2), the Department is required to adopt the most recent version of the NEC as the state's electrical code. Traditionally, this has been accomplished by amendment to the rule at §73.100, Technical Requirements, which specifies the current electrical code, and the Commission has approved deviations from the NEC when necessary. Section 90.4 of the 2026 NEC authorizes the Department to waive specific code requirements when doing so will not have a negative impact on safety.

The 2020 NEC included in Section 210.8(F) a requirement that certain outdoor outlets be equipped with ground-fault circuit interrupter (GFCI) technology. GFCI technology is a safety feature designed to prevent electric shock by opening a circuit in response to detected leakage current. In 2020, individuals and representatives of the air conditioning service industry expressed concerns that GFCI technology was incompatible with heating, ventilation, and air conditioning (HVAC) equipment and would lead to nuisance tripping, which had the potential to cause air conditioning outages during the hot summer months and endanger public safety. In response to these concerns, by an emergency rulemaking (46 TexReg 7781) the Commission approved a temporary exemption from compliance with Section 210.8(F) until January 1, 2023. In a later standard rulemaking (47 TexReg 7680), the Commission extended this exemption indefinitely. The 2023 NEC, which was adopted by the Commission as published by NFPA (48 TexReg 4654), did not include the GFCI requirement for outdoor outlets.

The 2026 NEC as published by NFPA reverses course and again includes the GFCI requirement of Section 210.8(F), with an exception, stating, "Exception No. 2: GFCI protection shall not be required for listed HVAC equipment. This exception shall expire September 1, 2026." Because the compatibility issues that pose a risk for nuisance tripping and air conditioning outages have not yet been resolved, the adopted rule modifies "Exception No. 2" to extend the exception without an expiration date.

SECTION-BY-SECTION SUMMARY

The adopted rule amends §73.100. The section is divided into two subsections for clarity. The existing rule text is placed in subsection (a) and is modified to reflect the year and NFPA publication date of the 2026 NEC, the effective date of the rule, and that an exception is set forth in subsection (b). New subsection (b) specifies that NFPA's "Exception No. 2" is extended without expiration.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

The Department drafted and distributed the proposed rule to persons internal and external to the agency. The proposed rule was published in the March 20, 2026, issue of the *Texas Register* (51 TexReg 1785). The Department requested public comments on the proposed rule and information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. The public comment period closed on April 20, 2026.

Overview of the Public Comments

The Department received written comments from eight interested parties in response to the required summary of the proposed rule, which was posted on the Department's website and distributed on March 6, 2026, the same day that the proposed rule was filed with the *Texas Register*, but before the official publication of the proposed rule and the official start of the public comment period. Subsequently, the Department received written comments from 33 interested parties on the published proposed rule during the official public comment period. The Department additionally received written comments from two interested parties after the close of the comment period, both of whom had previously submitted written comments during the comment period. The Department also received oral comments from three interested persons at the May 12, 2026, advisory board meeting. Of these three oral commenters, two had previously submitted written comments during the comment period. The Department additionally received oral comments from two interested persons at the July 28, 2026 Commission meeting, both of whom had previously submitted similar written comments. In total, the Department received written and oral public comments from 42 interested persons. The public comments are summarized below.

Of the 42 commenters, 28 expressed support for the proposed rules; seven expressed support with requested changes; three expressed opposition; three provided relevant information but did not clearly state a position for or against adoption; and one provided only irrelevant comments. The irrelevant comment will not be summarized.

The commenters in support included the Greater Fort Worth Builders Association (GFWBA), the Greater Houston Builders Association (GHBA), the Dallas Builders Association (DBA), the Texas Panhandle Builders Association (TPBA), the Texas Association of Builders (TAB), the Independent Electrical Contractors of Texas (IEC), an HVAC equipment manufacturer, various homebuilders, electrical contractors, and individuals.

The commenters requesting changes included a homebuilder, an energy storage system sales business, a construction company, an HVAC contractor, and individuals. The commenters expressing opposition included the National Electrical Manufacturers Association (NEMA), an electrical equipment manufacturer, and an individual. The neutral commenters included an electrical equipment manufacturer, and two individuals.

The comments received in response to the posted summary did not substantially differ from those in response to the proposed rules. Similar comments are combined for brevity. Comments and the Department's responses are summarized below.

Comments in Support

Comment (from all supporters expressing a rationale, including GFWBA, GHBA, DBA, TPBA, TAB, IEC): The suspension of the GFCI mandate for outdoor HVAC equipment is necessary. An effective solution to prevent nuisance tripping, such as high-frequency GFCI outlets, is not yet widely available. Outages caused by nuisance tripping pose a health and safety risk that outweigh any risk posed by lack of GFCI outlets.

Department Response: The Department appreciates the supportive comments and makes no changes in response.

Comments Requesting Changes

Comment (from a homebuilder): The requirement of GFCI outlets for outdoor HVAC equipment should be permanently removed from the NEC rather than just temporarily suspended for the duration of the three-year code cycle.

Department Response: The Department appreciates the comment. The decision of whether to require GFCI outlets for HVAC equipment must be based on a balancing of then-existing safety and practical considerations. The Department is required by statute to adopt the NEC every three years. Because the availability of technology evolves over time, it is appropriate that the Department consider possible code amendments at the end of each respective code cycle. Therefore, the Department declines to make the requested change.

Comment (from an energy storage system business): The commenter expressed support for the proposed GFCI exemption, but requested seven other amendments to the NEC. These topics included several items related to energy storage systems.

Department Response: The Department appreciates the comment. The purposes of the NEC are best served by keeping the code uniform between states to the extent possible. The Department thus generally only deviates from the NEC in rare and extreme circumstances, such as the case of the threat of widespread air conditioning outages in the hot summer months caused by incompatible GFCI outlets. This commenter's requested changes are extensive, complex, and present issues that are likely to be of relevance to many state licensing authorities. These changes would therefore best be considered by the NFPA as part of its code development process, and Department declines to make the requested changes.

Comment (from three individuals and an HVAC contractor): The exemption from GFCI requirements should be extended to all 240-volt outlets, including those for refrigerators or other appliances.

Department Response: The Department appreciates the comment. GFCI outlets serve an important safety purpose of reducing the risk of electrical shock, which is a matter that has been considered by the NFPA. Although compelling circumstances related to the threat of widespread air conditioning outages justify an exemption for outdoor HVAC outlets, similar circumstances do not appear to justify extending the exemption to other outlets. Therefore, the Department declines to make the requested change.

Comment (from a construction business): If the HVAC outlet GFCI exemption is approved, it should be conditioned on the HVAC appliances being properly installed and kept in good condition.

Department Response: The Department appreciates the comment. Although it is important that all appliances, including HVAC systems, are properly installed and maintained, the addition of language to the NEC, or tying installation and maintenance to the HVAC outlet exemption, has potential to create confusion and does not appear necessary to accomplish this

end. Therefore, the Department declines to make changes in response to this comment.

Comments in Opposition

Comment (from an electrical equipment manufacturer): The problem of incompatibility between HVAC equipment and GFCI outlets has been known for several years, and HVAC equipment manufacturers have had sufficient time to develop compatible equipment. Since 2016, there have been 24 HVAC-related electrocution deaths. Due to the risks associated with removing GFCI protection, the HVAC outlet exemption should not be extended.

Department Response: The Department appreciates the comment. Based on a careful weighing of the current circumstances, including the fact that compatible high-frequency GFCI outlets are not yet widely available and that many air conditioning compressors are not compatible with traditional GFCI outlets, the Department believes that the risks of widespread air conditioning outages caused by nuisance tripping outweighs the benefits of requiring GFCI outlets for outdoor HVAC outlets at this time. The Department will continue to monitor developments in this area. The Department declines to make changes in response to this comment.

Comment (from NEMA): The exemption of outdoor HVAC outlets from GFCI requirements is no longer necessary because of recent technological advances. Compatible high-frequency GFCI outlets are now being manufactured and are hitting the marketplace.

Department Response: The Department appreciates this comment and will continue to monitor the situation. Currently, it appears that compatible GFCI outlets are not yet widely available and thus have not yet alleviated the risk of outages. Therefore, the Department declines to make changes in response to this comment.

Comment (from an individual): The HVAC outlet exemption from GFCI requirements poses an unnecessary safety risk. Industry has already been provided six years to address this issue. Each new high-frequency GFCI outlet will cost between $40 to $50. By failing to require the use of these new outlets, the proposed rules will decrease sales tax revenue.

Department Response: The Department appreciates the comment. At this time, the Department believes that the risks of widespread air conditioning outages caused by nuisance tripping outweigh the benefits of requiring GFCI outlets for outdoor HVAC outlets. The Department appreciates that the newly developed high-frequency GFCI outlets show promise as a means to alleviate nuisance tripping and may alleviate the need for an exemption in the future, once the outlets are widely available. The Department will continue to monitor the situation. The exemption will not directly impact sales tax revenue. It remains likely that the new outlets will be purchased as they become available. The Department declines to make changes in response to this comment.

Other Comments

Comment (from an electrical equipment manufacturer): The commenter plans to have new high-frequency GFCIs available by September 1, 2026. Other manufacturers appear to also be on track to soon make this equipment available for purchase.

Department Response: The Department appreciates this information and will continue to monitor the situation. Because compatible equipment does not appear to yet be widely available and the new outlets do not yet have a long track record in real-life application, the Department declines to make changes to the proposed rules at this time.

Comment (from an individual): If the HVAC outlet exemption from GFCI requirements is allowed, the NEC should also be amended to prohibit backfeed or other non-HVAC uses of the circuit.

Department Response: The Department appreciates the comment. Due to the interest of interstate code uniformity, the requested amendment, which could impose new burdens to electricians beyond current NEC requirements, should best be presented to the NFPA for evaluation during its code development process. The Department declines to make changes in response to this comment.

ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION

The Electrical Safety and Licensing Advisory Board met on May 12, 2026, to discuss the proposed rule and the public comments received. The Advisory Board recommended that the Commission adopt the proposed rule as published in the *Texas Register*. At its meeting on July 28, 2026, the Commission adopted the proposed rule as published in the *Texas Register*.

STATUTORY AUTHORITY

The adopted rule is adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department.

The adopted rule is also adopted under Texas Occupations Code, Chapter 1305, specifically §1305.101, which requires the Department, after publication of the National Electrical Code (NEC) every three years by the National Fire Protection Association, to adopt the revised NEC as the electrical code for the state and §1305.102(c), which authorizes the Executive Director by rule to adopt standards of conduct requirements for license holders.

The statutory provisions affected by the adopted rule are those set forth in Texas Occupations Code, Chapters 51 and 1305. No other statutes, articles, or codes are affected by the proposed rule.

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 August 12, 2026.

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CHAPTER 75. AIR CONDITIONING AND REFRIGERATION

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 75, §§75.10, 75.80, 75.121, and 75.124; and the repeal of existing rules at §75.28, regarding the Air Conditioning and Refrigeration Contractors program, without changes to the proposed text as published in the May 22, 2026, issue of the *Texas Register* (51 TexReg 3495). These rules will not be republished.

The Commission also adopts amendments to an existing rule at 16 TAC, Chapter 75, §75.110, regarding the Air Conditioning and Refrigeration Contractors program, with changes to the proposed text as published in the May 22, 2026, issue of the *Texas Register* (51 TexReg 3495). This rule will be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 75, implement Texas Occupations Code, Chapter 1302, Air Conditioning and Refrigeration.

Updates to the Applicable Codes

The adopted rules update the applicable codes adopted by reference for air conditioning and refrigeration contracting from the 2021 editions to the 2024 editions of the International Residential Code, International Mechanical Code, International Fuel Gas Code, and Uniform Mechanical Code, effective September 1, 2026. These updates are necessary to align the Department's rules with current nationally recognized standards and provide a transition date for implementation.

Four-Year Rule Review Changes

The adopted rules include changes as a result of the required four-year rule review conducted under Texas Government Code §2001.039. The Department conducted the required rule review of the rules under 16 TAC Chapter 75, and the Commission readopted the rule chapter in its entirety and in its current form. (Proposed Rule Review, (47 TexReg 5344), September 2, 2022. Adopted Rule Review, (48 TexReg 1644), March 24, 2023.)

The adopted rules include changes identified by Department staff during the rule review process. These changes include removing obsolete provisions related to the "certified technician (legacy)" designation, clarifying examination eligibility requirements for certified technicians, and updating references to Texas Education Agency rules that have been reorganized. These changes are necessary to conform the rules to current statutory requirements, remove outdated provisions, and ensure that rule references remain accurate.

SECTION-BY-SECTION SUMMARY

The adopted rules amend §75.10, Definitions, by removing the definition for "certified technician (legacy)". This term was created to facilitate the changes in law made by House Bill (HB) 3029, 85th Legislature, Regular Session (2017), and it is no longer necessary because all technician certificates are now issued under Texas Occupations Code §1302.5055. The remaining definitions are renumbered accordingly.

The adopted rules repeal §75.28, Registered Technician--Certified Technician (Legacy) Designation. This section applies to applicants for a certified technician designation under Texas Occupations Code §1302.508, which was repealed by HB 3029, effective September 1, 2017. The section is no longer necessary because all technician certificates are now issued under Texas Occupations Code §1302.5055.

The adopted rules amend §75.80, Fees. Subsection (b)(3) is amended to reflect that the Department issues only licenses to contractors, not certificates, permits, or registrations. Existing subsection (c)(5) is repealed because it relates only to the obsolete "certified technician (legacy)" designation. Existing subsection (c)(6) is relabeled to become new subsection (c)(5) and is amended to reflect that the Department issues only certificates or registrations to technicians, not licenses or permits.

The adopted rules amend §75.110, Applicable Codes. Subsection (a) is amended to state that, effective September 1, 2026, the codes adopted to provide the rules of practice for air conditioning and refrigeration contracting are updated from the 2021 editions to the 2024 editions of the International Residential Code, the International Mechanical Code, the International Fuel Gas Code, and the Uniform Mechanical Code. These updates align the Department's regulations with these currently recognized national standards. Subsection (b) is amended to provide the transition date for the code updates in subsection (a). New subsection (c) is added in response to public comments and the Air Conditioning and Refrigeration Contractors Advisory Board's recommendation to address concerns regarding consistency among applicable technical standards referenced in the 2024 codes and to clarify the requirements that apply under this section.

The adopted rules amend §75.121, Certified Technician--Examinations, to clarify that a person must satisfy only the requirements of Texas Occupations Code §1302.5036(1) and (2) prior to taking the certified technician examination.

The adopted rules amend §75.124, Career and Technology Education Program Requirements, to update references to rules of the Texas Education Agency that were reorganized into a different rule chapter, effective August 1, 2025 (50 TexReg 4421).

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the May 22, 2026, issue of the *Texas Register* (51 TexReg 3495). The Department requested public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. The public comment period closed on June 22, 2026. The Department received comments from three interested parties on the proposed rules. The public comments are summarized below.

Comment: The International Association of Plumbing and Mechanical Officials (IAPMO) submitted a written comment during the public comment period and an oral comment at the July 7, 2026, meeting of the Advisory Board. The comments supported the proposed amendment to §75.110(a) to adopt the 2024 edition of the Uniform Mechanical Code. IAPMO stated that the Uniform Mechanical Code is used by jurisdictions in Texas and provides clear guidance for inspectors, promotes consistent enforcement, may reduce construction delays, incorporates current health and safety practices, and supports resilient, efficient, and modern mechanical systems.

Department Response: The Department appreciates the comment submitted by IAPMO in support of the proposed rules. The Department made no changes to the proposed rules in response to this comment.

Comment: The Air-Conditioning, Heating, and Refrigeration Institute (AHRI) submitted multiple comments requesting changes related to refrigerant provisions in the 2024 International Mechanical Code, International Residential Code, and Uniform Mechanical Code. AHRI requested that the Department update references to ASHRAE 15 and ASHRAE 34 to the 2024 editions; update Table 1103.1 in the 2024 International Mechanical Code for certain A2L refrigerants; delete language in International Mechanical Code §1109.2.5 that limits an exception to Group A1 refrigerants; clarify that the shaft-ventilation requirements in International Mechanical Code §1109.3.2 apply only to required refrigerant pipe shafts; add an exception to the shaft-ventilation requirements for certain residential systems; and update certain referenced standards in the Uniform Mechanical Code. AHRI stated that these changes are needed to address low global warming potential refrigerants, align with current ASHRAE standards, correct errors in refrigerant tables, address mildly flammable refrigerants, and maintain consistency with anticipated 2027 International Mechanical Code provisions.

Department Response: The Department agrees in part with the comments submitted by AHRI. The Department agrees that the 2024 codes adopted under §75.110 should be applied using current ASHRAE 15 and ASHRAE 34 standards to address consistency concerns related to refrigerant classifications and the use of A2L refrigerants. In response to these comments, the Department made changes to §75.110 by adding new subsection (c) to provide that, for purposes of the codes adopted under §75.110(a), references to ASHRAE 15-2022 are modified to refer to ASHRAE 15-2024, and references to ASHRAE 34-2022 are modified to refer to ASHRAE 34-2024. The Department did not make the additional requested amendments to individual model-code provisions or other referenced standards because the Department determined that the new subsection provides a more general and appropriate way to address the consistency concerns raised in the comments while preserving the Department's approach of adopting nationally recognized codes by reference.

Comment: The Texas Association of Builders (TAB) submitted comments addressing implementation concerns for the residential construction industry. TAB supported the transition provision in proposed §75.110(b) but requested clarification that the 2021 code editions govern all work authorized by a permit issued before September 1, 2026, regardless of when the work is physically performed. TAB also requested that the Department publish written guidance regarding application of the transition provision, extend the transition period to at least 180 days from the date of final adoption, publish the adopted rule and related compliance materials as early as possible and at least 30 days before the effective date, and address any conflicts between the 2024 code editions and manufacturer installation requirements for new-refrigerant equipment.

Department Response: The Department appreciates the comments submitted by TAB. The Department agrees that the transition provision should be applied clearly and consistently. Proposed §75.110(b) provides that the 2021 codes remain in effect through August 31, 2026, and that all air conditioning and refrigeration work permitted or started before September 1, 2026, may be completed in accordance with the 2021 code editions. The Department interprets this provision to allow work permitted before September 1, 2026, to be completed under the 2021 code editions. The Department will consider whether additional non-rule guidance is appropriate to assist license holders, builders, inspectors, and other stakeholders. The Department declines to extend the transition period in the rule because the September 1, 2026, effective date and the transition language in §75.110(b) provide a clear implementation date while protecting projects permitted or started before that date. The Department made no changes to the proposed rules in response to these comments. The change to §75.110(c), discussed above in response to AHRI's comments, also helps address consistency concerns related to refrigerant standards.

ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION

The Air Conditioning and Refrigeration Contractors Advisory Board met on July 7, 2026, to discuss the proposed rules and the public comments received. The Advisory Board recommended that the Commission adopt the proposed rules as published in the *Texas Register* with changes to §75.110 made in response to public comments and/or Department recommendations. The recommended changes to §75.110 add new subsection (c) to update references to ASHRAE 15-2022 and ASHRAE 34-2022 to refer instead to the 2024 editions of those standards. This change responds to public comments and promotes consistency with current refrigerant-related standards.

At its meeting on July 28, 2026, the Commission adopted the proposed rules with changes as recommended by the Advisory Board.

16 TAC §§75.10, 75.80, 75.110, 75.121, 75.124

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 1302, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

More specifically, Texas Occupations Code §51.201 authorizes the Commission to adopt rules as necessary to implement Chapter 51, and §51.203 authorizes the Commission to adopt rules as necessary to implement each law establishing a program regulated by the Department. Texas Occupations Code §1302.101 requires the Commission to adopt rules for the practice of air conditioning and refrigeration contracting that are at least as strict as the Uniform Mechanical Code and the International Mechanical Code. Section 1302.1011 authorizes the Commission to adopt rules providing for the licensing, certification, and registration of persons under Chapter 1302 and implementing the requirements of the chapter as applicable to persons, entities, and activities regulated under the chapter. Section 1302.5036 establishes the eligibility requirements for an air conditioning and refrigeration technician certification, §1302.5037 authorizes the Commission to establish standards for career and technology education programs for technician certification, and §1302.5055 addresses issuance and terms of technician certifications.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 1302. No other statutes, articles, or codes are affected by the adopted rules.

§75.110. Applicable Codes.

(a) Effective September 1, 2026, the commission adopts the following applicable codes as referenced in the Act and this chapter:

(1) 2024 International Residential Code;

(2) 2024 International Mechanical Code;

(3) 2024 International Fuel Gas Code; and

(4) 2024 Uniform Mechanical Code.

(b) The 2021 codes shall remain in effect through August 31, 2026. All air conditioning and refrigeration work permitted or started before September 1, 2026, may be completed in accordance with the 2021 code editions.

(c) For purposes of the codes adopted under subsection (a), references to ASHRAE 15-2022 are modified to refer to ASHRAE 15-2024, and references to ASHRAE 34-2022 are modified to refer to ASHRAE 34-2024.

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

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Deanne Rienstra
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For further information, please call: (512) 463-7750

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16 TAC §75.28

STATUTORY AUTHORITY

The adopted repeal is adopted under Texas Occupations Code, Chapters 51 and 1302, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt repeals as necessary to implement these chapters and any other law establishing a program regulated by the Department. More specifically, Texas Occupations Code §51.201 authorizes the Commission to adopt repeals as necessary to implement Chapter 51, and §51.203 authorizes the Commission to adopt repeals as necessary to implement each law establishing a program regulated by the Department. Texas Occupations Code §1302.101 requires the Commission to adopt repeals for the practice of air conditioning and refrigeration contracting that are at least as strict as the Uniform Mechanical Code and the International Mechanical Code. Section 1302.1011 authorizes the Commission to adopt repeals providing for the licensing, certification, and registration of persons under Chapter 1302 and implementing the requirements of the chapter as applicable to persons, entities, and activities regulated under the chapter. Section 1302.5036 establishes the eligibility requirements for an air conditioning and refrigeration technician certification, §1302.5037 authorizes the Commission to establish standards for career and technology education programs for technician certification, and §1302.5055 addresses issuance and terms of technician certifications.

The statutory provisions affected by the adopted repeal are those set forth in Texas Occupations Code, Chapters 51 and 1302. No other statutes, articles, or codes are affected by the adopted repeal.

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

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CHAPTER 111. SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 111, Subchapter A, §111.2; Subchapter B, §111.12 and §111.13; Subchapter F, §111.55; and Subchapter H, §111.70, regarding the Speech-Language Pathologists and Audiologists program, without changes to the proposed text as published in the May 8, 2026, issue of the *Texas Register* (51 TexReg 3030). These rules will not be republished.

The Commission also adopts amendments to existing rules at 16 TAC Chapter 111, Subchapter F, §111.50, and Subchapter W, §111.220, regarding the Speech-Language Pathologists and Audiologists program, with changes to the proposed text as published in the May 8, 2026, issue of the *Texas Register* (51 TexReg 3030). These rules will be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 111, implement Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The adopted rules are necessary to implement the statutory changes made during the 89th Legislature, Regular Session. Specifically, the adopted rules implement Senate Bill (SB) 904, Section 1; SB 905, Sections 1, 2, and 3; and SB 2075, Sections 9 and 10, 89th Legislature, Regular Session (2025). The adopted rules also are necessary to implement the changes suggested by Department staff during the scheduled four-year review of Chapter 111, including staff from the Licensing Division and the Compliance Division.

Legislative Changes

To implement SB 904, Section 1, and SB 905, Section 1, the adopted rules repeal the requirement that the Commission adopt rules for selling hearing instruments with input from both the Speech-Language Pathologists and Audiologists Advisory Board and the Hearing Instrument Fitters and Dispensers Advisory Board.

To implement SB 905, Section 2, the adopted rules allow audiology license applicants to qualify with a master's degree in audiology awarded on or before December 31, 2007. Applicants awarded the equivalent of a master's degree in audiology from a foreign university on or before December 31, 2007, must also obtain an evaluation showing their degree is equivalent to a degree from an accredited U.S. program.

To implement SB 905, Section 3, the adopted rules remove the obsolete definition of "Provisional Licensee," as provisional licenses are no longer needed now that the jurisprudence exam is always available.

To implement SB 2075, Sections 9 and 10, the adopted rules remove the requirement that three advisory board members' six-

year terms all expire on February 1 of odd-numbered years, thereby allowing the advisory board members to serve their full six-year term, regardless of their appointment date. The adopted rules also extend the advisory board presiding officer's term from one year to two years.

Four-Year Rule Review Changes

The adopted rules also include changes as a result of the required four-year rule review conducted under Texas Government Code §2001.039. The Department conducted the required rule review of the rules under 16 TAC Chapter 111, and the Commission readopted the rule chapter in its entirety and in its current form. (Proposed Rule Review, 45 TexReg 7281, October 9, 2020. Adopted Rule Review, 46 TexReg 2050, March 26, 2021).

In response to the Notice of Intent to Review that was published, the Department received public comments from 106 interested parties regarding Chapter 111, Chapter 111, Speech-Language Pathologists and Audiologists. Three comments were in support of readoption of the rules. The Department has taken these comments into consideration as part of this review. One hundred four comments requested amendments to the rules, including changes related to telehealth and tele-supervision for interns and assistants; continuing education in telepractice; monthly supervision hours for speech-language pathology assistants; caseload caps for speech-language pathologists in school settings; a licensing exam for speech-language pathology assistants; and consumer protections from providers who do not meet legal standards. The Department will take these comments under consideration for a possible future rulemaking because any amendments must be made using the standard rulemaking process. Additionally, one comment expressed support for proposed changes to the rules, although there were no proposed changes in the Notice of Intent to Review. The Department will not take any further rulemaking action as a result of this comment. The adopted rules include changes identified by Department staff during the rule review process. The changes include updates to the license eligibility and application requirements for speech-language pathology assistants.

The adopted rules remove requirements for speech-language pathology (SLP) assistant applicants to submit verification of 25 clinical observation hours and 25 clinical assisting hours to the Texas Department of Licensing and Regulation (Department), as well as the requirement to complete any missing hours under direct supervision after the license is issued. Additionally, the rules renumber §111.55(b)(7)-(8).

The adopted rules amend the existing clinical observation and experience requirements for SLP assistants to require that verification of their 25 hours of clinical observation and 25 hours of clinical assisting experience is submitted to the assistant's supervisor upon license issuance. The adopted rules also reorganize the requirements of §111.50(d) and §111.50(e) in a more logical manner.

The rule amendments to §111.50(d) are adopted with changes to correct an inadvertent oversight in the proposed rule text. The preamble published in the *Texas Register* on May 8, 2026, explained the amendment to §111.50(d)(1), but the actual rule language did not reflect that amendment, which updated a cross-reference. The adopted rule incorporates the intended non-substantive amendment.

SECTION-BY-SECTION SUMMARY

Subchapter A. General Provisions

The adopted rules amend §111.2. Definitions. The adopted rules remove the obsolete definition of "Provisional Licensee." Provisional licenses for Speech-Language Pathologists and Audiologists originated when the jurisprudence exam was offered only a few times a year, allowing individuals to work while waiting to take it. Now, the jurisprudence exam is accessible year-round, making such provisional licenses unnecessary.

Subchapter B. Speech-Language Pathologists and Audiologists Advisory Board

The adopted rules amend §111.12, Terms; Vacancies. The adopted rules under subsection (a) remove the requirement that three advisory board members' six-year terms all expire on February 1 of odd-numbered years

The adopted rules amend §111.13, Officers. The adopted rules under subsection (a) change the advisory board presiding officer's term from one year to two years.

Subchapter F. Requirements for Assistant in Speech-Language Pathology License

The adopted rules amend §111.50, Assistant in Speech-Language Pathology License--Licensing Requirements--Education and Clinical Observation and Experience. Specifically, the adopted rules modify §111.50(d), Clinical Observation and Experience.

The adopted rules amend §111.50(d)(1) to clarify that the requirements of §111.50(d)(1) are prescribed by §111.50(d), not §111.50(e).

The adopted rules add new §111.50(d)(2), which requires that if any of the 25 hours of clinical observation and 25 hours of clinical assisting experience required for licensure as a SLP assistant were earned during training, then this verification must be submitted to the assistant's supervisor after the license is issued.

Also, the adopted rules reorganize the requirements of §111.50(d) and §111.50(e) in a more logical manner. Specifically, the adopted rules move former §111.50(e) to §111.50(d)(3), move former §111.50(e)(1) to §111.50(d)(3)(A), move former §111.50(e)(2) to §111.50(d)(3)(B), and move former §111.50(d)(2) to §111.50(e).

The adopted rules amend §111.55, Assistant in Speech-Language Pathology License--Application and Eligibility Requirements.

The adopted rules repeal subsection (b)(5), removing the requirement that applicants for licensure as a speech-language pathology assistant must provide the Department verification from their university program that the applicant completed 25 hours of clinical observation and 25 hours of clinical assisting experience.

The adopted rules repeal subsection (b)(6) and remove the requirement that applicants who did not obtain all 25 hours of clinical observation and 25 hours of clinical assisting experience complete those hours under direct supervision by an approved supervisor after the license is issued.

Finally, the adopted rules renumber §111.55(b)(7) and (8).

Subchapter H. Requirements for Audiology License

The adopted rules amend §111.70, Audiology License--Licensing Requirements. The adopted rules under subsection (b) now authorize an applicant seeking licensure as an audiologist to

qualify if the applicant possesses a master's degree in audiology conferred on or before December 31, 2007.

The adopted rule in subsection (d) now requires an applicant who earned a master's degree in audiology at a foreign university on or before December 31, 2007, to obtain a transcript evaluation to show the applicant's degree is equivalent to a degree obtained from a program accredited by a national accrediting organization approved by the Commission or Department and recognized by the United States Secretary of Education under the Higher Education Act of 1965 (20 U.S.C. Section 1001 et seq.).

Finally, the adopted rules re-letter §111.70(d) and (e).

Subchapter W. Joint Rule Regarding the Sale of Hearing Instruments

The adopted rules amend §111.220, Requirements Regarding the Sale of Hearing Instruments. The adopted rules under subsection (a) repeal the requirement that the Commission adopt rules governing the sale of hearing instruments with the assistance of both the Speech-Language Pathologists and Audiologists Advisory Board and the Hearing Instrument Fitters and Dispensers Advisory Board. Because subsection (a) eliminates the joint rulemaking requirement, the adopted rules remove the reference to Tex. Occ. Code §402.1021 and update the subchapter title by removing the word "Joint."

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the May 8, 2026, issue of the *Texas Register* (51 TexReg 3030). The Department requested public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. The public comment period closed on June 8, 2026.

The Department received one comment from an interested party in response to the required summary of the proposed rules, which was posted on the Department's website and distributed on April 24, 2026, the same day that the proposed rules were filed with the *Texas Register*, but before the official publication of the proposed rules and the official start of the public comment period. The Department did not receive any comments from interested parties on the published proposed rules during the official public comment period. The public comment is summarized below.

Comment: The commenter disagreed with the proposed rule amendment to stop requiring speech-language pathology assistants to submit 25 hours of assisting and 25 hours of observation to TDLR for licensure, as the commenter believes these documented hours are essential for ensuring accountability and competence. The commenter believes the recordkeeping requirement should not fall solely on the supervising speech-language pathologists to track these hours internally, and that speech-language pathology assistants should be held to similar submission standards as licensed speech-language pathologists.

Department Response: The Department disagrees with this comment, as the recordkeeping responsibility is an additional administrative burden on Departmental resources that is accomplished as efficiently when distributed to individual supervising speech-language pathologists. The Department also notes that at the March 29, 2026, meeting of the Speech-Language Pathologist and Audiologist Advisory Board, the Advisory Board agreed without discussion to this proposed amendment. Thus, the Department did not make any changes to the proposed rules because of this comment.

ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION

The Speech-Language Pathologists and Audiologists Advisory Board met on July 8, 2026, to discuss the proposed rules and the public comment received. The Advisory Board recommended that the Commission adopt the proposed rules as published in the *Texas Register* with changes to §111.50(d)(1) in response to the Department's recommendation as explained in the Section-by-Section summary. At its meeting on July 28, 2026, the Commission adopted the proposed rules as published in the *Texas Register*.

SUBCHAPTER A. GENERAL PROVISIONS

16 TAC §111.2

STATUTORY AUTHORITY

The rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department.

The adopted rules are also adopted under Texas Occupations Code, Chapter 401, specifically §§401.102-401.108, which establish the requirements of the Speech-Language Pathologists and Audiologists Advisory Board; §401.304, which addresses eligibility requirements for an audiology license; §401.312, which authorizes the Commission by rule to establish minimum qualifications for licensed assistants in speech-language pathology; and §401.2021, which requires the Commission to adopt rules regarding the sale of hearing instruments under Chapter 401 with the assistance of the Speech-Language Pathologists and Audiologists Advisory Board.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the rules are adopted is Senate Bill (SB) 904, SB 905, and SB 2075, 89th Legislature, Regular Session (2025).

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

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Deanne Rienstra
General Counsel
Texas Department of Licensing and Regulation
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For further information, please call: (512) 344-5392

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SUBCHAPTER B. SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS ADVISORY BOARD

16 TAC §111.12, §111.13

STATUTORY AUTHORITY

The rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department.

The adopted rules are also adopted under Texas Occupations Code, Chapter 401, specifically §§401.102-401.108, which establish the requirements of the Speech-Language Pathologists and Audiologists Advisory Board; §401.304, which addresses eligibility requirements for an audiology license; §401.312, which authorizes the Commission by rule to establish minimum qualifications for licensed assistants in speech-language pathology; and §401.2021, which requires the Commission to adopt rules regarding the sale of hearing instruments under Chapter 401 with the assistance of the Speech-Language Pathologists and Audiologists Advisory Board.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the rules are adopted is Senate Bill (SB) 904, SB 905, and SB 2075, 89th Legislature, Regular Session (2025).

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

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SUBCHAPTER F. REQUIREMENTS FOR ASSISTANT IN SPEECH-LANGUAGE PATHOLOGY LICENSE

16 TAC §111.50, §111.55

STATUTORY AUTHORITY

The rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department.

The adopted rules are also adopted under Texas Occupations Code, Chapter 401, specifically §§401.102-401.108, which establish the requirements of the Speech-Language Pathologists and Audiologists Advisory Board; §401.304, which addresses eligibility requirements for an audiology license; §401.312, which authorizes the Commission by rule to establish minimum qualifications for licensed assistants in speech-language pathology; and §401.2021, which requires the Commission to adopt rules regarding the sale of hearing instruments under Chapter 401 with the assistance of the Speech-Language Pathologists and Audiologists Advisory Board.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the rules are adopted is Senate Bill (SB) 904, SB 905, and SB 2075, 89th Legislature, Regular Session (2025).

§111.50. Assistant in Speech-Language Pathology License--Licensing Requirements--Education and Clinical Observation and Experience.

(a) An individual must not practice as an assistant in speech-language pathology without a current license issued by the department. An applicant for an assistant in speech-language pathology license must meet the requirement under the Act and this section.

(b) Degree. A degree must be completed at a college or university which has a program accredited by the ASHA Council on Academic Accreditation or holds accreditation or candidacy status from a recognized regional accrediting agency.

(1) An applicant must hold a baccalaureate degree with an emphasis or major in communicative sciences or disorders.

(2) An applicant who holds a baccalaureate degree with a major that is not in communicative sciences or disorders may qualify for the assistant license. The department must evaluate transcripts on a case-by-case basis to ensure equivalent academic preparation, which may include some leveling hours.

(3) The transcripts showing the conferred degree must be evaluated as follows:

(A) only course work meeting the requirements of subsection (c) will be acceptable;

(B) a quarter hour of academic credit must be considered as two-thirds of a semester credit hour; and

(C) academic courses, the titles of which are not self-explanatory, must be substantiated through course descriptions in official school catalogs or bulletins or by other official means.

(4) An applicant whose transcript is in a language other than English or whose degree was earned at a foreign university must submit an evaluation form from an ASHA-approved transcript evaluation service. The transcript evaluation service must determine that the applicant's degree is a bachelor's degree or higher with a major in one of the areas of communicative sciences or disorders. The applicant must bear all expenses incurred for the evaluation.

(5) An applicant who holds a baccalaureate degree with a major not in communicative sciences or disorders and whose transcript is in a language other than English or whose degree was earned at a foreign university may qualify for the assistant license if the applicant submits documentation in a form and manner prescribed by the department that shows the applicant completed sufficient communicative

sciences or disorders academic leveling courses. The academic leveling courses must be completed at a college or university which has a program accredited by the ASHA Council on Academic Accreditation or holds accreditation or candidacy status from a regional accrediting agency in the United States and approved by the department.

(c) Course Work. The applicant must have acquired at least 24 semester credit hours in communicative sciences or disorders as prescribed by this subsection.

(1) The applicant must have received a grade of "C" or above, or a passing grade if letter grades are not issued by the university, for these semester credit hours.

(2) At least 18 of the 24 semester credit hours must be in speech-language pathology.

(3) At least three of the 24 semester credit hours must be in language disorders.

(A) These courses must cover disorders specific to phonology, morphology, syntax, pre-literacy, and/or language-based literacy skills.

(B) These courses do not include introductory, survey, or overview language courses.

(4) At least three of the 24 semester credit hours must be in speech disorders.

(A) These courses must cover disorders specific to articulation, fluency, resonance and/or voice.

(B) These courses do not include introductory, survey, or overview courses of speech.

(5) A combined language and speech disorders class for three semester hours will not be credited to meet the requirements of both (c)(3) and (c)(4). The class will only be credited toward one of the requirements, but not both.

(6) The 24 semester credit hours excludes course work such as special education, deaf education, or sign language.

(7) The 24 semester credit hours must be academic course work and excludes courses which only offer clinical experience without a classroom component.

(d) Clinical Observation and Experience. The applicant must have earned at least 25 hours of clinical observation in the area of speech-language pathology and 25 hours of clinical assisting experience in the area of speech-language pathology.

(1) These hours must be obtained through an accredited college or university or in one of its cooperating programs. If these hours are not obtained, the applicant must complete the missing hours with the applicant's supervisor upon issuance of the assistant license as prescribed under this subsection.

(2) Verification of 25 hours of clinical observation and 25 hours of clinical assisting experience from the university program director or designee of the college or university training program showing the applicant completed the requirements set out in paragraph (1) of this subsection, if any hours were earned, shall be submitted to the assistant's supervisor upon license issuance.

(3) An applicant who has not acquired the required hours under this subsection must complete the hours under 100% direct supervision by the approved supervisor once the license is issued and before the assistant may begin to practice.

(A) The licensed speech-language pathologist who will provide the applicant with the training to acquire these hours must meet the requirements set out in the Act and §111.154, must be the approved supervisor of the assistant, and must have the assistant complete any missing hours under 100% direct supervision before allowing the assistant to practice without 100% direct supervision.

(B) If the assistant changes supervisors before completing the missing clinical observation and clinical assisting experience hours, the assistant must complete the missing hours under 100% direct supervision by the new supervisor before being allowed to provide services under the assistant license.

(e) An applicant who held an assistant license in another state and completed hours for that license does not need to submit proof of completion of the 25 hours of clinical observation and 25 hours of clinical assisting experience.

(f) In the event the degree, course work, or clinical observation and experience set out in this section were earned more than 10 years before the date of application for the assistant license, the applicant must submit proof of current knowledge of the practice of speech-language pathology to be evaluated by the department. Proof of current knowledge may include: completing at least 10 hours of continuing education or other courses within the last year; or holding a current license in another state.

(g) An assistant may not begin to perform any duties until the license has been issued and all missing clinical observation and clinical assisting experience hours are complete, if applicable.

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

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SUBCHAPTER H. REQUIREMENTS FOR AUDIOLOGY LICENSE

16 TAC §111.70

STATUTORY AUTHORITY

The rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department.

The adopted rules are also adopted under Texas Occupations Code, Chapter 401, specifically §§401.102-401.108, which establish the requirements of the Speech-Language Pathologists and Audiologists Advisory Board; §401.304, which addresses eligibility requirements for an audiology license; §401.312, which authorizes the Commission by rule to establish minimum qualifications for licensed assistants in speech-language pathology; and §401.2021, which requires the Commission to adopt rules regarding the sale of hearing instruments under Chapter 401 with

the assistance of the Speech-Language Pathologists and Audiologists Advisory Board.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the rules are adopted is Senate Bill (SB) 904, SB 905, and SB 2075, 89th Legislature, Regular Session (2025).

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SUBCHAPTER W. RULE REGARDING THE SALE OF HEARING INSTRUMENTS

16 TAC §111.220

STATUTORY AUTHORITY

The rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department.

The adopted rules are also adopted under Texas Occupations Code, Chapter 401, specifically §§401.102-401.108, which establish the requirements of the Speech-Language Pathologists and Audiologists Advisory Board; §401.304, which addresses eligibility requirements for an audiology license; §401.312, which authorizes the Commission by rule to establish minimum qualifications for licensed assistants in speech-language pathology; and §401.2021, which requires the Commission to adopt rules regarding the sale of hearing instruments under Chapter 401 with the assistance of the Speech-Language Pathologists and Audiologists Advisory Board.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the rules are adopted is Senate Bill (SB) 904, SB 905, and SB 2075, 89th Legislature, Regular Session (2025).

§111.220. Requirements Regarding the Sale of Hearing Instruments.

(a) This subchapter constitutes the rules required by Texas Occupations Code §401.2021 to be adopted by the commission with the assistance of the Speech-Language Pathologists and Audiologists Advisory Board. The requirements of this subchapter shall be repealed or amended only through consultation with the Speech-Language Pathologists and Audiologists Advisory Board.

(b) Guidelines for a 30 consecutive day trial period for a hearing instrument.

(1) All clients shall be informed of a 30 consecutive day trial period by written contract for services related to a hearing instrument. All charges associated with such trial period shall be included in this written contract for services, which shall include the name, address, and telephone number of the department.

(2) Any client purchasing one or more hearing instruments shall be entitled to a refund of the purchase price advanced by the client for the hearing instrument(s), less the agreed-upon amount associated with the trial period, upon return of the instrument(s), in good condition, to the licensed audiologist or licensed intern in audiology within the trial period ending 30 consecutive days from the date of delivery. Should the order be canceled by the client prior to the delivery of the hearing instrument(s), the licensed audiologist or licensed intern in audiology may retain the agreed-upon charges and fees as specified in the written contract for services. The client shall receive the refund due no later than the 30th day after the date on which the client cancels the order or returns the hearing instrument(s), in good condition, to the licensed audiologist or licensed intern in audiology.

(3) Should the hearing instrument(s) have to be returned to the manufacturer for repair or remake during the trial period, the 30 consecutive day trial period begins anew. The trial period begins on the day the client reclaims the repaired/remade hearing instrument(s). The expiration date of the new 30 consecutive day trial period shall be made available to the client in writing, through an amendment to the original written contract. The amendment shall be signed by both the licensed audiologist or licensed intern in audiology and the client.

(4) On delivery of a new replacement hearing instrument(s) during the trial period, the serial number of the new instrument(s), the delivery date of the hearing instrument(s), and the date of the expiration of the 30 consecutive day trial period must be stated in writing.

(5) If the date of the expiration of the 30 consecutive day trial period falls on a holiday, weekend, or a day the business is not open, the expiration date shall be the first day the business reopens.

(c) Upon the sale of any hearing instrument(s) or change of model or serial number of the hearing instrument(s), the owner shall ensure that each client receives a written contract that contains:

(1) the date of sale;

(2) the make, model, and serial number of the hearing instrument(s);

(3) the name, address, and telephone number of the principal place of business of the license holder who dispensed the hearing instrument;

(4) a statement that the hearing instrument is new, used, or reconditioned;

(5) the length of time and other terms of the guarantee and by whom the hearing instrument is guaranteed;

(6) a statement on or attached to the written contract for services, in no smaller than 10-point bold type, as follows: "The client has been advised that any examination or representation made by a licensed audiologist or licensed intern in audiology in connection with the fitting and selling of the hearing instrument(s) is not an examination, diagnosis or prescription by a person duly licensed and qualified as a physician or surgeon authorized to practice medicine in the State

of Texas and, therefore, must not be regarded as medical opinion or advice.";

(7) a statement on the face of the written contract for services, in no smaller than 10-point bold type, as follows: "If you have a complaint against a licensed audiologist or intern in audiology, you may contact the Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711, Telephone (512) 463-6599, Toll-Free (in Texas): (800) 803-9202";

(8) the printed name, license type, signature and license number of the licensed audiologist or licensed intern in audiology who dispensed the hearing instrument;

(9) the supervisor's name, license type, and license number, if applicable;

(10) a recommendation for a follow-up appointment within thirty (30) days after the hearing instrument fitting;

(11) the expiration date of the 30 consecutive day trial period under subsection (b); and

(12) the dollar amount charged for the hearing instrument and the dollar amount charged for the return or restocking fee, if applicable.

(d) Record keeping. The owner of the dispensing practice shall ensure that records are maintained on every client who receives services in connection with the fitting and dispensing of hearing instruments. Such records shall be preserved for at least five years after the date of the last visit. All of the business's records and contracts are solely the property of the person who owns the business. Client access to records is governed by the Health Insurance Portability and Accountability Act (HIPAA). The records must be available for the department's inspection and shall include, but are not limited to, the following:

(1) pertinent case history;

(2) source of referral and appropriate documents;

(3) medical evaluation or waiver of evaluation if provided;

(4) copies of written contracts for services and receipts executed in connection with the fitting and dispensing of each hearing instrument provided;

(5) a complete record of hearing tests, and services provided; and

(6) all correspondence specifically related to services provided to the client or the hearing instrument(s) fitted and dispensed to the client.

(e) The written contract and trial period information provided to a client in accordance with this section, orally and in writing, shall be in plain language designed to be easily understood by the average consumer.

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

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Deanne Rienstra
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CHAPTER 112. HEARING INSTRUMENT FITTERS AND DISPENSERS

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 112, Subchapter B, §112.12 and §112.13; Subchapter D, §112.32; and Subchapter H, §112.70, regarding the Hearing Instrument Fitters and Dispensers program, without changes to the proposed text as published in the May 8, 2026, issue of the *Texas Register* (51 TexReg 3035). These rules will not be republished.

The Commission also adopts amendments to the existing rule at 16 TAC Chapter 112, Subchapter O, §112.140, regarding the Hearing Instrument Fitters and Dispensers program, with changes to the proposed text as published in the May 8, 2026, issue of the *Texas Register* (51 TexReg 3030). This rule will be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 112, implement Texas Occupations Code, Chapter 402, Hearing Instrument Fitters and Dispensers.

The adopted rules are necessary to implement Senate Bill (SB) 904, 89th Legislature, Regular Session (2025), specifically, Sections 2, 3, and 4, and SB 2075, 89th Legislature, Regular Session (2025), specifically, Sections 11 and 12. The adopted rules remove the requirement that the three advisory board members' six-year terms all expire on February 1 of odd-numbered years, allowing each member to serve their full term, regardless of when appointed. The adopted rules also extend the advisory board presiding officer's term from one year to two years.

The adopted rules require first-time renewal applicants for a hearing instrument fitter and dispenser license to complete 20 hours of continuing education; remove the requirement that the Commission adopt rules governing the sale of hearing instruments with the assistance of both the Hearing Instrument Fitters and Dispensers Advisory Board and the Speech-Language Pathologist and Audiologist Advisory Board; remove the exception that allowed the Texas Department of Licensing and Regulation (Department) to renew a license of a licensee who did not meet continuing education requirements during their first 24 months of licensure; and add a provision that allows hearing instruments to be sold to a minor with a written statement from any licensed physician, and not just a physician specializing in diseases of the ear.

SECTION-BY-SECTION SUMMARY

Subchapter B. Hearing Instrument Fitters and Dispensers Advisory Board

The adopted rules amend §112.12, Terms; Vacancies. The adopted rules under subsection (a) remove language that would require that the three advisory board members' six-year terms all expire on February 1 of odd-numbered years, allowing

each advisory board member to serve their full six-year term, regardless of when appointed.

The adopted rules amend §112.13, Officers. The adopted rules under subsection (a) change the advisory board presiding officer's term from one year to two years.

Subchapter D. Hearing Instrument Fitter and Dispenser License

The adopted rules amend §112.32, Hearing Instrument Fitter and Dispenser License--License Term; Renewals. The adopted rules under subsection (c) now require first-time renewal applicants for a hearing instrument fitter and dispenser license to complete 20 hours of continuing education.

Subchapter H. Continuing Education Requirements

The adopted rules amend §112.70, Continuing Education--Hours, Courses, and Methods of Delivery. The adopted rules under subsection (i) remove the exception that allowed license renewal for licensees who did not meet the continuing education requirements during their first 24 months of licensure.

Subchapter O. Joint Rule Regarding the Sale of Hearing Instruments

The adopted rules amend §112.140, Requirements Regarding the Sale of Hearing Instruments. The adopted rules under subsection (a) remove the requirement that the Commission adopt rules governing the sale of hearing instruments with the assistance of both the Hearing Instrument Fitters and Dispensers Advisory Board and the Speech-Language Pathologist and Audiologist Advisory Board. Because subsection (a) eliminates the joint rulemaking requirement, the adopted rules remove the reference to Tex. Occ. Code §401.2021 and update the subchapter title by removing the word "Joint."

The adopted rules add new subsection (f). The new provision allows hearing instruments to be sold to a minor with a written statement from any licensed physician, not just a physician specializing in diseases of the ear.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the May 8, 2026, issue of the *Texas Register* (51 TexReg 3035). The Department requested public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. The public comment period closed on June 8, 2026. The Department did not receive any comments from interested parties on the proposed rules.

ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION

The Hearing Instrument Fitters and Dispensers Advisory Board met on July 22, 2026, to discuss the proposed rules and the public comments received. The Advisory Board recommended that the Commission adopt the proposed rules as published in the *Texas Register*. At its meeting on July 28, 2026, the Commission adopted the proposed rules as published in the *Texas Register*.

SUBCHAPTER B. HEARING INSTRUMENT FITTERS AND DISPENSERS ADVISORY BOARD

16 TAC §112.12, §112.13

STATUTORY AUTHORITY

The rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and §51.203 and §51.405, which authorize the Commission to adopt continuing education rules for the Department's programs.

The adopted rules are also adopted under Texas Occupations Code, Chapter 402, specifically §§402.051-402.058, which establish the requirements of the Hearing Instrument Fitters and Dispensers Advisory Board; §402.305, which addresses continuing education exemptions for license renewal; §402.402, which addresses the sale of hearing instruments to minors; and §402.1021, which requires the Commission to adopt rules regarding the sale of hearing instruments under Chapter 402 with the assistance of the Hearing Instrument Fitters and Dispensers Advisory Board.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 402. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the rules are adopted is SB 904 and SB 2075, 89th Legislature, Regular Session (2025).

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SUBCHAPTER D. HEARING INSTRUMENT FITTER AND DISPENSER LICENSE

16 TAC §112.32

STATUTORY AUTHORITY

The rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and §51.203 and §51.405, which authorize the Commission to adopt continuing education rules for the Department's programs.

The adopted rules are also adopted under Texas Occupations Code, Chapter 402, specifically §§402.051-402.058, which establish the requirements of the Hearing Instrument Fitters and Dispensers Advisory Board; §402.305, which addresses continuing education exemptions for license renewal; §402.402, which addresses the sale of hearing instruments to minors; and

§402.1021, which requires the Commission to adopt rules regarding the sale of hearing instruments under Chapter 402 with the assistance of the Hearing Instrument Fitters and Dispensers Advisory Board.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 402. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the rules are adopted is SB 904 and SB 2075, 89th Legislature, Regular Session (2025).

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SUBCHAPTER H. CONTINUING EDUCATION REQUIREMENTS

16 TAC §112.70

STATUTORY AUTHORITY

The rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and §51.203 and §51.405, which authorize the Commission to adopt continuing education rules for the Department's programs.

The adopted rules are also adopted under Texas Occupations Code, Chapter 402, specifically §§402.051-402.058, which establish the requirements of the Hearing Instrument Fitters and Dispensers Advisory Board; §402.305, which addresses continuing education exemptions for license renewal; §402.402, which addresses the sale of hearing instruments to minors; and §402.1021, which requires the Commission to adopt rules regarding the sale of hearing instruments under Chapter 402 with the assistance of the Hearing Instrument Fitters and Dispensers Advisory Board.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 402. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the rules are adopted is SB 904 and SB 2075, 89th Legislature, Regular Session (2025).

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SUBCHAPTER O. JOINT RULE REGARDING THE SALE OF HEARING INSTRUMENTS

16 TAC §112.140

STATUTORY AUTHORITY

The rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department; and §51.203 and §51.405, which authorize the Commission to adopt continuing education rules for the Department's programs.

The adopted rules are also adopted under Texas Occupations Code, Chapter 402, specifically §§402.051-402.058, which establish the requirements of the Hearing Instrument Fitters and Dispensers Advisory Board; §402.305, which addresses continuing education exemptions for license renewal; §402.402, which addresses the sale of hearing instruments to minors; and §402.1021, which requires the Commission to adopt rules regarding the sale of hearing instruments under Chapter 402 with the assistance of the Hearing Instrument Fitters and Dispensers Advisory Board.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 402. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the rules are adopted is SB 904 and SB 2075, 89th Legislature, Regular Session (2025).

§112.140. Requirements Regarding the Sale of Hearing Instruments.

(a) This subchapter constitutes the rules required by Texas Occupations Code §402.1021 to be adopted by the commission with the assistance of the Hearing Instrument Fitters and Dispensers Advisory Board. The requirements of this subchapter shall be repealed or amended only through consultation with the Hearing Instrument Fitters and Dispensers Advisory Board.

(b) Guidelines for a 30 consecutive day trial period for a hearing instrument.

(1) All clients shall be informed of a 30 consecutive day trial period by written contract for services related to a hearing instrument. All charges associated with such trial period shall be included in this written contract for services, which shall include the name, address, and telephone number of the department.

(2) Any client purchasing one or more hearing instruments shall be entitled to a refund of the purchase price advanced by the client for the hearing instrument(s), less the agreed-upon amount associated with the trial period, upon return of the instrument(s), in good condition to the licensed hearing instrument dispenser, apprentice permit holder,

or temporary training permit holder within the trial period ending 30 consecutive days from the date of delivery. Should the order be canceled by the client prior to the delivery of the hearing instrument(s), the licensed hearing instrument dispenser, apprentice permit holder, or temporary training permit holder may retain the agreed-upon charges and fees as specified in the written contract for services. The client shall receive the refund due no later than the 30th day after the date on which the client cancels the order or returns the hearing instrument(s), in good condition, to the licensed hearing instrument dispenser, apprentice permit holder, or temporary training permit holder.

(3) Should the hearing instrument(s) have to be returned to the manufacturer for repair or remake during the trial period, the 30 consecutive day trial period begins anew. The trial period begins on the day the client reclaims the repaired/remade hearing instrument(s). The expiration date of the new 30 consecutive day trial period shall be made available to the client in writing, through an amendment to the original written contract. The amendment shall be signed by both the licensed hearing instrument dispenser, apprentice permit holder, or temporary training permit holder and the client.

(4) On delivery of a new replacement hearing instrument(s) during the trial period, the serial number of the new instrument(s), the delivery date of the hearing instrument(s), and the date of the expiration of the 30 consecutive day trial period must be stated in writing.

(5) If the date of the expiration of the 30 consecutive day trial period falls on a holiday, weekend, or a day the business is not open, the expiration date shall be the first day the business reopens.

(c) Upon the sale of any hearing instrument(s) or change of model or serial number of the hearing instrument(s), the owner shall ensure that each client receives a written contract that contains:

(1) the date of sale;

(2) the make, model, and serial number of the hearing instrument(s);

(3) the name, address, and telephone number of the principal place of business of the license or permit holder who dispensed the hearing instrument;

(4) a statement that the hearing instrument is new, used, or reconditioned;

(5) the length of time and other terms of the guarantee and by whom the hearing instrument is guaranteed;

(6) a statement on or attached to the written contract for services, in no smaller than 10-point bold type, as follows: "The client has been advised that any examination or representation made by a licensed hearing instrument dispenser or apprentice permit holder or temporary training permit holder in connection with the fitting and selling of the hearing instrument(s) is not an examination, diagnosis or prescription by a person duly licensed and qualified as a physician or surgeon authorized to practice medicine in the State of Texas and, therefore, must not be regarded as medical opinion or advice;"

(7) a statement on the face of the written contract for services, in no smaller than 10-point bold type, as follows: "If you have a complaint against a licensed hearing instrument dispenser or apprentice permit holder or temporary training permit holder, you may contact the Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711, Telephone (512) 463-6599, Toll-Free (in Texas): (800) 803-9202, www.tdlr.texas.gov";

(8) the printed name, license type, signature and license or permit number of the licensed hearing instrument dispenser, apprentice permit holder, or temporary training permit holder who dispensed the hearing instrument;

(9) the supervisor's name, license type, and license number, if applicable;

(10) a recommendation for a follow-up appointment within thirty (30) days after the hearing instrument fitting;

(11) the expiration date of the 30 consecutive day trial period under subsection (b); and

(12) the dollar amount charged for the hearing instrument and the dollar amount charged for the return or restocking fee, if applicable.

(d) Record keeping. The owner of the dispensing practice shall ensure that records are maintained on every client who receives services in connection with the fitting and dispensing of hearing instruments. Such records shall be preserved for at least five years after the date of the last visit. All of the business's records and contracts are solely the property of the person who owns the business. Client access to records is governed by the Health Insurance Portability and Accountability Act (HIPAA). The records must be available for the department's inspection and shall include, but are not limited to, the following:

(1) pertinent case history;

(2) source of referral and appropriate documents;

(3) medical evaluation or waiver of evaluation if provided;

(4) copies of written contracts for services and receipts executed in connection with the fitting and dispensing of each hearing instrument provided;

(5) a complete record of hearing tests, and services provided; and

(6) all correspondence specifically related to services provided to the client or the hearing instrument(s) fitted and dispensed to the client.

(e) The written contract and trial period information provided to a client in accordance with this subchapter, orally and in writing, shall be in plain language designed to be easily understood by the average consumer.

(f) A licensed hearing instrument fitter and dispenser may not sell a hearing instrument to a person under 18 years of age unless the prospective user or a parent or guardian of the prospective user has presented to the hearing instrument fitter and dispenser a written statement, signed by a licensed physician, that states that the patient's hearing loss has been medically evaluated and that the patient may be considered a candidate for a hearing instrument. Whenever practicable, the medical evaluation described should be performed by a licensed physician who specializes in diseases of the ear.

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 August 12, 2026.

TRD-202603419

Deanne Rienstra
General Counsel
Texas Department of Licensing and Regulation
Effective date: September 1, 2026
Proposal publication date: May 8, 2026
For further information, please call: (512) 344-5392

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CHAPTER 130. PODIATRIC MEDICINE PROGRAM

The Texas Commission of Licensing and Regulation (Commission) adopts the repeal of existing rules at 16 Texas Administrative Code (TAC), Chapter 130, Subchapter B, §130.28; and Subchapter D, §130.43; and amendments to the existing rules at Subchapter C, §§130.30 - 130.33; and Subchapter F, §130.60, regarding the Podiatric Medicine Program, without changes to the proposed text as published in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2865). These rules will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 130, implement Texas Occupations Code, Chapter 202, Podiatrists.

The adopted rules are necessary to implement changes resulting from Senate Bill (SB) 968, 89th Legislature, Regular Session (2025), which went into effect on September 1, 2025.

SB 968 amended Occupations Code §202.259 to replace references to "temporary residency licenses" with "residency licenses" to more accurately describe current licensing practices. The adopted rules make corresponding changes to the terminology used in the program rules.

Additionally, SB 968 repealed Occupations Code §202.260, which provided for provisional licenses. The provision was obsolete because provisional licenses were no longer being issued in the podiatry program. The adopted rules repeal a specific rule and all references to provisional licenses to align with the statutory changes.

SB 968 also repealed Occupations Code §202.061, which required members of the Podiatric Medical Examiners Advisory Board to meet certain training requirements unique to the podiatry program. The repeal makes advisory board training requirements more uniform across the Department's programs. As a result, members of the Podiatric Medical Examiners Advisory Board will receive the same training that members of other advisory boards receive. The adopted rules align with the statutory changes.

SECTION-BY-SECTION SUMMARY

Subchapter B. Advisory Board.

The adopted rules repeal §130.28, Training. The section is repealed since it has become obsolete due to the repeal of Occupations Code §202.061.

Subchapter C. Residency and Other License Types.

The adopted rules amend the title of Subchapter C by changing the title from "Temporary Residency and Other License Types" to "Residency and Other License Types." This title change was included in the proposed rules text as published, but the proposed rules notice did not include a separate explanation of this change in the Section-by-Section Summary. An explanation of the change has been included in the adopted rules notice.

The adopted rules amend §130.30 by changing the title from "Temporary Residency License--General Requirements and Application" to "Residency License--General Requirements and Application." The phrase "temporary residency license" is changed to "residency license" in the rule text of subsections (a), (c), (d), (e), and (f).

The adopted rules amend §130.31 by changing the title from "Temporary Residency License--License Term; Residency Requirements; Program Responsibilities" to "Residency License--License Term; Residency Requirements; Program Responsibilities." The phrase "temporary residency license" is changed to "residency license" in the rule text of subsections (a), (b), and (c), and in paragraphs (b)(1), (b)(2), (d)(1), and (d)(2).

The adopted rules amend §130.32 by changing the title from "Temporary Residency License--Final Year of Residency" to "Residency License--Final Year of Residency." The phrase "temporary residency license" is changed to "residency license" in the rule text of subsections (a) and (b) and in paragraph (b)(3).

The adopted rules amend §130.33 by changing the title from "Temporary Residence License--Extensions" to "Residency License--Extensions." The phrase "temporary residency license" is changed to "residency license" in the rule text of subsections (a), (b), (c), and (d).

Subchapter D. Doctor of Podiatric Medicine.

The adopted rules repeal §130.43, Doctor of Podiatric Medicine License--Provisional License. The section is repealed since it has become obsolete due to the repeal of Occupations Code §202.260.

Subchapter F. Fees.

The adopted rules amend §130.60, Fees. In paragraph (b)(1), the word "temporary" is removed from the phrase "Temporary Residency License." In paragraph (b)(2), the word "Residency" is inserted, and "Extended Temporary" is removed. Paragraph (b)(3), concerning the fee for provisional licenses, is removed, and the paragraphs that follow are renumbered.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2865). The Department requested public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. The public comment period closed on June 1, 2026. The Department did not receive any comments from interested parties on the proposed rules.

ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION

The Podiatric Medical Examiners Advisory Board met on June 8, 2026, to discuss the proposed rules and any public comments received. No comments were received. The Advisory Board recommended that the Commission adopt the proposed rules as published in the *Texas Register*. At its meeting on July 28, 2026, the Commission adopted the proposed rules as recommended by the Advisory Board.

SUBCHAPTER B. ADVISORY BOARD

16 TAC §130.28

STATUTORY AUTHORITY

The adopted repeals are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation (Commission), the Department's governing body, to adopt repeals as necessary to implement Chapter 51 and each law establishing a program regulated by the Department; and §51.202, which requires the Commission to set fees in amounts reasonable and necessary to cover the costs of administering the programs.

The adopted repeals are also adopted under Texas Occupations Code, Chapter 202, specifically §202.1515, which authorizes the Commission to adopt repeals necessary to administer and enforce Chapter 202; and §202.153, which requires the Commission by rule to establish fees in amounts reasonable and necessary to cover the cost of administering Chapter 202.

The statutory provisions affected by the adopted repeals are those set forth in Texas Occupations Code, Chapters 51 and 202. No other statutes, articles, or codes are affected by the adopted repeals.

The legislation that enacted the statutory authority under which the adopted repeals are to be adopted is Senate Bill 968, 89th Legislature, Regular Session (2025).

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

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Deanne Rienstra
General Counsel
Texas Department of Licensing and Regulation
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For further information, please call: (512) 463-7750

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SUBCHAPTER C. TEMPORARY RESIDENCY AND OTHER LICENSE TYPES

16 TAC §§130.30 - 130.33

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation (Commission), the Department's governing body, to adopt rules as necessary to implement Chapter 51 and each law establishing a program regulated by the Department; and §51.202, which requires the Commission to set fees in amounts reasonable and necessary to cover the costs of administering the programs.

The adopted rules are also adopted under Texas Occupations Code, Chapter 202, specifically §202.1515, which authorizes the Commission to adopt rules necessary to administer and enforce Chapter 202; and §202.153, which requires the Commission by rule to establish fees in amounts reasonable and necessary to cover the cost of administering Chapter 202.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 202. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are to be adopted is Senate Bill 968, 89th Legislature, Regular Session (2025).

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SUBCHAPTER D. DOCTOR OF PODIATRIC MEDICINE

16 TAC §130.43

STATUTORY AUTHORITY

The adopted repeals are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation (Commission), the Department's governing body, to adopt repeals as necessary to implement Chapter 51 and each law establishing a program regulated by the Department; and §51.202, which requires the Commission to set fees in amounts reasonable and necessary to cover the costs of administering the programs.

The adopted repeals are also adopted under Texas Occupations Code, Chapter 202, specifically §202.1515, which authorizes the Commission to adopt repeals necessary to administer and enforce Chapter 202; and §202.153, which requires the Commission by rule to establish fees in amounts reasonable and necessary to cover the cost of administering Chapter 202.

The statutory provisions affected by the adopted repeals are those set forth in Texas Occupations Code, Chapters 51 and 202. No other statutes, articles, or codes are affected by the adopted repeals.

The legislation that enacted the statutory authority under which the adopted repeals are to be adopted is Senate Bill 968, 89th Legislature, Regular Session (2025).

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

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SUBCHAPTER F. FEES

16 TAC §130.60

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation (Commission), the Department's governing body, to adopt rules as necessary to implement Chapter 51 and each law establishing a program regulated by the Department; and §51.202, which requires the Commission to set fees in amounts reasonable and necessary to cover the costs of administering the programs.

The adopted rules are also adopted under Texas Occupations Code, Chapter 202, specifically §202.1515, which authorizes the Commission to adopt rules necessary to administer and enforce Chapter 202; and §202.153, which requires the Commission by rule to establish fees in amounts reasonable and necessary to cover the cost of administering Chapter 202.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 202. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are to be adopted is Senate Bill 968, 89th Legislature, Regular Session (2025).

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

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TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 110. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR ENGLISH LANGUAGE ARTS AND READING

The State Board of Education (SBOE) adopts new §§110.10, 110.30, and 110.70, concerning Texas Essential Knowledge and Skills (TEKS) for English language arts and reading (ELAR). The new sections are adopted with changes to the proposed text as published in the May 15, 2026 issue of the *Texas Register* (51 TexReg 3206) and will be republished. The adopted new sections add lists of literary works to be taught in each grade level as required by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

REASONED JUSTIFICATION: The 88th Texas Legislature, Regular Session, 2023, passed HB 1605 relating to instructional material and technology. HB 1605 added Texas Education Code (TEC), §28.002(c-4), which requires the SBOE, in adopting essential knowledge and skills for English language arts, to specify a list of required vocabulary and at least one literary work to be taught in each grade level. A discussion item at the November 2025 SBOE meeting provided an opportunity for the Committee of the Full Board to discuss recommendations from the commissioner of education for literary works to be taught in each grade level as required by HB 1605. At the January 2026 meeting, the SBOE postponed first reading and filing authorization of proposed new 19 TAC §§110.10, 110.30, and 110.70 until the April 2026 meeting. The SBOE approved proposed new 19 TAC §§110.10, 110.30, and 110.70 for first reading and filing authorization at the April 2026 meeting.

The new sections adopt literary works lists required to be taught in English language arts and reading in Kindergarten-Grade 12.

The following changes were made since approved for first reading and filing authorization.

Section 110.10(a) was amended to establish implementation of the provisions of the section beginning with the 2030-2031 school year.

Section 110.10(c) was amended to clarify requirements related to the use and local selection of additional literary works for English language arts and reading instruction that support coverage of the essential knowledge and skills and maintain similar rigor as the required literary works in the figures in §110.10(f)(1)-(6) of this section.

Section 110.10(d) was amended to strongly encourage the use of print-based texts.

Figure: 19 TAC §110.10(f)(1), Required Literary Works - Kindergarten

The Kindergarten literary works list was modified to remove the literary work *Anansi the Spider: A Tale from the Ashanti*.

The Kindergarten literary works list was amended to update the specified version of *Cinderella* by replacing the Marcia Brown edition with the bilingual adaptation *Cinderella/Cenicienta* by Francesca Boada.

The Kindergarten literary works list was amended to remove the nursery rhyme *Hey Diddle Diddle* from the selected excerpts included under *Classic Nursery Rhymes*.

The Kindergarten literary works list was amended to replace Paul Galdone's *The Three Little Pigs* with the bilingual edition *The Three Little Pigs/Los tres cerditos Bilingual Storybook* by Patricia Seibert.

Figure: 19 TAC §110.10(f)(2), Required Literary Works - Grade 1

The Grade 1 literary works list was amended to remove *Danny and the Dinosaur* by Syd Hoff.

The Grade 1 literary works list was amended to replace the excerpt *Davy Crockett* from *A Book of Americans* by Stephen Vin-

cent Benét and Rosemary Benét with *Davy Crockett* (English) by Emma E. Haldy.

The Grade 1 literary works list was amended to remove *The Hare in the Moon* by Angela McAllister.

The Grade 1 literary works list was amended to remove The Fox and the Grapes (excerpt from *Aesop's Fables: The Classic Edition*).

The Grade 1 literary works list was amended to remove *Noah's Ark* by Peter Spier.

The Grade 1 literary works list was amended to add Jonah (Book of Jonah, Chapter 1, Verses 1-5 and 10-17; Chapter 2, Verse 10).

The Grade 1 literary works list was amended to correct the capitalization of author Tomie dePaola's name.

The Grade 1 literary works list was amended to replace *Pocahontas* from *A Book of Americans* by Stephen Vincent Benét and Rosemary Benét with *Amazing Americans: Pocahontas* by Sharon Coan.

The Grade 1 literary works list was amended to remove *Rapunzel*.

Figure: 19 TAC §110.10(f)(3)

The Grade 2 literary works list was amended to remove *The Mouse and the Motorcycle* by Beverly Cleary.

Figure: 19 TAC §110.10(f)(4)

The Grade 3 literary works list was amended to remove *Hercules and the Wagoner*.

The Grade 3 literary works list was amended to update the source text and ISBN for *Smart* by Shel Silverstein.

The Grade 3 literary works list was amended by replacing *The Story of Benjamin Franklin: An Inspiring Biography for Young Readers* by Shannon Anderson with *Benjamin Franklin (Life Stories/Biografías Bilingual Edition)* by Gillian Gosman.

The Grade 3 literary works list was amended to update the ISBN for *The Wind in the Willows*.

Figure: 19 TAC §110.10(f)(5)

The Grade 4 literary works list was amended to remove *The Road Not Taken* by Robert Frost and move it to the literary works required in Grade 7 in Figure: 19 TAC §110.30(f)(2).

The Grade 4 literary works list was amended to remove *St. George and the Dragon*.

The Grade 4 literary works list was amended to remove *Thunderstorm in Church* by Louise A. Vernon.

Figure: 19 TAC §110.10(f)(6)

The Grade 5 literary works list was amended to replace *The Monkey and the Camel* from *Aesop's Fables* illustrated by Jerry Pinkney with *The Monkey as King* from *Aesop's Fables: The Classic Edition* illustrated by Charles Santore.

The Grade 5 literary works list was amended to specify selected excerpts for *Who Was Davy Crockett?*.

Section 110.30(a) was amended to establish implementation of the provisions of the section applicable to Grade 6 beginning with the 2031-2032 school year and provisions of the section applicable to Grades 7 and 8 beginning with the 2032-2033 school year.

Section 110.30(c) was amended to clarify requirements related to the use and local selection of additional literary works for English language arts and reading instruction that support coverage of the essential knowledge and skills and maintain similar rigor as the required literary works in the figures in §110.30(f)(1)-(3).

Section 110.30(d) was amended to strongly encourage the use of print-based texts.

Figure: 19 TAC §110.30(f)(2)

The Grade 7 literary works list was amended by adding *The Road Not Taken* by Robert Frost.

Section 110.70(a) was amended to establish implementation of the provisions of the section beginning with the 2033-2034 school year.

Section 110.70(c) was amended to clarify requirements related to the use and local selection of additional literary works for English language arts and reading instruction that support coverage of the essential knowledge and skills and maintain similar rigor as the required literary works in the figures in §110.70(f)(1)-(4).

Section 110.70(d) was amended to strongly encourage the use of print-based texts.

The SBOE approved the new sections for first reading and filing authorization at its April 10, 2026 meeting and for second reading and final adoption at its June 26, 2026 meeting.

The effective date is July 1, 2027.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began May 15, 2026, and ended at 5:00 p.m. on June 15, 2026. The SBOE also provided an opportunity for registered oral and written comments at its June 2026 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of public comments received and corresponding responses.

Comment. Five teachers, two parents, and seven community members stated that the proposal should not be adopted as presented. The commenters raised general objections about the proposal's impact on students, educators, or public education. The commenters requested rejection or reconsideration of the proposal.

Response. The SBOE disagrees with commenters' proposal to reject the literary works lists. HB 1605 required the adoption of a literary works list for each grade level. The SBOE took action to adopt the new ELAR TEKS for Kindergarten-Grade 12 as amended in June 2026.

Comment. Five teachers, two administrators, two parents, and one university/college staff member stated that specific titles, omissions, grade-level placements, or text pairings should be reconsidered. The commenters explained that alternative selections could improve grade-level fit, engagement, accessibility, rigor, literary quality, diversity, or alignment with TEKS and related coursework. The commenters requested that decision-makers revise the lists by adding, removing, replacing, or relocating particular texts.

Response. In response to public comments, the SBOE took action to adopt the new ELAR TEKS for Kindergarten-Grade 12 as amended in June 2026. The literary works lists were intentionally developed with grade-level differentiation to support en-

gagement in the progression of complex texts from Kindergarten through Grade 12 considering Lexile levels, grade-level fit, accessibility, and rigor. The literary works lists were selected to include a variety of text types and genres to support the development of student proficiency for the specific TEKS in each grade.

Comment. Seven teachers, two administrators, two parents, and five community members stated that the literary works lists should be better aligned with social studies content, grade-level chronology, and appropriate course placement. The commenters explained that some selections appear more suitable for history or civics instruction, while other texts could strengthen interdisciplinary learning if aligned with corresponding social studies TEKS and historical eras. The commenters requested clearer cross-curricular coordination or reconsideration of texts that appear misaligned with ELAR instruction.

Response. In response to public comments, the SBOE took action to adopt the new ELAR TEKS for Kindergarten-Grade 12 as amended in June 2026 to include cross-curricular coordination when possible based on content advisor recommendations, educator feedback, and social studies standards.

Comment. Ninety-seven teachers, eighteen administrators, forty-seven parents, thirty-four community members, and two out-of-state commenters stated that implementation of required literary works may create funding, access, logistics, procurement, timeline, training, and curriculum-redesign challenges for districts and campuses. The commenters stated that the financial burden included requiring specific Bible versions and printed religious texts. The commenters explained that schools may need class sets, specific editions, instructional guidance, professional learning, pacing support, accessible formats, and equitable resources and that unfunded requirements could strain district budgets. The commenters requested clear implementation guidance, equitable access to materials, adequate funding, and realistic timelines if the lists move forward.

Response. In response to public comments, the SBOE approved a staggered implementation of the new ELAR TEKS for Kindergarten-Grade 12 to ensure procurement of and access to materials in a timely manner. The amended implementation timeline adopted by the SBOE provides greater time for teacher training, curriculum redesign, and resource funding management and adequate funding. The timeline is as follows: Kindergarten-Grade 5, 2030-2031; Grade 6, 2031-2032; Grades 7 and 8, 2032-2033; and high school, 2033-2034.

Comment. Seventy-seven teachers, two counselors, ten administrators, thirty-three parents, eighteen community members, one university/college staff member, and three out-of-state commenters stated that some proposed texts may not be developmentally appropriate, accessible, or well matched to the intended grade levels, reading levels, maturity levels, or instructional needs of students. The commenters explained that rigid placement of complex, lengthy, or thematically challenging texts may create barriers for struggling readers, emergent bilingual students, English learners, students receiving special education services, or students needing scaffolds and differentiation. The commenters requested age-appropriate, accessible, TEKS-aligned selections that maintain rigor while supporting meaningful comprehension and participation.

Response. In response to public comments, the SBOE took action to adopt the new ELAR TEKS for Kindergarten-Grade 12 as amended in June 2026 to be consistent with the SBOE suitability rubric and comply with related statutes, including TEC, §28.0022. The literary works lists were intentionally developed to support age-appropriate content and engagement with a progression of complex texts from Kindergarten through Grade 12. The adopted lists include consideration for text types, genres, Lexile levels, and Spanish language texts to support the development of student proficiency for the specific TEKS in each grade.

Comment. Thirty-one teachers, seven administrators, twenty-one parents, forty-four community members, one university/college staff member and six out-of-state commenters stated that the proposed literary works lists would strengthen students' exposure to foundational, classical, historically significant, or culturally influential texts. The commenters explained that these works can build shared background knowledge, cultural literacy, reading stamina, historical understanding, and familiarity with enduring ideas, civic principles, and literary traditions. The commenters requested adoption of the proposal or continued support for a knowledge-rich, classics-based approach.

Response. In response to public comments, the SBOE took action to adopt the new ELAR TEKS for Kindergarten-Grade 12 as amended in June 2026 to ensure students read a common literary canon providing a knowledge-rich, classically-based approach and preserve local autonomy to meet student needs.

Comment. Fourteen teachers, one administrator, three parents, and three community members stated that the required reading lists are too extensive to teach effectively within available instructional time while also addressing ELAR TEKS, writing, grammar, intervention, assessment preparation, and student needs. The commenters explained that excessive required texts and imbalance across genres may lead to rushed coverage, reduced depth of analysis, limited student choice, and less time for skill development. The commenters requested a shorter or more flexible list, often suggesting one or two core works per grade or a recommended menu rather than a broad mandate.

Response. The SBOE disagrees with the commenters' proposal to provide a short, flexible list or menu of works per grade level as HB 1605 required the SBOE to adopt a required literary list per grade level. The adopted list represents a minimum number of works required to be taught per grade level, allowing local school systems to identify additional texts and allow students the ability to self-select texts each school year. Local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction.

Comment. Eighty teachers, eight administrators, forty-two parents, thirty-seven community members, and five university/college staff members stated that the proposed reading lists do not adequately reflect the cultural, racial, linguistic, gender, religious, or lived-experience diversity of Texas students and communities. The commenters explained that students benefit from texts that function as both mirrors and windows by representing their own experiences while also exposing them to broader perspectives, authors, cultures, and histories. The commenters requested revisions to include more diverse, representative, and in many cases contemporary works so the lists better reflect Texas classrooms.

Response. In response to public comments, the SBOE took action to adopt the new ELAR TEKS for Kindergarten-Grade 12 as amended in June 2026 to balance a canon of common literature with the need for local autonomy to meet student needs. Local

decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction.

Comment. Thirteen teachers, two counselors, two administrators, twenty-five parents, twenty-one community members, one university/college staff member, and two out-of-state commenters stated that the process for developing or revising the literary works lists lacked sufficient transparency, rationale, or meaningful input from educators, parents, scholars, librarians, and community stakeholders. The commenters explained that text selection should be informed by classroom expertise, clear criteria, public review, and evidence of grade-level and standards alignment. The commenters requested additional review, educator-led work groups, stakeholder committees, or a more transparent revision process before adoption.

Response. The SBOE disagrees with the commenters' proposal for additional review, educator input, and a more transparent revision process. Input was collected through the Educators Survey for Statewide Required Literary Works List in Texas conducted in February 2025 and data and research presented during SBOE meetings from September 2025 to June 2026. A public posting of the research and the recommendations on the HB 1605 and Instructional Materials Review and Approval website allowed for greater transparency prior to consideration of first reading proposals.

Comment. Twenty teachers, four parents, and two community members stated that several texts may not be developmentally appropriate or engaging for elementary students. The commenters explained that some selections do not align with students' reading levels, interests, or instructional needs and may reduce motivation and comprehension. The commenters requested reconsideration of specific titles and greater attention to age appropriateness and engagement.

Response. In response to public comments, the SBOE took action to adopt the new ELAR TEKS for Kindergarten-Grade 12 as amended with consideration for age appropriateness, Lexile levels, and engagement. The adopted lists take into consideration extensive research that resulted in the assembly of a comprehensive list of over 10,000 titles cross-referenced with a survey of responses from over 5,700 Texas teachers. This source material resulted in the SBOE's adopted literary works lists that represent a variety of text types and genres to support the development of student proficiency for the specific TEKS in each grade level.

Comment. One teacher offered a proposed list of alternative Grade 8 reading and language arts selections and reading selections. The commenter identified multiple literary, informational, poetic, dramatic, and contemporary works that could support instruction, including selections by Ray Bradbury, Edgar Allan Poe, Langston Hughes, Gary Soto, Frederick Douglass, Bryan Stevenson, and other authors. The commenter requested approval or consideration of those alternative texts for the Grade 8 curriculum.

Response. The SBOE disagrees with the commenter's proposal related to consideration of alternative texts for the Grade 8 curriculum. Local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction in all TEKS.

Comment. One administrator stated concern that changing Grade 8 TEKS to focus on Texas may disadvantage students when they reach high school. The commenter explained that spreading U.S. history across grade levels may prevent students from understanding the subject coherently and raised concerns about ideological framing. The commenter requested reconsideration of the history sequence and its effect on students' broader historical understanding.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One parent stated concern that the required literary works list relies too heavily on excerpts and short texts while also including religious content. The commenter explained that complete novels may provide stronger academic rigor than fragmented selections and raised concern about the religious content of the list. The commenter requested inclusion of full-length novels that meet or exceed grade-level expectations while addressing concerns about religious material.

Response. The SBOE disagrees with the commenters' proposal to remove or reconsider required religious texts because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025. In response to public comment, the SBOE took action to adopt the new ELAR TEKS for Kindergarten-Grade 12 as amended with consideration for the inclusion of at least two full-length novels that meet or exceed grade-level expectations in Grades 3-12.

Comment. One teacher stated strong support for the mandatory Grade 7 reading list. The commenter explained that the selections are appropriate, realistic, relevant, diverse, and likely to promote meaningful student growth and classroom discussion. The commenter requested that the SBOE move forward with the proposal.

Response. In response to public comments, the SBOE took action to adopt the new ELAR TEKS for Kindergarten-Grade 12 as amended with consideration for age-appropriateness, cross-curricular connections, text complexity, and statutory compliance.

Comment. One teacher stated support for including *Night* on the middle school literary works list. The commenter explained that the memoir supports literary analysis, historical awareness, evidence-based discussion, analytical writing, and reflection on resilience, prejudice, moral responsibility, and indifference. The commenter requested that *Night* remain included on the middle school list.

Response. The SBOE agrees and took action to adopt the new ELAR TEKS for Kindergarten-Grade 12 as amended with the inclusion of *Night* in the middle school list.

Comment. One teacher stated that *The Giver* is typically assigned in Grade 7 rather than Grade 8. The commenter explained that the current proposed placement may not align with common instructional practice. The commenter requested reconsideration of *The Giver*'s grade-level placement.

Response. The SBOE disagrees with the commenter's proposal to move *The Giver* to Grade 7. Educator feedback indicated that many districts teach the same title in a variety of grade levels. The genre, Lexile level, TEKS alignment, and content are appropriate for Grade 8 students. However, the adopted rule text

allows local districts to identify SBOE adopted literary works titles to be read at or before the SBOE designated grade.

Comment. One counselor stated that *To Kill a Mockingbird* is more appropriate for high school than intermediate or middle school. The commenter explained that the text should not be treated as a middle school selection. The commenter requested reconsideration of the text's grade-level placement.

Response. The SBOE provides the following clarification. *To Kill a Mockingbird* was considered for discussion but was not approved for first reading and filing authorization. Local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction.

Comment. Two teachers stated that *Across Five Aprils* is outdated, linguistically difficult, and unlikely to engage many Grade 6 students. The commenters explained that dialect, historical phrasing, high text complexity, and limited perspective may create barriers for standard readers, English learners, neurodivergent students, and struggling readers. The commenters requested more current and accessible texts that still support rigor, historical understanding, world cultures, and critical thinking.

Response. The SBOE disagrees with the commenters' proposal and took action to adopt the new ELAR TEKS for Grade 6 with the inclusion of *Across Five Aprils*. The selection of this text provides age-appropriate, rigorous text aligned with cross curricular connections to Social Studies to support student learning and engagement. Local districts maintain authority to select additional texts which may include more contemporary titles.

Comment. Two teachers stated that *All Creatures Great and Small* is too advanced for required Grade 6 instruction. The commenters explained that the book's length, advanced vocabulary, British slang, technical veterinary terminology, mature content, and instructional time demands may exceed Grade 6 readiness. The commenters requested a shorter and more accessible alternative for middle school students.

Response. The SBOE disagrees with the commenters' proposal and took action to adopt the new ELAR TEKS for Grades 6-8 with the inclusion of *All Creatures Great and Small*. The selection of this text considers Lexile level, vocabulary, age-appropriate content, and instructional time demands supportive of Grade 6 TEKS.

Comment. One teacher and one administrator stated that Holocaust-centered texts are repeated or misplaced across middle school grades. The commenters explained that repeated Holocaust-focused reading may narrow students' exposure to other literature and should be aligned more intentionally with history content by grade level. The commenters requested revisions to reduce repetition and improve placement within the broader sequence of texts.

Response. The SBOE disagrees with the commenters' recommendation to reduce the repetition of Holocaust-focused texts. Stakeholder feedback, including input from the Texas Holocaust, Genocide, and Antisemitism Advisory Commission, supports the inclusion of this content and its grade-level placement in the adopted lists. Furthermore, TEC, §29.9072, requires instruction that includes information about the history of and lessons learned from the Holocaust.

Comment. Twenty-eight teachers, three administrators, one parent, and three university/college staff members stated that several assigned texts are not age appropriate or well placed for middle school students due to high Lexile levels, mature content, and archaic sentence structures. The commenters explained that selections such as *The Giver*, *To Kill a Mockingbird*, *The Diary of a Young Girl*, *Great Expectations*, *Dante's Inferno*, *All Creatures Great and Small*, and related works may require more maturity, vocabulary support, or background knowledge than many middle school students possess. The commenters requested reconsideration of text grade-level placement so rigor is preserved without hindering comprehension or connection.

Response. The SBOE disagrees with the commenter's proposal to reconsider text placement based on age appropriateness, Lexile level, and archaic language. The literary works lists were intentionally developed to support engagement in the progression of complex texts from Kindergarten-Grade 12. The literary works lists include a variety of text types and genres to preserve rigor, age-appropriate content, and Lexile readability.

Comment. Two teachers and one community member stated that the Grade 7 list lacks coherence, balance, and sufficient fit with student needs. The commenters explained that reading levels vary widely, thematic or historical connections are weak, and the narrow selection may not include enough award-winning or engaging options for different learners. The commenters requested revisions so the Grade 7 list better reflects grade-level expectations, student interests, and a coherent set of text choices.

Response. In response to public comments, the SBOE took action to adopt the new ELAR TEKS for Grade 7 as amended in June 2026 with consideration for age appropriateness, accessibility, TEKS alignment, and rigor.

Comment. Three teachers and one counselor stated that the list should preserve teacher and district choice. The commenters explained that classrooms differ and that educators and librarians need flexibility to select texts aligned with student reading levels, interests, cultural backgrounds, instructional needs, units of study, and TEKS. The commenters requested that the list function as a recommended framework or otherwise allow professional discretion instead of a rigid statewide requirement.

Response. The SBOE disagrees with commenters' proposal that the list function as a recommended framework or otherwise allow professional discretion. In alignment with HB 1605, the adopted SBOE literary works lists represent the minimum requirements for texts to be read by and for students at each grade level. Local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction.

Comment. Two teachers, one counselor, and one university/college staff member stated that the proposed book choices do not align clearly with cross-curricular history goals or coordinated instructional planning. The commenters explained that several selections appear disconnected from the grade-level social studies sequence, which may reduce coherence and make integrated instruction more difficult. The commenters requested clearer alignment, greater transparency about title selection, and more flexibility for teachers to choose texts that support connected instruction.

Response. The SBOE disagrees with the commenters' proposal for clearer alignment, greater transparency, and flexibility. The SBOE's adopted literary works lists represent a variety of text types and genres to support the development of student proficiency for the specific TEKS in each grade level and cross-curricular connections where possible. The SBOE disagrees with the commenters' proposal for more flexibility for teachers to choose texts since HB 1605 requires the adoption of a literary works list by grade level. Local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction. The adopted lists take into consideration extensive research that resulted in the assembly of a comprehensive list of over 10,000 titles cross-referenced with a survey of responses from over 5,700 Texas teachers.

Comment. Two teachers, one counselor, one administrator, and one parent stated that the required list is too long to allow full TEKS coverage and deep instruction. The commenters explained that multiple long works would crowd out writing, grammar, argumentative and other genres, individualized learning, discussion, and analysis. The commenters requested a shorter list, such as one common text per grade or one book per quarter, so teachers can maintain rigor while preserving depth and flexibility.

Response. The SBOE disagrees with the commenters' proposal for a shorter list to allow for full TEKS coverage and deep instruction since TEC, §31.101, requires that each district provides each student with instructional materials that cover all TEKS. Local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction.

Comment. One teacher stated support for retaining *The Raven* as an English II selection. The commenter explained that the poem is engaging for Grade 10 students and provides strong opportunities to analyze author's craft, tone, poetic structure, and literary technique. The commenter requested continued inclusion of *The Raven* in the English II list.

Response. The SBOE agrees and took action to adopt the new ELAR TEKS for English II with the inclusion of *The Raven*.

Comment. One community member stated support for the proposed list's renewed emphasis on classical literature. The commenter requested continued support for classical literature as part of the required literary works list.

Response. The SBOE agrees and took action to adopt the new ELAR TEKS for Grades 9-12 in June 2026 with consideration for classical literature.

Comment. One community member stated that Hawthorne texts should be removed from the English III required list. The commenter explained that *The Scarlet Letter* and *The Minister's Black Veil* use difficult nineteenth-century language and present dark or gendered themes that the commenter viewed as inappropriate or unhelpful for high school students. The commenter requested that those Hawthorne selections not be required for English III.

Response. The SBOE disagrees with the commenter's proposal to remove *The Scarlet Letter* and *The Minister's Black Veil*. Stakeholder feedback indicated that many of the proposed titles were used in a variety of grade levels and that the concepts, themes, and language are suitable for high school developmental and academic abilities.

Comment. One teacher stated that *The Great Gatsby* should be removed from the list because the commenter viewed it as having limited literary, historical, or philosophical value for average high school students. The commenter explained that districts may require novels without adequately purchasing them for students and questioned whether the novel's treatment of wealth and capitalism remains useful. The commenter requested replacing *The Great Gatsby* with works viewed as more valuable and accessible.

Response. The SBOE provides the following clarification. *The Great Gatsby* was not included in the literary lists as proposed.

Comment. Five teachers, two administrators, and one parent stated that *Dante's Inferno* is too complex for on-level sophomores. The commenters explained that the text requires extensive vocabulary, historical and theological context, figurative interpretation, and sustained engagement with difficult material that many Grade 10 students may not be prepared to access. The commenters requested limiting the selection to excerpts or anchor cantos, using structured summaries, moving the work to a later grade level, or reserving it for more advanced study.

Response. The SBOE disagrees with the commenters' proposal that *The Inferno* be moved to a later grade level or reserved for more advanced study. The concepts, themes, and language are considered suitable for high school developmental and academic abilities. The literary works list includes a variety of text types and genres to preserve rigor, age-appropriate content, and Lexile readability.

Comment. Four teachers stated that English IV selections should better support college readiness, contemporary relevance, and senior engagement. The commenters explained that some proposed works may not connect strongly to current issues, postsecondary expectations, or student motivation, while other authors and texts may better support advanced analysis. The commenters requested reconsideration of selections such as *Pride and Prejudice* or *Walden* and consideration of works such as *1984* or other rigorous, relevant alternatives.

Response. The SBOE disagrees with the commenters' proposal to reconsider selections such as *Pride and Prejudice* or *Walden*. The concepts, themes, and language are considered suitable for high school developmental and academic abilities. Local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction in all TEKS.

Comment. Four teachers stated that *Fahrenheit 451* is better suited to an earlier grade level than English III. The commenters explained that the text has often been taught successfully with younger students and may not provide the level of rigor or American literature alignment expected for juniors. The commenters requested moving the text to an earlier course or replacing it in English III with works such as *The Great Gatsby* or *The Crucible*.

Response. The SBOE disagrees with the commenters' proposal to move *Fahrenheit 451* to an earlier course or replace it in English III with works such as *The Great Gatsby* or *The Crucible*. The concepts, themes, and language are considered suitable for developmental and academic abilities for English III. In addition, the adopted rule text allows local districts to identify SBOE

adopted literary works titles to be read at or before the SBOE designated grade.

Comment. One administrator and one parent stated that ideological economic or political texts should not be required in English III. The commenters explained that works by Ayn Rand or Thomas Sowell present specific economic or political theories that may be better suited to other courses with fuller context. The commenters requested removal or replacement with texts more appropriate for literary study.

Response. The SBOE disagrees with the commenters' proposal to remove or replace works by Ayn Rand or Thomas Sowell. The concepts, theories, themes, and language are considered suitable for developmental and academic abilities for English III.

Comment. Twelve teachers stated that local educators and districts should retain flexibility in selecting high school texts. The commenters explained that a single statewide list may not account for student readiness, course level, district curriculum, AP and dual-credit requirements, community context, parent opt-out logistics, or student engagement. The commenters requested an approved menu, reduced requirement, or other structure that preserves professional judgment and local instructional decision-making.

Response. The SBOE disagrees with the commenters' proposal for an approved menu and reduced requirement. HB 1605 requires the adoption of a literary works list for each grade level. Flexibility is granted through local decision-making authority to select additional instructional materials that align with TEKS and is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction.

Comment. Five teachers stated that the English III list should broaden the range of American literature rather than centering difficult or narrow selections such as *The Scarlet Letter* or *Fahrenheit 451*. The commenters explained that English III traditionally supports broader study of U.S. literary movements, American themes, and works that engage diverse students. The commenters requested inclusion of alternatives such as *The Great Gatsby*, *A Raisin in the Sun*, *Their Eyes Were Watching God*, or shorter American works that better support engagement and course focus.

Response. The SBOE disagrees with the commenters' proposal to include alternatives such as *The Great Gatsby*, *A Raisin in the Sun*, *Their Eyes Were Watching God*, or shorter American works as the literary works lists were intentionally developed with grade-level differentiation to support engagement in the progression of complex texts from Kindergarten-Grade 12. Flexibility is preserved in local decision-making authority to select additional instructional materials that align with TEKS and is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction.

Comment. Six teachers, one parent, and one community member stated that the high school lists need clearer literary, historical, and grade-level sequencing. The commenters explained that misplaced texts, uneven progression, limited nonfiction integration, and weak connections to world, U.S., or Texas history may make it harder for students to build background knowledge and understand literary eras coherently. The commenters requested revisions that restore a more logical sequence and improve cross-curricular alignment.

Response. The SBOE disagrees with the commenters' proposal for revisions as the literary works lists were intentionally developed with grade-level differentiation to support engagement in the progression of complex texts from Kindergarten-Grade 12 and to include a variety of text types and genres so that rigor is preserved without hindering comprehension or connection.

Comment. Two teachers stated that the lists should prioritize more engaging and contemporary texts for current students. The commenters explained that overly difficult, unrelatable, or low-interest selections may increase reliance on summaries or AI tools rather than authentic reading and may weaken reading motivation. The commenters requested newer, more relevant, and more motivating works that still preserve literary value and analytical rigor.

Response. In response to public comments, the SBOE took action to adopt the new ELAR TEKS for Kindergarten-Grade 12 as amended in June 2026 with consideration for text relevancy, literary value, and rigor. Local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction.

Comment. Six teachers, two administrators, one parent, and one community member stated that the proposed high school reading workload exceeds realistic instructional time. The commenters explained that multiple lengthy works and supplemental texts could reduce time for TEKS coverage, end-of-course preparation, AP requirements, writing instruction, informational and argumentative reading, and deeper analysis. The commenters requested a shorter list, fewer full-length requirements, clearer pacing guidance, or greater flexibility so instruction can maintain depth and quality.

Response. The SBOE disagrees with the commenters' proposal for a shorter list as the literary works list were intentionally selected to include a variety of text types and genres so that rigor is preserved without hindering comprehension or connection. The SBOE also disagrees with the commenters' proposal for clearer pacing guidance. TEC, §28.002(i), does not allow the SBOE to adopt rules that designate the methodology used by a teacher or the time spent by a teacher or a student on a particular task or subject. In response to public comments, the SBOE took action to adopt the new ELAR TEKS for Kindergarten-Grade 12 as amended in June 2026. The SBOE also approved a staggered implementation of the new TEKS as follows: Kindergarten-Grade 5, 2030-2031; Grade 6, 2031-2032; Grades 7 and 8, 2032-2033; and high school, 2033-2034. The staggered implementation addresses time, pacing, resources, and workload. Flexibility is maintained through local decision-making authority to select additional instructional materials that align with TEKS and is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction.

Comment. Three teachers and one community member stated that the proposed lists should differentiate expectations for learner populations and course tracks. The commenters explained that emergent bilingual students, on-level students, honors students, advanced students, and students in specialized programs need different levels of scaffolding, text length, and access points while maintaining rigorous standards. The commenters requested smaller lists, excerpts, separate expectations, or other flexible approaches aligned to language proficiency, course pathway, and learner need.

Response. The SBOE disagrees with the commenters' proposal for smaller lists, excerpts, separate expectations, or other flexible approaches. The literary works lists were intentionally developed to support age-appropriate content and engagement with a progression of complex texts from Kindergarten-Grade 12. The adopted lists include consideration for text types, genres, Lexile levels, and Spanish language texts to support the development of student proficiency for the specific TEKS in each grade. Local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction.

Comment. Four teachers and one parent stated that the Shakespeare sequence should be more traditional, accessible, and teachable across high school. The commenters explained that *Romeo and Juliet*, *Julius Caesar*, *Macbeth*, *Hamlet*, or comparable alternatives should be placed in grades where students can best engage with language, character, conflict, and theme. The commenters requested a clearer Shakespeare progression, including consideration of *Romeo and Juliet* for freshmen and *Macbeth* as an alternative to less accessible placements.

Response. The SBOE disagrees with the commenters' proposal for a clearer Shakespeare progression, including consideration of *Romeo and Juliet* for freshmen and *Macbeth* as an alternative to less accessible placements. The literary works lists were intentionally selected to include a variety of text types and genres to support the development of student proficiency for the specific TEKS in each grade. Local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction.

Comment. Seventy-one teachers, three counselors, twenty-four administrators, one hundred parents, fifty community members, five university/college staff members, and two out-of-state commenters stated broad opposition to including Bible passages, biblical stories, or other religious texts as required readings in public schools because of constitutional concerns related to the First Amendment, the Establishment Clause, religious freedom, and the separation of church and state. Commenters explained that public education should remain secular, inclusive, and focused on academic instruction rather than required engagement with religious content. The commenters explained that required religious texts may create legal, pedagogical, or inclusion concerns if they privilege one tradition or lack clear secular instructional purpose and safeguards. The commenters stated that the inclusion of biblical or other religious texts in required reading raises concerns about constitutional neutrality, opt-out procedures, and instructional guidance in public schools. The commenters requested removal, reconsideration, or clearer guardrails to ensure legally sound, neutral, and inclusive implementation.

Response. The SBOE disagrees with the commenters' proposal to remove or reconsider required religious texts because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025.

Comment. Thirteen teachers, three administrators, twenty parents, sixteen community members, and one out-of-state commenter stated that biblical references and related religious texts can support literary, historical, cultural, and interdisciplinary understanding when presented as academic content rather than devotional instruction. Commenters noted that these selections may provide background knowledge for Western literature, founding documents, symbolism, civic traditions, and broader cultural literacy. The commenters requested that the SBOE approve or retain biblical references and related works as literary or historical selections within the required literary works list.

Response. In response to public comments, the SBOE took action to adopt the new ELAR TEKS for Kindergarten-Grade 12 as amended in June 2026 with consideration for literary, historical, cultural, and interdisciplinary relevance.

Comment. Thirty-six teachers, one counselor, six administrators, twenty-two parents, fourteen community members, two university/college staff members, and two out-of-state commenters stated that public school teachers are trained to teach reading, writing, and literature rather than theology or religious doctrine. Commenters explained that required biblical or religious texts could place educators in difficult positions involving interpretation, parent concerns, student questions, denominational differences, or accusations of promoting or rejecting religious beliefs. The commenters stated that religious texts are not necessary to meet ELAR instructional goals and may not align clearly with TEKS, literacy priorities, student engagement, or academic merit. Commenters explained that comparable secular literature can teach themes such as morality, perseverance, humility, figurative language, characterization, and cultural allusion without requiring religious instruction. The commenters stated that materials they view as promoting non-Christian, un-American, or harmful ideologies may be represented. The commenters requested that the SBOE remove required religious texts or provide clear neutral guidance, alternatives, and protections so educators are not required to interpret sacred texts in public school classrooms.

Response. The SBOE disagrees with the commenters' proposal to remove required religious texts because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025.

Comment. Forty-one teachers, thirty-two administrators, thirty-four parents, and twenty-two community members stated that religious texts may have value when studied academically for literary, historical, sociological, or cultural purposes, but only with clear safeguards that prevent devotional instruction or state endorsement. Commenters emphasized the need for neutral framing, legal review, appropriate age placement, optional use, local discretion, and clear instructional guidance. The commenters requested that the SBOE revise the lists to ensure any religious content is optional, balanced, legally reviewed, and taught only through neutral academic analysis.

Response. The SBOE disagrees with the commenters' proposal to make religious texts optional because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025.

Comment. Ninety-five teachers, three counselors, twelve administrators, one hundred seventy-nine parents, one hun-

dred thirty-five community members, and three out-of-state commenters stated that religious instruction should remain the responsibility of families, parents, churches, synagogues, mosques, temples, and other faith communities rather than public schools. The commenters stated that religious texts should not be incorporated in a way that privileges one faith tradition and explained that inclusion would be more appropriate only if multiple religions and belief systems are represented equitably. The commenters stated that required religious readings may exclude, alienate, pressure, or confuse students from different faith traditions or from nonreligious backgrounds. The commenters identified concerns that Protestant Christian or biblical selections appear disproportionate when compared with limited or absent representation of Islam, Hinduism, Buddhism, Judaism, Indigenous traditions, secular perspectives, or other worldviews. The commenters requested that the SBOE either remove religious selections to preserve family authority over religious education or revise the list to provide balanced, comparative representation of multiple religious and cultural traditions.

Response. The SBOE disagrees with the commenters' proposal to remove required religious texts because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025. The statute specifically identifies inclusion of the Hebrew scriptures, including the Old and New Testaments.

Comment. Twenty-four teachers, one counselor, two administrators, thirty-six parents, and eighteen community members stated that some required religious texts, translations, or related works are developmentally inappropriate, too complex, too long, or poorly matched to the assigned grade levels. The commenters explained that younger students may not have the maturity or reading background needed to distinguish academic study from religious instruction or to understand complex theological themes and archaic language. The commenters requested that the SBOE remove, replace, or adjust religious selections to ensure age-appropriate, readable, and instructionally suitable materials.

Response. The SBOE disagrees with the commenters' proposal to remove required religious texts because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025. In response to public comments, the SBOE took action to adopt the new ELAR TEKS for Kindergarten-Grade 12 as amended in June 2026 with consideration for age-appropriateness, readability, and instructional suitability through translation choices and specific titles written for children.

Comment. Sixty-one teachers, two administrators, twenty-seven parents, eighteen community members, one university/college staff member, and one out-of-state commenter stated that statewide mandated reading lists limit local district authority, teacher professional judgment, and classroom flexibility. The commenters explained that educators and communities are better positioned to select materials that meet student needs and that opt-out provisions or required alternatives may create additional logistical burdens. The commenters requested that the SBOE reject mandatory statewide lists, convert selections to optional or recommended resources, restore local control, and preserve teacher discretion.

Response. The SBOE disagrees with the commenters' proposal to reject mandatory statewide lists and convert selections to optional or recommended resources. HB 1605 required the SBOE to adopt a required literary list per grade level. Local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction.

Comment. Four teachers, ten parents, six community members, and two university/college staff members stated that the lists should preserve texts connected to Judeo-Christian values, classical Western traditions, and moral principles they believe shaped American society. The commenters described these selections as important for understanding the nation's founding, civic identity, and personal responsibility. The commenters requested that the SBOE retain or strengthen required literary works that emphasize Judeo-Christian, classical, and foundational American texts.

Response. In response to public comments, the SBOE took action to adopt the new ELAR TEKS for Kindergarten-Grade 12 as amended in June 2026 with consideration for Judeo-Christian, classical, and foundational American texts.

Comment. Thirteen teachers, seventeen parents, and twelve community members stated that the proposed reading lists overemphasize white, Western, Christian, Protestant, or ideologically narrow perspectives while underrepresenting contemporary, multicultural, female, global, regional, and diverse literary voices. The commenters explained that this imbalance may limit students' exposure to broad cultural, historical, and literary traditions and may not prepare students for participation in a pluralistic society. The commenters requested that the SBOE revise the lists to include a wider range of authors, traditions, genres, critical thinking, and perspectives.

Response. In response to public comments, the SBOE took action to adopt the new ELAR TEKS for Kindergarten-Grade 12 as amended in June 2026 with consideration for a wide range of authors, traditions, genres, and perspectives.

Comment. One teacher stated that additional instruction should be included in the standards and explained that understanding constitutional processes supports student knowledge of government and civic systems. The commenter described the importance of teaching how amendments are proposed and ratified. The commenter requested adding this content to the standards.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One teacher stated that the curriculum omits important perspectives and explained that exclusion of certain groups may reduce historical accuracy and student understanding. The commenter described the importance of including diverse histories and perspectives. The commenter requested inclusion of additional content to improve representation.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One teacher and one community member stated opposition to the proposed curriculum and explained that the materials may not be engaging, current, or appropriately designed for students. The commenters described concerns about presen-

tation, instructional quality, and potential legal implications. The commenters requested that the curriculum not be adopted and that alternative materials be considered.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One parent and one community member stated support for the proposed standards and explained that the curriculum should emphasize civic knowledge, liberty, and Texas and American perspectives. The commenters described appreciation for the development process. The commenters requested adoption of the proposal as written.

Response. In response to public comments, the SBOE took action to adopt the new ELAR TEKS for Kindergarten-Grade 12 as amended in June 2026.

SUBCHAPTER A. ELEMENTARY

19 TAC §110.10

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code (TEC), §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education, in adopting essential knowledge and skills for English language arts under TEC, §28.002(a)(1)(A), to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

§110.10. Literary Works Lists, Kindergarten-Grade 5, Adopted 2026.

(a) This section implements the requirements of Texas Education Code (TEC), §28.002(c-4), and, in conjunction with Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies), implements the requirements of TEC, §28.002(a)(2)(G), (h), and (h-1). These Texas Essential Knowledge and Skills will be implemented in the 2030-2031 school year, in conjunction with §§110.2-110.7 of this chapter (relating to English Language Arts and Reading, Kindergarten, Adopted 2017; English Language Arts and Reading, Grade 1, Adopted 2017; English Language Arts and Reading, Grade 2, Adopted 2017; English Language Arts and Reading, Grade 3, Adopted 2017; English Language Arts and Reading, Grade 4, Adopted 2017; and English Language Arts and Reading, Grade 5, Adopted 2017).

(b) The literary works included in the figures in subsection (f)(1)-(6) of this section shall be included in instruction at or before the designated grade level. Each required literary work shall be read in its entirety unless otherwise indicated in the figures in subsection (f)(1)-(6) of this section.

(c) Students shall demonstrate proficiency in the student expectations described in §§110.2-110.7 of this chapter (relating to English Language Arts and Reading, Kindergarten, Adopted 2017; English Language Arts and Reading, Grade 1, Adopted 2017; English Language Arts and Reading, Grade 2, Adopted 2017; English Language Arts and Reading, Grade 3, Adopted 2017; English Language Arts and Reading, Grade 4, Adopted 2017; and English Language Arts and Reading, Grade 5, Adopted 2017) using, at a minimum, the required literary works listed in the figures in subsection (f)(1)-(6) of this section. The literary works required by this section represent a portion of the literary works to be read by or for students in that grade and do not include texts that would cover all of the essential knowledge and skills for that grade. Additional literary works to be used in instruction must be selected at the local level, which may be accomplished by using literary works provided in a local adoption of instructional materials. When making local selections of additional literary works for instruction in English language arts and reading, school districts and charter schools should include texts that cover the remainder of the essential knowledge and skills and prioritize content that reinforces required student expectations of knowledge from other subjects, including social studies. Additional locally selected literary works must be of similar rigor as required by the list in the figure for the given grade level.

(d) Research consistently shows that print-based reading supports stronger comprehension and retention than screen-based reading. It is strongly recommended that students read from printed versions of required literary works as opposed to digital copies on digital devices.

(e) Students in Kindergarten-Grade 4 are still developing proficiency in beginning reading and writing skills. Specific reading material used to develop those reading and writing skills, including decodable readers and grammar and handwriting guidance documents, are necessary to support that instruction but are not referenced in this section. Student expectations related to listening and speaking in those grades can be supported by exposing students to a range of literary works with more complex vocabulary. Consequently, certain literary works required by this section in Kindergarten-Grade 4 are noted as being recommended for implementation as being read aloud to the student as noted in the figures in subsection (f)(1)-(6) of this section. Even if a literary work is listed with a recommendation that it be read aloud, it may be read directly by students when appropriate, potentially with adult assistance. If a literary work is not listed with a recommendation that it be read aloud, it must be read by students, with adult assistance where necessary.

(f) The literary works lists to be used by school districts and charter schools are provided in the figures in this subsection.

(1) Kindergarten list, entitled "Required Literary Works - Kindergarten."
Figure: 19 TAC §110.10(f)(1)

(2) Grade 1 list, entitled "Required Literary Works - Grade 1."
Figure: 19 TAC §110.10(f)(2)

(3) Grade 2 list, entitled "Required Literary Works - Grade 2."
Figure: 19 TAC §110.10(f)(3)

(4) Grade 3 list, entitled "Required Literary Works - Grade 3."
Figure: 19 TAC §110.10(f)(4)

(5) Grade 4 list, entitled "Required Literary Works - Grade 4."
Figure: 19 TAC §110.10(f)(5)

(6) Grade 5 list, entitled "Required Literary Works - Grade 5."
Figure: 19 TAC §110.10(f)(6)

(g) For each literary work that has an associated International Standard Book Number (ISBN), the ISBN is included in the figures in subsection (f)(1)-(6) of this section. For literary works without an ISBN, the Texas Education Agency (TEA) shall maintain a website providing information on how to identify the specific version of the literary work. Some literary works are available in multiple versions, and, as such, districts and charter schools shall use a version of each required literary work that includes text that is identical to the version featured in the ISBN listed in the figures in subsection (f)(1)-(6) of this section or the information maintained on the TEA website.

(h) In accordance with TEC, §26.010, a parent retains the right to temporarily remove the parent's child from instruction in a required

literary work that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the instruction. If a graded assignment or local assessment is based solely on the content of a required literary work for which a parent exercised a right under TEC, §26.010, the school district or charter school is encouraged, but not required, to provide an alternative graded assignment or local assessment that is based on an alternative literary work provided for the student who was removed from instruction.

(i) In the event the commissioner of education determines that a literary work required in any of the figures in subsection (f)(1)-(6) of this section is no longer available at a reasonable cost at the volume required for implementation across the state, the commissioner shall report that finding to the State Board of Education (SBOE), and the SBOE may consider an amendment to remove that specific literary work from the relevant figure, subject to holding two board meetings for a first and second reading without a separate meeting for discussion before first reading.

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

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SUBCHAPTER B. MIDDLE SCHOOL

19 TAC §110.30

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code (TEC), §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education, in adopting essential knowledge and skills for English language arts under TEC, §28.002(a)(1)(A), to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

§110.30. Literary Works Lists, Grades 6-8, Adopted 2026.

(a) This section implements the requirements of Texas Education Code (TEC), §28.002(c-4), and, in conjunction with Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies), implements the requirements of TEC, §28.002(a)(2)(G), (h), and (h-1). The provisions of this section applicable to Grade 6 shall be implemented beginning with the 2031-2032 school year, in conjunction with §110.22 of this chapter (relating to English Language Arts and Reading, Grade 6, Adopted 2017). The provisions of this section applicable to Grades 7 and 8 shall be implemented beginning with the 2032-2033 school year, in conjunction with §110.23 of this chapter (relating to English Language Arts and Reading, Grade 7, Adopted 2017) and §110.24 of this chapter (relating to English Language Arts and Reading, Grade 8, Adopted 2017).

(b) The literary works included in the figures in subsection (f)(1)-(3) of this section shall be included in instruction at or before the designated grade level. Each required literary work shall be read in its entirety unless otherwise indicated in the figures in subsection (f)(1)-(3) of this section.

(c) Students shall demonstrate proficiency in the student expectations described in §§110.22-110.24 of this chapter (relating to English Language Arts and Reading, Grade 6, Adopted 2017; English Language Arts and Reading, Grade 7, Adopted 2017; and English Language Arts and Reading, Grade 8, Adopted 2017) using, at a minimum, the required literary works listed in the figures in subsection (f)(1)-(3) of this section. The literary works required by this section represent a portion of the literary works to be read by students in that grade and do not include texts that would cover all of the essential knowledge and skills for that grade. Additional literary works to be used in instruction must be selected at the local level, which may be accomplished by using literary works provided in a local adoption of instructional materials. When making local selections of additional literary works for instruction in English language arts and reading, school districts and charter schools should include texts that cover the remainder of the essential knowledge and skills and prioritize content that reinforces required student expectations of knowledge from other subjects, including social studies. Additional locally selected literary works must be of similar rigor as required by the list in the figure for the given grade level.

(d) Research consistently shows that print-based reading supports stronger comprehension and retention than screen-based reading. It is strongly recommended that students read from printed versions of required literary works as opposed to digital copies on digital devices.

(e) Literary works listed in the figures for Grades 6-12 are organized by grouping required titles into a set. Each set of literary works identifies an anchor work along with additional shorter works that may be read to support the anchor, with the shorter works denoted in the figures with a set a of dashes that points back to each anchor. This approach to grouping is recommended as an option to consider for instruction but is not required.

(f) The literary works lists to be used by school districts and charter schools are provided in the figures in this subsection.

(1) Grade 6 list, entitled "Required Literary Works - Grade 6."
Figure: 19 TAC §110.30(f)(1)

(2) Grade 7 list, entitled "Required Literary Works - Grade 7."
Figure: 19 TAC §110.30(f)(2)

(3) Grade 8 list, entitled "Required Literary Works - Grade 8."
Figure: 19 TAC §110.30(f)(3)

(g) For each literary work that has an associated International Standard Book Number (ISBN), the ISBN is included in the figures in subsection (f)(1)-(3) of this section. For literary works without an ISBN, the Texas Education Agency (TEA) shall maintain a website providing information on how to identify the specific version of the literary work. Some literary works are available in multiple versions, and, as such, districts and charter schools shall use a version of each required literary work that includes text that is identical to the version featured in the ISBN listed in the figures in subsection (f)(1)-(3) of this section or the information maintained on the TEA website.

(h) In accordance with TEC, §26.010, a parent retains the right to temporarily remove the parent's child from instruction in a required literary work that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a

written statement authorizing the removal of the child from the instruction. If a graded assignment or local assessment is based solely on the content of a required literary work for which a parent exercised a right under TEC, §26.010, the school district or charter school is encouraged, but not required, to provide an alternative graded assignment or local assessment that is based on an alternative literary work provided for the student who was removed from instruction.

(i) In the event the commissioner of education determines that a literary work required in any of the figures in subsection (f)(1)-(3) of this section is no longer available at a reasonable cost at the volume required for implementation across the state, the commissioner shall report that finding to the State Board of Education (SBOE), and the SBOE may consider an amendment to remove that specific literary work from the relevant figure, subject to holding two board meetings for a first and second reading without a separate meeting for discussion before first reading.

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

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SUBCHAPTER C. HIGH SCHOOL

19 TAC §110.70

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code (TEC), §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education, in adopting essential knowledge and skills for English language arts under TEC, §28.002(a)(1)(A), to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

§110.70. Literary Works Lists, High School, Adopted 2026.

(a) This section implements the requirements of Texas Education Code (TEC), §28.002(c-4), and, in conjunction with Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies), implements the requirements of TEC, §28.002(a)(2)(G), (h), and (h-1). The provisions of this section shall be implemented beginning with the 2033-2034 school year, in conjunction with §§110.36-110.39 of this chapter (relating to English Language Arts and Reading, English I (One Credit), Adopted 2017; English Language Arts and Reading, English II (One Credit), Adopted 2017; English Language Arts and Reading, English III (One Credit), Adopted 2017; and English Language Arts and Reading, English IV (One Credit), Adopted 2017).

(b) The literary works included in the figures in subsection (f)(1)-(4) of this section shall be included in instruction at or before the designated grade level. Each required literary work shall be read in its entirety unless otherwise indicated in the figures in subsection (f)(1)-(4) of this section.

(c) Students shall demonstrate proficiency in the student expectations described in §§110.36-110.39 of this chapter (relating to English Language Arts and Reading, English I (One Credit), Adopted 2017; English Language Arts and Reading, English II (One Credit), Adopted 2017; English Language Arts and Reading, English III (One Credit), Adopted 2017; and English Language Arts and Reading, English IV (One Credit), Adopted 2017) using, at a minimum, the required literary works listed in the figures in subsection (f)(1)-(4) of this section. The literary works required by this section represent a portion of the literary works to be read by students in that grade and do not include texts that would cover all of the essential knowledge and skills for that grade. Additional literary works to be used in instruction must be selected at the local level, which may be accomplished by using literary works provided in a local adoption of instructional materials. When making local selections of additional literary works for instruction in English language arts and reading, school districts and charter schools should include texts that cover the remainder of the essential knowledge and skills and prioritize content that reinforces required student expectations of knowledge from other subjects, including social studies. Additional locally selected literary works must be of similar rigor as required by the list in the figure for the given grade level.

(d) Research consistently shows that print-based reading supports stronger comprehension and retention than screen-based reading. It is strongly recommended that students read from printed versions of required literary works as opposed to digital copies on digital devices.

(e) Literary works listed in the figures for Grades 6-12 are organized by grouping required titles into a set. Each set of literary works identifies an anchor work along with additional shorter works that may be read to support the anchor, with the shorter works denoted in the figures with a set of dashes that points back to each anchor. This approach to grouping is recommended as an option to consider for instruction but is not required.

(f) The literary works lists to be used by school districts and charter schools are provided in the figures in this subsection.

(1) English I list, entitled "Required Literary Works - English I."
Figure: 19 TAC §110.70(f)(1)

(2) English II list, entitled "Required Literary Works - English II."
Figure: 19 TAC §110.70(f)(2)

(3) English III list, entitled "Required Literary Works - English III."
Figure: 19 TAC §110.70(f)(3)

(4) English IV list, entitled "Required Literary Works - English IV."
Figure: 19 TAC §110.70(f)(4)

(g) For each literary work that has an associated International Standard Book Number (ISBN), the ISBN is included in the figures in subsection (f)(1)-(4) of this section. For literary works without an ISBN, the Texas Education Agency (TEA) shall maintain a website providing information on how to identify the specific version of the literary work. Some literary works are available in multiple versions, and, as such, districts and charter schools shall use a version of each required literary work that includes text that is identical to the version featured in the ISBN listed in the figures in subsection (f)(1)-(4) of this section or the information maintained on the TEA website.

(h) In accordance with TEC, §26.010, a parent retains the right to temporarily remove the parent's child from instruction in a required literary work that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the instruction. If a graded assignment or local assessment is based solely on the content of a required literary work for which a parent exercised a right under TEC, §26.010, the school district or charter school is encouraged, but not required, to provide an alternative graded assignment or local assessment that is based on an alternative literary work provided for the student who was removed from instruction.

(i) In the event the commissioner of education determines that a literary work required in any of the figures in subsection (f)(1)-(4) of this section is no longer available at a reasonable cost at the volume required for implementation across the state, the commissioner shall report that finding to the State Board of Education (SBOE), and the SBOE may consider an amendment to remove that specific literary work from the relevant figure, subject to holding two board meetings for a first and second reading without a separate meeting for discussion before first reading.

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

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CHAPTER 128. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR SPANISH LANGUAGE ARTS AND READING AND ENGLISH AS A SECOND LANGUAGE

The State Board of Education (SBOE) adopts new §§128.10, 128.30, and 128.70, concerning Texas Essential Knowledge and Skills (TEKS) for Spanish language arts and reading and English as a second language. The new sections are adopted with changes to the proposed text as published in the May 15, 2026 issue of the *Texas Register* (51 TexReg 3289) and will be republished. The adopted new sections add lists of literary works to be taught in each grade level as required by House Bill (HB) 1605, 88th Texas Legislature, Regular Session, 2023.

REASONED JUSTIFICATION: The 88th Texas Legislature, Regular Session, 2023, passed HB 1605 relating to instructional material and technology. HB 1605 added Texas Education Code (TEC), §28.002(c-4), which requires the SBOE, in adopting essential knowledge and skills for English language arts, to specify a list of required vocabulary and at least one literary work to be taught in each grade level. A discussion item at the November 2025 SBOE meeting provided an opportunity for the Committee of the Full Board to discuss recommendations from the commissioner of education for literary works to be taught in each grade level as required by HB 1605. At the January 2026 meeting, the SBOE postponed first reading and filing authorization of proposed new 19 TAC §§128.10, 128.30, and 128.70 until the April 2026 meeting. The SBOE approved proposed new 19 TAC §§128.10, 128.30, and 128.70 for first reading and filing authorization at the April 2026 meeting.

The new sections adopt literary works lists required to be taught in English and Spanish language arts and reading in Kindergarten-Grade 12.

The following changes were made since approved for first reading and filing authorization.

Section 128.10(a) was amended to establish implementation of the provisions of the section beginning with the 2030-2031 school year.

Section 128.10(c) was amended to clarify requirements related to the use and local selection of additional literary works for Spanish language arts and reading instruction that support coverage of the essential knowledge and skills and maintain similar rigor as the required literary works in the figures in §128.10(f)(1)-(6).

Section 128.10(d) was amended to strongly encourage the use of print-based texts.

Figure: 19 TAC §128.10(f)(1)

The Kindergarten literary works list was amended to remove the English title *Anansi the Spider: A Tale from the Ashanti* by Gerald McDermott and the Spanish title *Anansi: En Busca de las Estrellas* by Juan Diego González.

The Kindergarten literary works list was amended to correct the Spanish title for *Chicka Chicka Boom Boom*.

The Kindergarten literary works list was amended to replace the English title *Cinderella* by Marcia Brown with the bilingual edition *Cinderella/Cenicienta* adapted by Francesca Boada.

The Kindergarten literary works list was amended to remove *Hey Diddle Diddle* from the selected excerpts for the English title *Classic Nursery Rhymes*.

The Kindergarten literary works list was amended to make a technical capitalization correction in the Spanish entry for *La Madre Goose: Nursery Rhymes for los niños*.

The Kindergarten literary works list was amended to correct the Spanish title *¡Todos al Rodeo! A Vaquero Alphabet Book*by adding the opening inverted exclamation mark.

The Kindergarten literary works list was amended to move editor to the author field for *The Lion and the Mouse*.

The Kindergarten literary works list was amended to specify selected excerpts for *Thomas Edison: La revolución de la luz*.

The Kindergarten literary works list was amended to replace the English title *The Three Little Pigs* by Paul Galdone with the bilingual edition *The Three Little Pigs/Los tres cerditos Bilingual Storybook* by Patricia Seibert.

Figure: 19 TAC §128.10(f)(2)

The Grade 1 literary works list was amended to correct the title of the selected excerpt *Then Your Heart is Full of Love* in *A Beautiful Day in the Neighborhood*.

The Grade 1 literary works list was amended to update the Spanish title for *The Boy Who Cried Wolf*.

The Grade 1 literary works list was amended to remove *Danny and the Dinosaur* by Syd Hoff and the corresponding Spanish

title *Danielito y el Dinosaurio* by Syd Hoff from the list of required literary works.

The Grade 1 literary works list was amended to remove *The Hare in the Moon* by Angela McAllister and the corresponding Spanish title *La liebre en la luna* by Angela McAllister.

The Grade 1 literary works list was amended to remove *The Fox and the Grapes* and the corresponding Spanish title *El zorro y las uvas* from the list of required literary works.

The Grade 1 literary works list was amended to replace the English title *Davy Crockett* (excerpt from *A Book of Americans*) and its corresponding Spanish title with updated English and Spanish versions of *Davy Crockett*.

The Grade 1 literary works list was amended to make a technical capitalization correction in the Spanish title for *Jack and the Beanstalk*.

The Grade 1 literary works list was amended to add Jonah (Book of Jonah, Chapter 1, Verses 1-5 and 10-17; Chapter 2, Verse 10) to the list of required literary works.

The Grade 1 literary works list was amended to remove *Noah's Ark* by Peter Spier and the corresponding Spanish title *El Arca de Noé* by Peter Spier and Manu Manzano.

The Grade 1 literary works list was amended to remove *Rapunzel* (excerpt from *Usborne Illustrated Grimm's Fairy Tales*) and the corresponding Spanish title *Rapunzel Verdezuela* (excerpt from *Cuentos ilustrados de los hermanos Grimm*).

The Grade 1 literary works list was amended to correct the author name Sharon Coan for the Spanish entry for *Pocahontas*.

Figure: 19 TAC §128.10(f)(3)

The Grade 2 literary works list was amended to correct the Spanish title for *David and Goliath*.

The Grade 2 literary works list was amended to revise the selected excerpts for the Spanish entry *¿Quién Fue Harriet Tubman?*.

The Grade 2 literary works list was amended to remove *The Mouse and the Motorcycle* by Beverly Cleary and the corresponding Spanish title *El ratoncito de la moto* by Beverly Cleary.

The Grade 2 literary works list was amended to specify selected excerpts for *La Revolución Estadounidense: La lucha por la libertad*.

Figure: 19 TAC §128.10(f)(4)

The Grade 3 literary works list was amended to remove *Hercules and the Wagoner* and the corresponding Spanish title *Hércules y el carretero*.

The Grade 3 literary works list was amended to replace the corresponding Spanish title *Teseo y Ariadna* with *Ariadna y el Minotauro* for *Icarus and Daedalus*.

The Grade 3 literary works list was amended to update the source text and ISBN for Smart by Shel Silverstein and add the corresponding Spanish title *El más listo* (excerpt from *Cayendo hacia arriba*).

The Grade 3 literary works list was amended to replace *The Story of Benjamin Franklin: An Inspiring Biography for Young Readers* with *Benjamin Franklin (Life Stories/Biografías Bilingual Edition)* and update the corresponding Spanish title *Benjamin Franklin (Life Stories/Biografías Bilingual Edition)*.

The Grade 3 literary works list was amended to update the ISBN for *The Wind in the Willows*.

Figure: 19 TAC §128.10(f)(5)

The Grade 4 literary works list was amended to replace the Spanish paired text for *The Ant and the Dove* with *El saltamontes y la hormiga*.

The Grade 4 literary works list was amended to update the specified excerpt for the Spanish edition of The Boy Who Harnessed the Wind, *El niño que domó el viento*.

The Grade 4 literary works list was amended to remove *The Road Not Taken* and the corresponding Spanish title *El Camino no elegido* from the list of required literary works. The poem was moved to the required literary works for Grade 7 in Figure: 19 TAC §128.30(f)(2).

The Grade 4 literary works list was amended to remove *St. George and the Dragon* and the corresponding Spanish title *San Jorge y el dragón*.

The Grade 4 literary works list was amended to remove *Thunderstorm in the Church*and the corresponding Spanish title *Marcelino pan y vino*.

The Grade 4 literary works list was amended to indicate that a Spanish edition is not available for *The Story of King Arthur and His Knights*.

Figure: 19 TAC §128.10(f)(6)

The Grade 5 literary works list was amended to replace *The Monkey and the Camel* from Jerry Pinkney's adaptation of *Aesop's Fables* and the corresponding Spanish title *El mono y el camello* from *Fábulas de Esopo* with *The Monkey as King* from Charles Santore's adaptation of *Aesop's Fables* and the corresponding Spanish title *El mono como rey* from *Fábulas de Esopo*.

The Grade 5 literary works list was amended to add *Paul Revere's Ride* by Henry Wadsworth Longfellow and identify that a corresponding Spanish title is not available.

The Grade 5 literary works list was amended to specify selected excerpts for the corresponding Spanish title *¿Quién fue Tomás Jefferson?*.

The Grade 5 literary works list was amended to specify selected excerpts for *Who Was Davy Crockett?*.

Section 128.10(g) was amended to provide guidance on the use of English texts when the Spanish version is not available.

Section 128.30(a) was amended to establish implementation of the provisions of the section applicable to Grade 6 beginning with the 2031-2032 school year and provisions of the section applicable to Grades 7 and 8 beginning with the 2032-2033 school year.

Section 128.30(c) was amended to clarify requirements related to the use and local selection of additional literary works for Spanish language arts and reading instruction that support coverage of the essential knowledge and skills and maintain similar rigor as the required literary works in the figures in §128.30(f)(1)-(3).

Section 128.30(d) was amended to strongly encourage the use of print-based texts.

Figure: 19 TAC §128.30(f)(1)

The Grade 6 literary works list was amended to specify Volumes 1-3 of the Spanish title *Todas las criaturas grandes y pequeñas: Aventuras y desventuras de un veterinario en la campiña inglesa* for *All Creatures Great and Small*.

Figure: 19 TAC §128.30(f)(2)

The Grade 7 literary works list was amended by adding *The Road Not Taken*.

Section 128.30(g) was amended to provide guidance on the use of English texts when the Spanish version is not available.

Section 128.70(a) was amended to establish implementation of the provisions of the section beginning with the 2033-2034 school year.

Section 128.70(c) was amended to clarify requirements related to the use and local selection of additional literary works for Spanish language arts and reading and English as a second language instruction that support coverage of the essential knowledge and skills and maintain similar rigor as the required literary works in the figures in §128.70(f)(1) and (2).

Section 128.70(d) was amended to strongly encourage the use of print-based texts.

The SBOE approved the new sections for first reading and filing authorization at its April 10, 2026 meeting and for second reading and final adoption at its June 26, 2026 meeting.

The effective date is July 1, 2027.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began May 15, 2026, and ended at 5:00 p.m. on June 15, 2026. The SBOE also provided an opportunity for registered oral and written comments at its June 2026 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of public comments received and corresponding responses.

Comment. Two community members stated that the proposed standards do not meet the obligation to teach truthful and complete history. The commenters explained that the curriculum leans heavily into Texas history while cutting world history and cultures, presents Native peoples such as the Lipan Apache, Comanche, and Caddo in the past tense, and removes references to diverse American Indian groups and Muslim contributions to science. The commenters indicated that these omissions limit students' ability to become informed citizens by presenting an incomplete narrative of history. The commenters requested that the SBOE slow the process and revise the standards to ensure a full and accurate history of Texas and the world that includes Native peoples in the present.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One teacher, five parents, and one community member expressed opposition to the proposed action, proposed change, or proposed reading list. The commenters stated dissatisfaction or opposition without providing an additional specific rationale.

Response. In response to public comments, the SBOE took action to adopt the new Spanish language arts and reading (SLAR) TEKS for Kindergarten-Grade 12 as amended in June 2026 based on statutory requirements included in HB 1605. The literary works lists were intentionally developed with grade-level differentiation to support engagement in a progression of complex texts from Kindergarten-Grade 12.

Comment. Two teachers stated that learning Spanish in a basic way is essential.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Two parents stated concern about perceived attacks on public schools and undisclosed conflicts of interest. The commenters stated a desire for schools to teach history as it actually happened without omitting content or restricting teachers' ability to discuss complex topics. The commenters noted that inclusive teaching and diverse perspectives have positively influenced student understanding of current affairs. The commenters indicated an intent to share these concerns with others.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Two teachers, one community member, and one university/college staff member expressed concern about banning books, censorship, or censoring books from minority authors. The commenters stated that censorship promotes ignorance, may hinder critical thinking, and does not reflect the broader population. The commenters asked that there be no bans and that actions prioritize what is best for all students, parents, and educators.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Six teachers, one administrator, three parents, and five community members expressed concern that the proposed reading lists include limited representation of women authors, authors of color, and diverse cultural communities and that the proposal limits student choice by requiring specific authors and perspectives while excluding labor, civil rights, and critical theory viewpoints. The commenters noted specifics, including relatively few works by diverse authors, only two authors of color on the Grades 7-12 lists, about 64% of selections written by white male authors, and about 8% by authors of color. The commenters explained that the lists should better reflect Texas students, including Hispanic, African American, Asian American, Indigenous, Hispanic, and Black students, and should include contemporary voices addressing culture, identity, and community. The commenters expressed opposition to the adoption of a state-mandated reading list, stating that it is influenced by political and ideological pressure rather than educational expertise. The commenters also requested removal of sectarian texts and that the lists be broadened, revised, or delayed to include more diverse, contemporary, and representative works while maintaining rigor. The commenters asked that decision-makers trust educators, librarians, and literacy experts.

Response. The SBOE disagrees with the commenters' proposal to remove required religious texts because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025. In response to public comments, the SBOE took action to adopt the new SLAR TEKS for Kindergarten-Grade 12 as amended in June 2026. The literary works lists were intentionally selected to include a variety of authors, text types, perspectives and genres that maintain rigor, and support the development of student proficiency for the specific TEKS in each grade. Local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and

128 that requires districts to adopt additional texts to support instruction.

Comment. Eighteen teachers, one administrator, one parent, two community members, one university/college staff, three community members, two university/college staff members, and two out-of-state commenters expressed opposition or concern that a mandatory statewide literary works list would limit teacher autonomy and instructional flexibility. The commenters expressed support for retaining local school board autonomy over literature selections. The commenters stated that teachers select texts based on students' reading levels, interests, backgrounds, needs, school communities, and classroom contexts, and that Texas students are not served by a one-size-fits-all approach. The commenters explained that required lists may invalidate educators' professional judgment, require curriculum changes, reduce responsiveness to diverse learners, and make it harder to meet individual student needs especially amid concerns about teacher shortages. The commenters requested that TEA or the SBOE reconsider the mandate, require TEKS only, or allow educators and local decision-makers to select texts.

Response: The SBOE disagrees with the commenters' proposal to reconsider the mandate and use the list as a flexible resource. HB 1605 required that the SBOE adopt a literary works list for each grade level. Additionally, local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction.

Comment. Six teachers, one parent, one community member, and one university/college staff member expressed concern that mandated or overly restrictive reading lists may reduce student engagement, student choice, and the development of a love of reading. The commenters stated that teachers' enthusiasm for selected novels, current titles students can see themselves in, and literature matched to student interests can encourage creativity, collaboration, meaningful connections, and reading motivation. The commenters explained that selections viewed as old, boring, too narrow, too numerous, or insufficiently flexible may turn students off reading or limit time for play, exploration, and self-expression. The commenters requested that teachers and school leaders be trusted to choose materials, that students or experienced educators have input, that the list be reduced to one required text per grade, or that approval be delayed or substantially revised.

Response. The SBOE disagrees with the commenters' proposal to delay or substantially revise the list. HB 1605 required that the SBOE adopt a literary works list for each grade level. The literary works lists were intentionally selected to include a variety of text types and genres to support student engagement and the development of student proficiency for the specific TEKS in each grade. Local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 requiring districts to adopt additional texts to support instruction.

Comment. Two teachers and one community member expressed concern that the proposed list includes compulsory religious or sectarian content and may raise inclusivity, First Amendment, or separation of church and state concerns. The commenters stated that prioritizing Christian texts or adding compulsory religious passages may displace diverse, academically relevant, and culturally representative literature. The commenters requested removal of sectarian texts, adoption of academically neutral and culturally responsive materials, and restoration of local control in selecting instructional resources.

Response. The SBOE disagrees with the commenters' proposal to remove or reconsider required religious texts because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025. Local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction.

Comment. Three teachers and two parents stated concern about the process used to develop the literary works lists and whether educators, scholars, parents, responsible students, or Texas English teachers from diverse districts were consulted. The commenters asked who selected the lists, when decision-makers were last in classrooms, how compliance would be monitored, and whether teachers could be penalized for interpretation of choices, pacing, or omission. The commenters explained that lack of transparency and unclear enforcement may raise concerns about appropriateness, effectiveness, excessive state overreach, fear, inconsistency, or politicization of education. The commenters requested experienced teacher input and decisions that prioritize what best serves Texas students.

Response. In response to public comments, the SBOE took action to adopt the new English language arts and reading (ELAR) and SLAR TEKS for Kindergarten-Grade 12 as amended in June 2026 based on statutory requirements in HB 1605. The adopted lists take into consideration extensive research that resulted in the assembly of a comprehensive list of over 10,000 titles cross-referenced with a survey of responses from over 5,700 Texas teachers. All SBOE titles must be included in classroom instruction to be in compliance with TEKS implementation. Local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction.

Comment. Nine teachers, two parents, and one community member noted concerns about the size of the required lists and the lack of clarity regarding funding for class sets of texts, supplemental materials, professional development, new assessments, and instructional resources. The commenters asked who would be responsible for purchasing the texts for teachers and expressed concern about whether teachers are expected to only read the works aloud or provide additional instruction. The commenters stated that requiring schools or districts to purchase books without additional or dedicated funding would create financial strain, particularly amid budget constraints, staffing shortages, competing demands, and other needed supplies. The commenters explained that local school boards and educators are best positioned to select literary works aligned to TEKS while maintaining instructional flexibility and fiscal responsibility. The commenters requested that literary text selection remain a local decision unless sufficient funding and implementation support are provided.

Response. In response to public comments, the SBOE approved a staggered implementation of the adopted SLAR TEKS for Kindergarten-Grade 12 to ensure procurement of and access to materials in a timely manner. The amended

implementation timeline adopted by the SBOE provides greater time for teacher training, curriculum redesign, and resource funding management and adequate funding. The timeline is as follows: Kindergarten-Grade 5, 2030-2031; Grade 6, 2031-2032; Grades 7 and 8, 2032-2033; and high school, 2033-2034. Districts will use currently available funding through the Instructional Materials Allotment and Entitlement Funds to support instructional materials purchases over the biennium. Publishers will integrate the required literary works lists into updated instructional materials approved through the IMRA process and districts will use currently available funds within the state-appropriated Instruction Materials Allotment as well as entitlement funds to purchase a new adoption inclusive of the required titles or purchase the titles to integrate into locally developed curriculum.

Comment. Two teachers, three community members, and one university/college staff member stated that the proposed literary works lists in Chapter 128 should be revised to better support English proficiency, academic rigor, and civic literacy while respecting parental rights and avoiding ideological content. The commenters explained that English-language core texts should be prioritized and that Spanish/English learners language arts selections should clearly support English acquisition and align with TEKS literacy goals. The commenters noted that objective selection criteria should be required, including literary quality, grade-level appropriateness, standards alignment, and vetted neutral translations or editions. The commenters requested that violent and sexual content not be included and that age appropriateness be ensured through content warnings, alternative assignments, and clear opt-out procedures.

Response. The SBOE disagrees with commenters' proposal to reject the literary works list. Statutory requirements in HB 1605 and 19 TAC §120.20 and §120.21 allow students to be provided with language support through the English Language Proficiency Standards. No changes were made to TEC, §26.010, which provides a parent authority to remove a student temporarily from a class or activity that conflicts with the parent's religious or moral beliefs, subject to certain limitations. As a result of public comment, the SBOE took action to adopt the new SLAR TEKS for Kindergarten-Grade 12 as amended with consideration for educator flexibility to support student needs.

Comment. Five teachers, two parents, one administrator, and three community members expressed concern or opposition regarding proposed required literary works lists for English for speakers of other languages (ESOL), English as a second language, SLAR, or Spanish. The commenters stated that required texts may not meet the needs of newcomer emergent bilingual students, multilingual learners, or bilingual students with varied language proficiency levels, prior schooling, home languages, reading levels, and cultural backgrounds; may contribute to students feeling excluded or not represented; and may hinder a sense of belonging. The commenters explained that texts such as *Great Expectations* and *Pride and Prejudice* may not be appropriate for Grade 9 students who are English learners or who struggle with reading due to dyslexia or attention-deficit/hyperactivity disorder. The commenters explained that ESOL instruction may require short, modified, annotated, or incremental texts and that strict alignment may disrupt effective instruction, language acquisition. The commenters noted that objective selection criteria should be required, including literary quality, grade-level appropriateness, standards alignment, and vetted neutral translations or editions. The commenters requested that the SBOE reject, substantially revise, or make the lists advisory while preserving educator flexibility and supports such as accommodations or alternative versions. The commenters also requested that violent and sexual content not be included and that age appropriateness be ensured through content warnings, alternative assignments, and clear opt-out procedures.

Response. The SBOE disagrees with commenters' proposal to reject or make the literary works list advisory. HB 1605 required that the SBOE adopt a literary works list for each grade level. In response to public comments, the SBOE adopted the new ELAR and SLAR TEKS for Kindergarten-Grade 12 as amended in June 2026. The literary works lists include texts intentionally chosen to be consistent with the SBOE suitability rubric and comply with related statutes including TEC, §28.0022. The literary works lists were intentionally developed with grade level differentiation to support engagement of emergent bilingual students in the progression of complex texts from Kindergarten-Grade 12. Local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction.

Comment. One parent and one community member requested that the proposed lists be maintained without changes.

Response. In response to public comments, the SBOE took action to adopt the new SLAR TEKS for Kindergarten-Grade 12 as amended in June 2026.

Comment. Four community members and one university/college staff member expressed concern that proposed literary works policies or related public input processes may limit parental rights or reflect ideological influence. The commenters stated that the proposal may override parental rights with an ideological agenda or that external organizations may shape opinions of legislators and media. The commenters noted concern about inappropriate materials in schools and asked that decisions prioritize constituents. The commenters requested that the SBOE shorten the lists, preserve flexibility, ensure inclusive representation, respect parental rights, and prioritize student engagement and meaningful learning experiences.

Response. In response to public comments, the SBOE adopted the new SLAR TEKS for Kindergarten-Grade 12 as amended in June 2026 based on statutory requirements included in HB 1605. No changes were made to TEC, §26.010, which provides a parent authority to remove a student temporarily from a class or activity that conflicts with the parent's religious or moral beliefs, subject to certain limitations.

Comment. One university/college staff member stated that children are the future and that it is important for individuals to be well informed. The commenter noted that tax dollars should be used to provide access to all available information.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One teacher stated that support for these changes is inappropriate.

Response. In response to public comments, the SBOE adopted the new SLAR TEKS for Kindergarten-Grade 12 as amended in June 2026 based on statutory requirements in HB 1605.

Comment. One university/college staff member stated that there is no need for teaching English as a second language and that

English serves as the national language and the primary language of international travel and business.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Two teachers expressed concerns about the developmental appropriateness of introducing complex historical concepts in Kindergarten-Grade 2, stating that the proposed changes do not align with research on young learners' ability to process such material. The commenters described the potential long-term impact as creating gaps in students' civic understanding and limiting intellectual growth. The commenters requested that the committee reconsider the proposed changes and maintain a balanced approach that includes both Texas and U.S. History to support informed citizenship and a comprehensive education.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Two teachers expressed opposition to the proposed curriculum changes, stating that eliminating the Grade 8 U.S. History course creates an imbalance between Texas and national history education. The commenters explained that while incorporating Texas history is valuable, removing comprehensive U.S. History limits students' understanding of the nation's past and weakens opportunities to develop critical-thinking and problem-solving skills necessary for informed decision-making. The commenters noted concerns that the proposal prioritizes state identity over cultivating well-rounded American citizens and diminishes students' understanding of federalism and the cooperative relationship between state and federal government systems.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Three teachers and one administrator expressed concerns that several proposed middle school required texts may not be developmentally appropriate or well matched to students' grade levels and reading needs. The commenters stated that *Great Expectations* presents barriers because of complex language and reading level, that *All Creatures Great and Small* is too long for Grade 6 students and not relatable to a diverse population, that *The Diary of a Young Girl* is not appropriate for Grade 7 due to certain situations, and that *Night* by Elie Wiesel contains graphic and mature content more suitable for high school, specifically Grade 10. The commenters explained that assigning texts above students' independent reading ability or emotional and mental readiness may discourage engagement, limit comprehension, or fail to foster literacy growth. The commenters noted the reduction of the number of required readings to two selections as more realistic and asked that the placement of *Night* and the proposed list decisions be considered in final decisions.

Response. In response to public comments, the SBOE took action to adopt the new SLAR TEKS for Kindergarten-Grade 12 as amended in June 2026. The literary works lists were intentionally selected to include a variety of text types and genres to support the development of student proficiency for the specific TEKS in each grade, with consideration for age appropriateness and student engagement.

Comment. One teacher expressed that teachers should have the autonomy to choose literature that best suits the needs of their students without adhering to a mandated list that makes little sense. The commenter explained that English IV is supposed to be British literature, but the list includes works that are not British in nature. The commenter stated that this reinforces the perception that those who create these lists know little or nothing about teaching, English classes, or the TEKS. The commenter noted that teachers are the experts and know how to do their jobs better than anyone.

Response. In response to public comments, the literary works lists were intentionally selected to include a variety of text types and genres to support the development of student proficiency for the specific TEKS in each grade. Local decision-making authority to select additional instructional materials that align with TEKS is preserved by 19 TAC §67.63 and newly adopted rule text in Chapters 110 and 128 that requires districts to adopt additional texts to support instruction.

Comment. Four teachers, two parents, and one community member stated that the reading lists should reflect balance by including classical literature in the proposed reading lists due to its influence on Western civilization. The commenters stated concerns about content related to Islam and its compatibility with American values. Commenters supported preserving classical and foundational American texts, including Christianity's influence on the nation's principles and American exceptionalism. The commenters requested support to ensure this emphasis is maintained.

Response. In response to public comments, the SBOE took action to adopt the new SLAR TEKS for Kindergarten-Grade 12 as amended in June 2026 with consideration for a classical approach to text selection.

Comment. Twenty-four teachers, one administrator, twenty-one parents, two counselors, and eleven community members stated that public education in Texas should not require specifically Christian biblical texts, even when those texts have historical or literary value, because a dominant religion should not be imposed on others. The commenters stated that the Bible contains multiple genres and that unclear classification as fiction, nonfiction, mythology, literature, or religious doctrine creates confusion for educators and students. The commenters explained that mandating Christian scripture risks violating constitutional boundaries, privileging one religious framework, and marginalizing students from varied religious and non-religious backgrounds. The commenters noted that families should retain authority over religious instruction. The commenters stated that a stronger humanities curriculum would prioritize comparative world literature, intellectual diversity, neutrality, and equal representation. The commenters indicated that this position would affect future voting decisions regarding public officials who support the action.

Response. The SBOE disagrees with the commenters' proposal to remove or reconsider required religious texts because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025.

Comment. Sixteen teachers, fifteen parents, seventeen community members, and two university/college staff members stated that if religious works are included in public school reading lists, they should represent multiple faith traditions rather than only the Bible or Christian texts. The commenters stated that the lists do not adequately reflect Texas's religious diversity, world perspec-

tives, or a broad range of cultural, philosophical, and political viewpoints. The commenters explained that equal or broader representation could include non-Judeo-Christian texts and perspectives from major religions. The commenters noted that focusing on one tradition may be perceived as promoting one religion or failing to represent all students. The commenters requested balanced religious perspectives or removal of religious content altogether.

Response. The SBOE disagrees with the commenters' proposal to remove or reconsider required religious texts because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025.

Comment. Two teachers, one parent, and one community member stated that the proposed lists include religious texts or translations that are not appropriate for the specified grade levels. The commenters noted concerns about Lexile level, vocabulary, theological complexity, and developmental expectations for elementary, middle, or other grades. The commenters explained that curriculum should support comprehension, critical thinking, and age-appropriate instruction rather than requiring materials students may not be prepared to understand. The commenters requested reconsideration of the religious selections and their grade-level placement.

Response. The SBOE disagrees with the commenters' proposal to reconsider required religious texts because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025. The adopted literary works lists represent a variety of text types to support the development of student proficiency for the specific TEKS in each grade level.

Comment. One teacher stated concerns about the emphasis on the Holocaust without similar attention to other instances of genocide, and the commenter stated that prioritizing Christian texts raises concerns about inclusivity and separation of church and state.

Response. The SBOE disagrees with the commenters because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025. The SBOE disagrees with the commenters' recommendation to reduce the emphasis on Holocaust-focused texts. Stakeholder feedback, including input from the Texas Holocaust, Genocide, and Antisemitism Advisory Commission, supports the inclusion of this content and its grade-level placement in the adopted lists. Furthermore, TEC, §29.9072, requires instruction that includes information about the history of and lessons learned from the Holocaust.

Comment. One community member expressed concern that anti-Muslim rhetoric in school curriculum may increase Islamophobia and lead to bullying of Muslim students. The commenter explained that this could negatively impact communities and create division and stated that education should be inclusive and promote unity rather than contribute to harm or exclusion.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Three parents expressed that the proposed social studies curriculum should provide accurate, truthful, and academically neutral instruction on history, religion, and underrepresented regions and peoples. The commenters stated that religious content should reflect true teachings and perspectives from within each faith tradition, including concerns that Islam is portrayed inaccurately or primarily through conflict. The commenters noted that instruction should include the rise of Islam, the influence of Arab and Muslim civilization, and the contributions of Muslim scientists to global progress. The commenters identified concerns that Palestine, parts of Africa and Asia, Indigenous history, and American slavery are minimized or omitted and that misrepresentation may contribute to bullying, alienation, and reduced student readiness for college and the workforce. The commenters requested revisions to ensure accuracy, truthfulness, academic neutrality, and fuller historical and cultural representation.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Two parents expressed support for keeping Texas and American history, constitutional principles, and civic knowledge central to the proposed social studies standards. The commenters stated that students need to learn about the people, places, events, ideas, historical milestones, foundational principles, and figures that shaped the state and nation. The commenters noted that Texas and American history should serve as the foundation of social studies instruction and that curriculum should remain rooted in established historical facts. The commenters explained concern about outside advocacy group influence and requested that the SBOE maintain the proposed standards and reject amendments perceived as introducing ideological or divisive perspectives.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One counselor recommended removing 19 TAC §113.127, noting that the bill's authors requested delaying course designation until standards are finalized and arguing the proposal conflicts with that intent. The commenter emphasized that personal finance education is essential for preparing students for adulthood and long-term success, highlighting strong outcomes as former students apply these skills to budgeting, loans, and major financial decisions. The commenter stressed the value of instructional resources like Next Gen Personal Finance and the importance of personal finance education for underserved and Title I students who may lack financial guidance at home. The commenter advocated for maintaining and strengthening personal finance instruction, arguing that reducing it would negatively impact financial literacy and student success.

Response. This comment is outside the scope of the proposed rulemaking.

SUBCHAPTER A. ELEMENTARY

19 TAC §128.10

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code (TEC), §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education, in adopting essential knowledge and skills for English language arts under TEC, §28.002(a)(1)(A), to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

§128.10. Literary Works Lists, Kindergarten-Grade 5, Adopted 2026.

(a) This section implements the requirements of Texas Education Code (TEC), §28.002(c-4), and, in conjunction with Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies), implements the requirements of TEC, §28.002(a)(2)(G), (h), and (h-1). These Texas Essential Knowledge and Skills will be implemented in the 2030-2031 school year, in conjunction with §§128.2-128.7 of this chapter (relating to Spanish Language Arts and Reading, Kindergarten, Adopted 2017; Spanish Language Arts and Reading, Grade 1, Adopted 2017; Spanish Language Arts and Reading, Grade 2, Adopted 2017; Spanish Language Arts and Reading, Grade 3, Adopted 2017; Spanish Language Arts and Reading, Grade 4, Adopted 2017; and Spanish Language Arts and Reading, Grade 5, Adopted 2017).

(b) The literary works in an English or Spanish version included in the figures in subsection (f)(1)-(6) of this section shall be included in instruction at or before the designated grade level for students receiving instruction in Spanish language arts and reading. Each required literary work shall be read in its entirety unless otherwise indicated in the figures in subsection (f)(1)-(6) of this section.

(c) Students shall demonstrate proficiency in the student expectations described in §§128.2-128.7 of this chapter (relating to Spanish Language Arts and Reading, Kindergarten, Adopted 2017; Spanish Language Arts and Reading, Grade 1, Adopted 2017; Spanish Language Arts and Reading, Grade 2, Adopted 2017; Spanish Language Arts and Reading, Grade 3, Adopted 2017; Spanish Language Arts and Reading, Grade 4, Adopted 2017; and Spanish Language Arts and Reading, Grade 5, Adopted 2017) using, at a minimum, the required literary works listed in the figures in subsection (f)(1)-(6) of this section. The literary works required by this section represent a portion of the literary works to be read by or for students in that grade and do not include texts that would cover all of the essential knowledge and skills for that grade. Additional literary works to be used in instruction must be selected at the local level, which may be accomplished by using literary works provided in a local adoption of instructional materials. When making local selections of additional literary works for instruction in Spanish language arts and reading, school districts and charter schools should include texts that cover the remainder of the essential knowledge and skills and prioritize content that reinforces required student expectations of knowledge from other subjects, including social studies. Additional locally selected literary works must be of similar rigor as required by the list in the figure for the given grade level.

(d) Research consistently shows that print-based reading supports stronger comprehension and retention than screen-based reading. It is strongly recommended that students read from printed versions of required literary works as opposed to digital copies on digital devices.

(e) Students in Kindergarten-Grade 4 are still developing proficiency in beginning reading and writing skills. Specific reading material used to develop those reading and writing skills, including decodable readers and grammar and handwriting guidance documents, are necessary to support that instruction but are not referenced in this section. Student expectations related to listening and speaking in those grades can be supported by exposing students to a range of literary works with more complex vocabulary. Consequently, certain literary works required by this section in Kindergarten-Grade 4 are noted as being recommended for implementation as being read aloud to the student as noted in the figures in subsection (f)(1)-(6) of this section. Even if a literary work is listed with a recommendation that it be read aloud, it may be read directly by students when appropriate, potentially with adult assistance. If a literary work is not listed with a recommendation that it be read aloud, it must be read by students, with adult assistance where necessary.

(f) The literary works lists to be used by school districts and charter schools are provided in the figures in this subsection.

(1) Kindergarten list, entitled "Required Spanish Literary Works - Kindergarten."
Figure: 19 TAC §128.10(f)(1)

(2) Grade 1 list, entitled "Required Spanish Literary Works - Grade 1."
Figure: 19 TAC §128.10(f)(2)

(3) Grade 2 list, entitled "Required Spanish Literary Works - Grade 2."
Figure: 19 TAC §128.10(f)(3)

(4) Grade 3 list, entitled "Required Spanish Literary Works - Grade 3."
Figure: 19 TAC §128.10(f)(4)

(5) Grade 4 list, entitled "Required Spanish Literary Works - Grade 4."
Figure: 19 TAC §128.10(f)(5)

(6) Grade 5 list, entitled "Required Spanish Literary Works - Grade 5."
Figure: 19 TAC §128.10(f)(6)

(g) All titles must be taught, either in English or in Spanish. If a Spanish version is not available, the English version must be taught. The determination as to whether a title is taught in English or Spanish is based on the language of instruction determined by the Language Proficiency Assessment Committee (LPAC), as applicable, and the bilingual program model as described in Chapter 89, Subchapter BB, of this title (relating to Commissioner's Rules Concerning State Plan for Educating Emergent Bilingual Students) and further adjusted based on individual student need.

(h) For each literary work that has an associated International Standard Book Number (ISBN), the ISBN is included in the figures in subsection (f)(1)-(6) of this section. For literary works without an ISBN, the Texas Education Agency (TEA) shall maintain a website providing information on how to identify the specific version of the literary work. Some literary works are available in multiple versions, and, as such, districts and charter schools shall use a version of each required literary work that includes text that is identical to the version featured in the ISBN listed in the figures in subsection (f)(1)-(6) of this section or the information maintained on the TEA website.

(i) In accordance with TEC, §26.010, a parent retains the right to temporarily remove the parent's child from instruction in a required literary work that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the instruction. If a graded assignment or local assessment is based solely on the content of a required literary work for which a parent exercised a right under TEC, §26.010, the school district or charter school is encouraged, but not required, to provide an alternative graded assignment or local assessment that is based on an alternative literary work provided for the student who was removed from instruction.

(j) In the event the commissioner of education determines that a literary work required in any of the figures in subsection (f)(1)-(6) of this section is no longer available at a reasonable cost at the volume required for implementation across the state, the commissioner shall report that finding to the State Board of Education (SBOE), and the SBOE may consider an amendment to remove that specific literary work from the relevant figure, subject to holding two board meetings

for a first and second reading without a separate meeting for discussion before first reading.

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 August 17, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
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For further information, please call: (512) 475-1497

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SUBCHAPTER B. MIDDLE SCHOOL

19 TAC §128.30

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code (TEC), §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education, in adopting essential knowledge and skills for English language arts under TEC, §28.002(a)(1)(A), to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

§128.30. Literary Works Lists, Grade 6 and English Learners Language Arts (ELLA), Grades 7 and 8, Adopted 2026.

(a) This section implements the requirements of Texas Education Code (TEC), §28.002(c-4), and, in conjunction with Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies), implements the requirements of TEC, §28.002(a)(2)(G), (h), and (h-1). The provisions of this section applicable to Grade 6 shall be implemented beginning with the 2031-2032 school year, in conjunction with §128.21 of this chapter (relating to Spanish Language Arts and Reading, Grade 6, Adopted 2017). The provisions of this section applicable to Grades 7 and 8 shall be implemented beginning with the 2032-2033 school year, in conjunction with §128.22 of this chapter (relating to English Learners Language Arts (ELLA), Grade 7, Adopted 2017) and §128.23 of this chapter (relating to English Learners Language Arts (ELLA), Grade 8, Adopted 2017).

(b) The literary works in an English or Spanish version included in the figures in subsection (f)(1)-(3) of this section shall be included in instruction at or before the designated grade level for students receiving instruction in Spanish language arts and reading. Each required literary work shall be read in its entirety unless otherwise indicated in the figures in subsection (f)(1)-(3) of this section.

(c) Students shall demonstrate proficiency in the student expectations described in §§128.21-128.23 of this chapter (relating to Spanish Language Arts and Reading, Grade 6, Adopted 2017; English Learners Language Arts (ELLA), Grade 7, Adopted 2017; and English Learners Language Arts (ELLA), Grade 8, Adopted 2017) using, at a minimum, the required literary works listed in the figures in subsection (f)(1)-(3) of this section. The literary works required by this section represent a portion of the literary works to be read by or for students in that grade and do not include texts that would cover all of the essential knowledge and skills for that grade. Additional literary works to be used in instruction must be selected at the local level, which may be accomplished by using literary works provided in a local adoption of instructional materials. When making local selections of additional literary works for instruction in Spanish language arts and reading and English as a second language, school districts and charter schools should include texts that cover the remainder of the essential knowledge and skills and prioritize content that reinforces required student expectations of knowledge from other subjects, including social studies. Additional locally selected literary works must be of similar rigor as required by the list in the figure for the given grade level.

(d) Research consistently shows that print-based reading supports stronger comprehension and retention than screen-based reading. It is strongly recommended that students read from printed copies of required literary works as opposed to digital copies on digital devices.

(e) Literary works listed in the figures for Grades 6-12 are organized by grouping required titles into a set. Each set of literary works identifies an anchor work along with additional shorter works that may be read to support the anchor, with the shorter works denoted in the figures with a set of dashes that points back to each anchor. This approach to grouping is recommended as an option to consider for instruction but is not required.

(f) The literary works lists to be used by school districts and charter schools are provided in the figures in this subsection.

(1) Grade 6 list, entitled "Required Spanish Literary Works - Grade 6."
Figure: 19 TAC §128.30(f)(1)

(2) ELLA Grade 7 list, entitled "Required Literary Works - Grade 7."
Figure: 19 TAC §128.30(f)(2)

(3) ELLA Grade 8 list, entitled "Required Literary Works - Grade 8."
Figure: 19 TAC §128.30(f)(3)

(g) All titles must be taught, either in English or in Spanish. If a Spanish version is not available, the English version must be taught. The determination as to whether a title is taught in English or Spanish is based on the language of instruction determined by the Language Proficiency Assessment Committee (LPAC), as applicable, and the bilingual program model as described in Chapter 89, Subchapter BB, of this title (relating to Commissioner's Rules Concerning State Plan for Educating Emergent Bilingual Students) and further adjusted based on individual student need.

(h) For each literary work that has an associated International Standard Book Number (ISBN), the ISBN is included in the figures in subsection (f)(1)-(3) of this section. For literary works without an ISBN, the Texas Education Agency (TEA) shall maintain a website providing information on how to identify the specific version of the literary work. Some literary works are available in multiple versions, and, as such, districts and charter schools shall use a version of each required literary work that includes text that is identical to the version featured in the ISBN listed in the figures in subsection (f)(1)-(3) of this section or the information maintained on the TEA website.

(i) In accordance with TEC, §26.010, a parent retains the right to temporarily remove the parent's child from instruction in a required literary work that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the instruction. If a graded assignment or local assessment is based solely on the content of a required literary work for which a parent exercised a right under TEC, §26.010, the school district or charter school is encouraged, but not required, to provide an alternative graded assignment or

local assessment that is based on an alternative literary work provided for the student who was removed from instruction.

(j) In the event the commissioner of education determines that a literary work required in any of the figures in subsection (f)(1)-(3) of this section is no longer available at a reasonable cost at the volume required for implementation across the state, the commissioner shall report that finding to the State Board of Education (SBOE), and the SBOE may consider an amendment to remove that specific literary work from the relevant figure, subject to holding two board meetings for a first and second reading without a separate meeting for discussion before first reading.

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

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Cristina De La Fuente-Valadez
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Texas Education Agency
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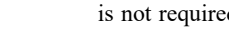

SUBCHAPTER C. HIGH SCHOOL

19 TAC §128.70

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code (TEC), §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023, which requires the State Board of Education, in adopting essential knowledge and skills for English language arts under TEC, §28.002(a)(1)(A), to specify a list of required vocabulary and at least one literary work to be taught in each grade level.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §28.002(c-4), as added by House Bill 1605, 88th Texas Legislature, Regular Session, 2023.

§128.70. Literary Works Lists, High School, Adopted 2026.

(a) This section implements the requirements of Texas Education Code (TEC), §28.002(c-4), and, in conjunction with Chapter 113 of this title (relating to Texas Essential Knowledge and Skills for Social Studies), implements the requirements of TEC, §28.002(a)(2)(G), (h), and (h-1). The provisions of this section shall be implemented beginning with the 2033-2034 school year, in conjunction with §128.34 of this chapter (relating to English I for Speakers of Other Languages (One Credit), Adopted 2017) and §128.35 of this chapter (relating to English II for Speakers of Other Languages (One Credit), Adopted 2017).

(b) The literary works included in the figures in subsection (f)(1) and (2) of this section shall be included in instruction at or before the designated grade level for students receiving instruction in Spanish language arts and reading. Each required literary work shall be read in its entirety unless otherwise indicated in the figures in subsection (f)(1) and (2) of this section.

(c) Students shall demonstrate proficiency in the student expectations described in §128.34 and §128.35 of this chapter (relating to English I for Speakers of Other Languages (One Credit), Adopted 2017; and English II for Speakers of Other Languages (One Credit), Adopted 2017) using, at a minimum, the required literary works listed in the figures in subsection (f)(1) and (2) of this section. The literary works required by this section represent a portion of the literary works to be read by or for students in that grade and do not include texts that would cover all of the essential knowledge and skills for that grade. Additional literary works to be used in instruction must be selected at the local level, which may be accomplished by using literary works provided in a local adoption of instructional materials. When making local selections of additional literary works for instruction in Spanish language arts and reading and English as a second language, school districts and charter schools should include texts that cover the remainder of the essential knowledge and skills and prioritize content that reinforces required student expectations of knowledge from other subjects, including social studies. Additional locally selected literary works must be of similar rigor as required by the list in the figure for the given grade level.

(d) Research consistently shows that print-based reading supports stronger comprehension and retention than screen-based reading. It is strongly recommended that students read from printed versions of required literary works as opposed to digital copies on digital devices.

(e) Literary works listed in the figures for Grades 6-12 are organized by grouping required titles into a set. Each set of literary works identifies an anchor work along with additional shorter works that may be read to support the anchor, with the shorter works denoted in the figures with a set of dashes that points back to each anchor. This approach to grouping is recommended as an option to consider for instruction but is not required.

(f) The literary works lists to be used by school districts and charter schools are provided in the figures in this subsection.

(1) English I for Speakers of Other Languages (ESOL) list, entitled "Required Literary Works - ESOL I."
Figure: 19 TAC §128.70(f)(1)

(2) English II for Speakers of Other Languages (ESOL) list, entitled "Required Literary Works - ESOL II."
Figure: 19 TAC §128.70(f)(2)

(g) For each literary work that has an associated International Standard Book Number (ISBN), the ISBN is included in the figures in subsection (f)(1) and (2) of this section. For literary works without an ISBN, the Texas Education Agency (TEA) shall maintain a website providing information on how to identify the specific version of the literary work. Some literary works are available in multiple versions, and, as such, districts and charter schools shall use a version of each required literary work that includes text that is identical to the version featured in the ISBN listed in the figures in subsection (f)(1) and (2) of this section or the information maintained on the TEA website.

(h) In accordance with TEC, §26.010, a parent retains the right to temporarily remove the parent's child from instruction in a required literary work that conflicts with the parent's religious or moral beliefs if the parent presents or delivers to the teacher of the parent's child a written statement authorizing the removal of the child from the instruction. If a graded assignment or local assessment is based solely on the content of a required literary work for which a parent exercised a right under TEC, §26.010, the school district or charter school is encouraged, but not required, to provide an alternative graded assignment or local assessment that is based on an alternative literary work provided for the student who was removed from instruction.

(i) In the event the commissioner of education determines that a literary work required in any of the figures in subsection (f)(1) and (2) of this section is no longer available at a reasonable cost at the volume required for implementation across the state, the commissioner shall report that finding to the State Board of Education (SBOE), and the SBOE may consider an amendment to remove that specific literary

work from the relevant figure, subject to holding two board meetings for a first and second reading without a separate meeting for discussion before first reading.

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

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Cristina De La Fuente-Valadez
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Texas Education Agency
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For further information, please call: (512) 475-1497

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CHAPTER 153. SCHOOL DISTRICT PERSONNEL

SUBCHAPTER EE. COMMISSIONER'S RULES CONCERNING REGISTRY OF PERSONS NOT ELIGIBLE FOR EMPLOYMENT IN PUBLIC SCHOOLS

19 TAC §153.1201, §153.1253

The Texas Education Agency (TEA) adopts an amendment to §153.1201 and new §153.1253, concerning the registry of persons not eligible for employment in public schools. The amendment to §153.1201 is adopted with changes to the proposed text as published in the May 15, 2026 issue of the *Texas Register* (51 TexReg 3293) and will be republished. New §153.1253 is adopted without changes to the proposed text as published in the May 15, 2026 issue of the *Texas Register* (51 TexReg 3293) and will not be republished. The adopted revisions provide clarification to existing statutory provisions and implement the requirements of Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025.

REASONED JUSTIFICATION: SB 571 was passed by the 89th Texas Legislature, Regular Session, 2025, and created Texas Education Code (TEC), §22A.152, Temporary Inclusion in Registry Based on Continuing and Imminent Threat to Public Welfare, which requires the commissioner of education to adopt rules to temporarily place a person in the registry of persons not eligible for employment in public schools if the commissioner determines that the person's continued employment at or provision of services to an educational entity constitutes a continuing and imminent threat to public welfare. SB 571 also created TEC, §22A.153, Temporary Inclusion in Registry for Certain Arrests, which requires the commissioner to adopt rules to temporarily include a person who is employed by or acting as a service provider for an educational entity in the registry if the person is arrested for an offense listed in TEC, §22A.201(a).

Pursuant to these statutory changes, the adopted amendment to §153.1201 adds definitions for the terms "appropriate boundary" and "inappropriate communication" in new subsections (b) and (d). The new definitions implement the requirements of TEC, §22A.051 and §22A.052, which require a superintendent or director of an educational entity to report misconduct to the commissioner, specifically, inappropriate communications and failure to maintain appropriate boundaries with a student or minor as defined in State Board for Educator Certification (SBEC) rule.

In response to public comment, §153.1201 was modified at adoption to add a definition for "service provider" in new subsection (g), reflecting that the definition is the statutory definition in TEC, §22A.001(8). In addition, the definition for "inappropriate communication" in subsection (d) was clarified at adoption by adding a comma following the examples of inappropriate communication.

Adopted new §153.1253 on temporary inclusions implements the requirements of TEC, §22A.152 and §22A.153. The new section increases the commissioner's authority by rule to resolve allegations of misconduct or abuse by non-certified school personnel and determine whether placement on the do not hire registry is warranted. Specifically, the new section expands the commissioner's authority to place an individual on the registry if it is determined that the individual's continued employment or provision of services at an educational entity constitutes a continuing and imminent threat to the public welfare or the person is arrested for an offense listed under TEC, §22A.201(a), and is employed by or acting as a service provider for an educational entity.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began May 15, 2026, and ended June 15, 2026. Following is a summary of the comments received and agency responses.

Comment: A commenter recommended including a definition for "service provider" and editing the definitions of "inappropriate communication" and "appropriate boundary" for clarity.

Response: The agency agrees in part and has modified §153.1201 at adoption to include a definition for "service provider" in new subsection (g). The definition clarifies that the term has the meaning assigned by TEC, §22A.001(8). The definition for "inappropriate communication" in subsection (d) was also modified to incorporate the commenter's suggestion to add a comma after the examples of inappropriate communication for clarity. The agency disagrees with the recommendation to change "appropriate boundary" since the language provides clarity in response to another request for expanded language.

Comment: A commenter expressed concern with the vagueness of "continuing and imminent threat to public welfare" outlined in the rule.

Response: The agency provides the following clarification. The proposed language comes from statute, and identical language has previously been discussed at length in relation to SBEC's rules, after which these rules are modeled.

Comment: A commenter supported the proposed revisions to the registry of persons not eligible for employment in public schools.

Response: The agency agrees.

Comment: A commenter supported the proposed revisions and urged TEA to prioritize clarity, statewide consistency, and practical implementation support.

Response: The agency agrees.

STATUTORY AUTHORITY. The amendment and new section are adopted under Texas Education Code (TEC), §22A.052, as added by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, which requires the superintendent or director of

an educational entity to report misconduct as outlined in TEC, §22A.051, to the commissioner; TEC, §22A.152, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to temporarily include a person in the registry if the commissioner, based on evidence or information presented to the commissioner regarding a complaint alleging misconduct by the person, determines that the person's continued employment at or provision of services to an educational entity constitutes continuing and imminent threat to the public welfare; and TEC, §22A.153, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to temporarily include a person who is employed by or acting as a service provider for an educational entity if the person is arrested for an offense under TEC, §22A.201(a).

CROSS REFERENCE TO STATUTE. The amendment and new section implement Texas Education Code, §§22A.052, 22A.152, and 22A.153, as added by SB 571, 89th Texas Legislature, Regular Session, 2025.

§153.1201. Definitions.

(a) Abuse--This term has the meaning assigned by Texas Family Code, §261.001(1).

(b) Appropriate boundary--For purposes of this subchapter, an appropriate boundary is a separation between an employee or service provider and a student that maintains an appropriate professional relationship between the two, based on a reasonably prudent person standard. Factors that may be considered in context and in the totality of the circumstances in assessing whether appropriate boundaries were maintained include, but are not limited to:

(1) physical proximity or physical contact beyond the professional role or that the student has indicated is unwelcome, unless such contact is professionally required;

(2) contacting or meeting the student beyond the professional role or making efforts to gain access to or time alone with a student with no discernible professional purpose;

(3) transporting the student without permission from the student's legal guardian or in violation of school board policy, unless for an emergency;

(4) taking or possessing a photo or video of the student beyond the professional role or in violation of school board policy; and

(5) showing favoritism or isolation through gifts, rewards, or privileges.

(c) Employee--A person who is employed by a school district, district of innovation, charter school, service center, or shared services arrangement and does not hold a certification issued by the State Board for Educator Certification under Texas Education Code (TEC), Chapter 21, Subchapter B.

(d) Inappropriate communication--An oral or written communication between an employee or service provider and a student or minor, whether made in person or remotely, including, but not limited to, a hand-delivered or mailed note or letter, a telephone call made by landline or mobile network, and an electronic communication such as text message, email, instant message, blog entry, or other online social network communication, that does not maintain an appropriate boundary. Factors that may be considered in context and in the totality of the circumstances in assessing whether the communication is inappropriate include, but are not limited to:

(1) the nature, purpose, timing, and amount of the communication;

(2) the subject matter of the communication;

(3) whether the communication was made openly or the employee or service provider attempted to conceal the communication;

(4) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;

(5) whether the communication was sexually explicit;

(6) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the employee or service provider or the student; and

(7) whether the communication could be reasonably interpreted as threatening the welfare and/or safety of the student.

(e) Nonprofit teacher organization--An organization approved by the commissioner to participate in a tutoring program under TEC, §33.913.

(f) Private school--A non-public school that offers a course of instruction for students in Texas in one or more grades from Prekindergarten-Grade 12 and is:

(1) accredited by an organization that is monitored and approved by the Texas Private School Accreditation Commission;

(2) listed in the National Center for Education Statistics database; or

(3) a child care provider that is licensed by the Texas Health and Human Services Commission.

(g) Service provider--This term has the meaning assigned by TEC, §22A.001(8).

(h) Solicitation of sexual contact--Deliberate or repeated acts that can be reasonably interpreted as the solicitation by an employee of a relationship with a student that is sexual in nature. Solicitation of sexual contact is often characterized by a strong emotional or sexual attachment and/or by patterns of exclusivity but does not include appropriate relationships that arise out of legitimate contexts such as familial connections or longtime acquaintance. The following acts, considered in context, may constitute prima facie evidence of the solicitation by an employee of sexual contact with a student:

(1) behavior, gestures, expressions, or communications with a student that are unrelated to the employee's job duties and evidence a sexual intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the intent of such communications or behavior, include, without limitation:

(A) the nature of the communications;

(B) the timing of the communications;

(C) the extent of the communications;

(D) whether the communications were made openly or secretly;

(E) the extent that the employee attempts to conceal the communications;

(F) if the employee claims to be counseling a student, the commissioner may consider whether the employee's job duties included counseling, whether the employee reported the subject of the counseling to the student's guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the employee reported the abuse or neglect to the appropriate authorities; and

(G) any other evidence tending to show the context of the communications between employee and student;

(2) making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images;

(3) making sexually demeaning comments to a student;

(4) making comments about a student's potential sexual performance;

(5) requesting details of a student's sexual history;

(6) requesting a date, sexual acts, or any activity intended for the sexual gratification of the employee;

(7) engaging in conversations regarding the sexual problems, preferences, or fantasies of either party;

(8) inappropriate hugging, kissing, or excessive touching;

(9) providing the student with drugs or alcohol;

(10) violating written directives from school administrators regarding the employee's behavior toward a student;

(11) suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage; and

(12) any other acts tending to show that the employee solicited sexual contact with a student.

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 August 17, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
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For further information, please call: (512) 475-1497

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TITLE 22. EXAMINING BOARDS

PART 9. TEXAS MEDICAL BOARD

CHAPTER 160. GENERAL PROVISIONS
SUBCHAPTER A. GENERAL

22 TAC §160.8

The Texas Medical Board (Board) adopts new rule §160.8, concerning Employee Training and Education. The new rule is being adopted without changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4459). The adopted new rule will not be republished.

The adopted new rule §160.8, relating to Employee Training and Education, authorizes reimbursement of training and education expenses consistent with Subchapters C and D, Chapter 656, Texas Government Code.

No written comments were received and no one appeared to testify regarding the new rule at the public hearing on August 14, 2026.

The new rule is adopted under the authority of Subchapters C and D, Chapter 656, Texas Government Code and Texas Occupations Code §153.001, which provides authority for the Board to adopt rules necessary to administer and enforce the Medical Practice Act and to adopt rules necessary to perform its duties.

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

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 August 14, 2026.

TRD-202603484
Scott Freshour
General Counsel
Texas Medical Board
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Proposal publication date: July 10, 2026
For further information, please call: (512) 305-7059

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CHAPTER 161. PHYSICIAN LICENSURE
SUBCHAPTER H. CONTINUING MEDICAL EDUCATION REQUIREMENTS FOR LICENSE RENEWAL

22 TAC §161.35

The Texas Medical Board (Board) adopts amendments to Chapter 161, concerning Continuing Medical Education (CME) Requirements for License Renewal. The amendments to rule §161.35 are being adopted without changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4460). The adopted amendments to rule §161.35 will not be republished.

These rules are mandated by the passage of HB47 and SB25 (89th Regular Legislative Session) which amended the Texas Occupations Code, Sections 156.057 and 156.061. The proposed amendments require licensed physicians to complete specified continuing medical education on forensic evidence collection as well as nutrition and metabolic health.

The adopted amendments to §161.35 are as follows:

Amendment to §161.35(a) adds section (3)(A), requiring licensed physicians to complete two credit hours of CME in accordance with §156.057 of the Act and provides that the Board will recognize any course found acceptable to the Governor's Sexual Assault Survivors' Task Force to meet the requirement for continuing education in forensic evidence collection. The bill requires the Medical Board to adopt rules as necessary to implement the new provisions of the Texas Occupations Code.

Amendment to §161.35(a) adds section (3)(B), requiring licensed physicians to complete one credit hour of CME, in accordance with §156.061 of the Act, in the topic of nutrition and metabolic health focused on the nutritional guidelines recommended by the Texas Nutrition Advisory Committee. The bill requires the Medical Board to adopt rules as necessary to implement the new provisions of the Texas Occupations Code.

The Board received one written comment regarding the proposed amendments to rule §161.35 from Texas Society of Eye Physicians and Surgeons.*No one* appeared to testify regarding the new rule at the public hearing on August 14, 2026. A summary of comments relating to the new rule and the Board responses, follows.

Comment: Texas Society of Eye Physicians and Surgeons asks that the Board revise the proposed rules to clarify that physicians who do not specialize in emergency medicine are not subject to these CME requirements.

Response: The Board declines to make this clarification. The Board does not track licensee practice designation and, therefore, CE Broker has a work-around and handles attestations for exemptions. The Board's CME tracking system, CE Broker, allows the licensee to claim an exemption when their practice area or designation does not require the CME based on the statutory specifications. The Board has determined that the CE Broker exemption or attestation process has worked historically for statutorily required Opioid and Human Trafficking CME, as those CME topics are also required based on practice designation.

The amendments to the rule are adopted pursuant to the passage of HB47 and SB25 (89th Regular Legislative Session) which amended the Texas Occupations Code, Section 156.057 and added new Texas Occupations Code Section 156.061. These Sections require the Board to adopt rules to implement such sections. Specifically, Texas Occupations Code, Section 153.001, provides authority for the Board to adopt rules necessary to administer and enforce the Medical Practice Act, adopt rules necessary to perform its duties and regulate the practice of medicine in this state. Texas Occupations Code, Sections 156.057 and 156.061, provide authority for the Board to recommend and adopt rules to implement these sections. No other statutes, articles or codes are affected by this adoption.

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

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Scott Freshour
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For further information, please call: (512) 305-7059

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CHAPTER 183. PHYSICIAN ASSISTANTS
SUBCHAPTER B. LICENSING AND REGISTRATION

22 TAC §183.16

The Texas Medical Board (Board) adopts amendments to Chapter 183, concerning Biennial Continuing Medical Education (CME) Requirements concerning Physician Assistants. The amendments to rule §183.16 are being adopted without changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4466). The adopted amendments to rule §183.16 will not be republished.

These rules are mandated by the passage of HB47 and SB25 (89th Regular Legislative Session) which amended the Texas Occupations Code, Sections 204.1563. The proposed amendments require licensed physician assistants to complete specified continuing medical education on forensic evidence collection as well as nutrition and metabolic health.

The adopted amendments to rule §183.16 are as follows:

Amendment to §183.16(a) adds section (2)(A) requiring physician assistants to complete two credit hours of continuing medical education (CME) in accordance with § 204.1563 of the Act and provides that the Board will recognize any course found acceptable to the Governor's Sexual Assault Survivors' Task Force to meet the requirement for continuing education in forensic evidence collection. The bill requires the Medical Board, on recommendations of the Physician Assistant Board, to adopt rules as necessary to implement the new provisions of the Texas Occupations Code.

Amendment to §183.16(a) adds section (2)(B) requiring physician assistants to complete one credit hour of continuing medical education (CME), in accordance with § 204.1563 of the Act, in the topic of nutrition and metabolic health focused on the nutritional guidelines recommended by the Texas Nutrition Advisory Committee. The bill requires the Medical Board, on recommendations of the Physician Assistant Board, to adopt rules as necessary to implement the new provisions of the Texas Occupations Code.

No written comments were received and no one appeared to testify regarding the amendment to rule §183.16(a) at the public hearing on August 14, 2026.

The amendments to the rule are adopted pursuant to the passage of HB47 and SB25 (89th Regular Legislative Session) which added new Texas Occupations Code Section 204.1563. This Section requires the Board to adopt rules to implement such sections. Specifically, Texas Occupations Code, Section 204.101, provides authority for the Board to adopt rules necessary to administer and enforce the Physician Assistant Licensing Act, adopt rules necessary to perform its duties and regulate the practice of medicine by a physician assistant in this state. Texas Occupations Code, Section 204.1563, provide authority for the Board to recommend and adopt rules to implement these sections. No other statutes, articles or codes are affected by this adoption.

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 August 14, 2026.

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Scott Freshour
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Texas Medical Board
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CHAPTER 186. MEDICAL RADIOLOGIC TECHNOLOGY

SUBCHAPTER C. NON-CERTIFIED TECHNICIAN REGISTRATION AND PRACTICE REQUIREMENTS

22 TAC §186.26

The Texas Medical Board (Board) adopts amendment concerning Chapter 186, Medical Radiologic Technology, Subchapter C, concerning Non-Certified Technician Registration and Practice Requirements, §186.26. The amendment to the rule is being adopted without changes to the proposed text as published in the March 20, 2026, issue of the *Texas Register* (51 TexReg 1788). The adopted amendment to the rule will not be republished.

The adopted amendment to §186.26, relating to Education Standards for Non-Certified Technician, clarifies that the rule does not require 120 classroom hours, but rather, the educational standard is met upon completion of the minimum hours required by an approved program within each topic area. Specifically, the adopted amendment in subsection (a)(4) further clarifies that, within an approved program, a non-certified technician is required to complete one or more of the units of applied human anatomy on the list, but not all.

The Board received 66 written comments regarding the proposed amendment to rule from registered MRTs or Radiologic Technology educators and the Texas Society of Radiologic Technology. One member of the public, identified as the president of an MRT society, appeared to testify regarding the amendment to the rule at the Texas Board of Medical Radiologic Technology meeting on June 26, 2026. A summary of comments relating to the amendment to the rule, and the Board responses, follows.

Comment: Texas Society of Radiologic Technology commented that an individual could qualify for NCT registration with as few as 66 total classroom hours, which they think lowers threshold entry. They ask that comprehensive educational requirements on multiple anatomical areas be maintained; scope of practice be clarified and that minimum hour requirements be re-evaluated.

Response: Historically, there was never a 120-hour classroom requirement for this certification type. This was a scrivener error that occurred when the Board underwent a major rule reorganization and re-write. Therefore, this amendment corrects and restores the original requirements for NCTs. The rule, as amended, specifies that a minimum number of hours are to be completed, plus completion of one or more units of applied human anatomy and radiologic procedures delineated in the rule.

Comment: Group and individual commenters expressed concern about limiting training to one anatomical area and commented that the rule amendment would reduce didactic hours.

Response: Historically, there was never a 120-hour classroom requirement for this certification type. This was scrivener error that occurred when the Board underwent a major rule reorganization and re-write. Therefore, this amendment corrects and restores the original requirements for NCTs. The rule, as amended, specifies that a minimum number of hours are to be completed, plus completion of one or more units of applied human anatomy and radiologic procedures delineated in the rule.

The amendment to the rule is adopted under the authority of Texas Occupations Code §§153.001 and §601.052 and §601.0522, which provides authority for the Board to adopt rules necessary to administer and enforce the *Medical Radiologic Technologist Certification Act* and to adopt rules necessary to regulate and license non-certified technicians.

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

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

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PART 10. TEXAS FUNERAL SERVICE COMMISSION

CHAPTER 206. ANATOMICAL FACILITIES, NON-TRANSPLANT ANATOMICAL DONATION ORGANIZATIONS, AND WILLED BODY PROGRAMS

22 TAC §206.1

The Texas Funeral Service Commission (Commission or TFSC) adopts the repeal of 22 TAC §206.1, Jurisdiction of Board, without changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4468) and will not be republished.

Reasoned Justification OF ADOPTED REPEAL.

The adopted repeal is to eliminate the outdated rule and replace it simultaneously with a new more germane rule.

SUMMARY OF COMMENTS.

The Commission received no comments regarding the proposed repeal.

STATUTORY AUTHORITY.

The repeal is adopted under Texas Health and Safety Code, Chapter 691, including §691.Go1, which defines the terms used in the chapter, and §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter. The adopted repeal is also adopted under Chapter 692A, health and Safety Code, and under Chapter 651, Occupations Code, including §651.005, which directs the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691.

The statutory provisions affected by the adopted repeal are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

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

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Maria Haynes
Interim Executive Director
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22 TAC §206.1

The Texas Funeral Service Commission (Commission or TFSC) adopts new §206.1, relating to Scope and Definitions. Section 206.1 is adopted with changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4469) and will be republished.

Reasoned Justification.

The adopted new rule under Chapter 206 implement Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code. The adopted new rule updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The adopted new rule rewrites the section to state the purpose and scope of the chapter and to consolidate the definition used through out the Commission's rule implementing Texas Health and Safety Code, Chapters 691 and 692A. The adopted new rule identifies the material and persons regulated under the chapter, clarifies that microscopic and laboratory material governed by other law is not regulated as a body or anatomical specimen, and defines the terms used throughout the chapter's scope, and give the regulated community and the public consistent, plain-language definitions.

General Comments.

The agency received eight comments regarding the proposed new rule, which centered on jurisdictional scope and definition, including the treatment of transplant-related material, microscopic and laboratory material, NADOs and OPOs, authorized entities, and transfer.

Agency Response.

The agency appreciates the public comments. The agency believes changes to clarify the exclusion of transplant activity without treating organ or tissue donation as a method of final disposition; clarify excluded microscopic and laboratory material; update the AATB reference; refine the definitions of "authorized entity" and "transfer"; and make related technical and grammatical corrections. Where commenters requested broader exclusions from Chapter 206, staff did not adopt those changes.

Statutory Authority.

The new rule is adopted under Texas Health and Safety Code, Chapter 691, including §691.001, which defines the terms used in the chapter, and §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter. The new rule is also adopted under Chapter 692A, Health and Safety Code, including §651.005, which directs the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691.

The statutory provision affected by the adopted rule are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the new rule is adopted in Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.1. Scope and Definitions.

(a) Purpose. This section establishes the scope of the material regulated under this chapter and defines terms used throughout the commission's rules implementing Health and Safety Code Chapters 691 and 692A.

(b) Regulated material; application.

(1) This chapter applies to a body, and to each anatomical specimen derived from a body, when:

(A) the method of disposition recorded on the certificate of death is "Donation" (see 25 TAC §181.14 and the certificate of death prescribed by the Department of State Health Services);

(B) a non-transplant anatomical donation organization is the donee for the purpose of education or research under Chapters 691 or 692A, Health and Safety Code; or

(C) the body is otherwise lawfully donated to, delivered to or distributed by the commission under Chapters 691 or 692A, Health and Safety Code, including a body delivered under §691.023 (duty to deliver certain bodies) or §691.026 (body of a traveler).

(2) This chapter does not apply to a body whose method of disposition recorded on the certificate of death is burial, cremation, entombment, mausoleum, or removal from state.

(3) Microscopic and laboratory material derived from a body or specimen--including blood and blood components, fluids drawn for laboratory analysis, histologic, microscopic, skeletal, or brain specimens such as slides or paraffin blocks, cell or tissue cultures, and extracted nucleic acids--is not regulated as a body or anatomical specimen under this chapter, to the extent it is governed by other law.

(4) Commercially acquired skeletal material is not subject to this chapter.

(5) This chapter applies to a body or anatomical specimen in the custody or control of a person registered with, authorized by, or approved by the commission under this chapter, without regard to the source from which the body or anatomical specimen was received, including a body or anatomical specimen received from a non-transplant anatomical donation organization or from an organ procurement organization for use in research or education. This chapter does not apply to the recovery, screening, testing, storage or allocation of an organ, an eye, or tissue transplanted into a human under Chapter 692A, Health and Safety Code.

(6) A gift of a whole body is subject to the chapter. Under §692A.011(a)(4), Health and Safety Code, an eye bank or tissue bank's use of a gift of a whole body must be coordinated through the commission.

(c) Definitions. The following words and terms have the following meanings when used in this chapter, unless the context clearly

indicates otherwise. A term not defined here has the meaning given in Health and Safety Code §691.001.

(1) "AATB" means the American Association of Tissue Banks, or a successor entity including Association for Advancing Tissue and Biologics that maintains the AATB standards..

(2) "Administrator in Charge" or "AIC" means an individual or an administrative body of an authorized entity headed by an individual who has the authority to represent the entity and who is responsible for the operation of the entity according to federal, state and local laws, and the policies and procedures of the entity's governing body. The Administrator in Charge is the primary point of contact with the commission on behalf of the authorized entity or applicant.

(3) "Advancement of medical or forensic science" - means the use of a whole body or anatomical specimen donation for the advancement of medical, allied health, dental, or forensic science education, research, or training, including dissection, operation, examination and experimentation, by authorized entities for non-transplant purposes allowed under Health and Safety Code Chapter 691. Pursuant to Health and Safety Code, §691.001(6), willed body programs may only use donor whole bodies or anatomical specimens for educational or research purposes.

(4) "Agent" has the meaning assigned in Health and Safety Code §692A.002(2).

(5) "Anatomical Specimen" has the meaning assigned in Health and Safety Code §691.001(3)). The term does not include the microscopic or laboratory material described in subsection (b)(3) of this section or material intended for transplant in a living human recipient.

(6) "Approved Setting" means a registered willed body program, registered non-transplant anatomical donation organization, registered anatomical facility, or other setting approved and inspected by the commission under §691.034, with appropriate biosafety and access controls. A venue offering general admission to the public is not an approved setting.

(7) "Authorized Entity" means an entity registered by, or inspected and approved by, the commission under §691.034, Health and Safety Code.

(8) "Authorized Person" means a person authorized to receive or use a body or anatomical specimen under §691.033(a) and designated or registered by the commission, as further provided in §206.2 of this title. The term includes both an authorized entity and an authorized individual.

(9) "Bioskills Trainer" means a medical device manufacturer's approved bioskills trainer.

(10) "Body" has the meaning assigned in Health and Safety Code §691.001(2).

(11) "Consent for donation" means:

(A) informed consent for donation meeting the requirements of §691.028, Health and Safety Code; or

(B) an anatomical gift made under Chapter 692A, Health and Safety Code, including a gift made by a person authorized under §692A.009, Health and Safety Code, in the manner provided by §692A.010, Health and Safety Code.

(12) "Designated Responsible Individual" means the individual or individuals designated by and accountable for an entity's compliance with this chapter with respect to each body or anatomical specimen. For non-traditional approved anatomical facilities, a Designated Responsible Individual must be on-site for the duration of the activity with the body or anatomical specimen.

(13) "Donor" has the meaning assigned in Health and Safety Code Section 692A.002(9).

(14) "Forensic science program" has the meaning assigned in Health and Safety Code Section 692A.011(a)(5).

(15) "Governing body" means the governing authority of an authorized entity that is responsible for the entity's organization, management, control, and operation, including appointment of staff; includes the owner or partners for authorized entities that are owned or operated by an individual or partners.

(16) "Medical waste" has the meaning defined in 30 TAC §326.3(23). However, if a facility hosts a lab, course, training or other event in which a decedent whole body or anatomical specimen is used for purposes authorized under Health and Safety Code Chapter 691, then the facility is considered a "health care-related facility" for the purpose of this chapter and Health and Safety Code, chapter 691 for the length of time in which the decedent whole body or anatomical specimen is physically located at the facility.

(17) "Non-traditional Anatomical Facility" means an inspected anatomical facility in a setting other than a purpose-built permanent anatomical facility.

(18) "Person" has the meaning assigned in Health and Safety Code Section 692A.002(22).

(19) "Public Display" means the display, dissection, or exhibition of a body or anatomical specimen before an audience admitted from the general public, whether or not a fee is charged, other than as part of a bona fide educational activity meeting the conditions of §206.7 of this title.

(20) "Qualified Instructor" means a licensed physician, or dentist, a person holding an earned doctoral, master's or professional degree in anatomy or a related health science, a licensed or certified anatomist, or a state licensed educator or state licensed embalmer delivering instruction or medical, doctoral or master's student within an accredited educational program.

(21) "Search and rescue organization" includes a search and rescue organization or recovery team as defined in Health and Safety Code Section 692A.011(a)(6).

(22) "Transfer" means a change in physical custody or of legal control of a body or anatomical specimen, whether within this state, into this state, or out of this state. The term does not include the movement of a body or anatomical specimen within the premises and under the continuous responsibility of a single authorized entity.

(23) "Violation" is the failure to comply with applicable statutes or commission rules adopted under Health and Safety Code Chapter 691 or Occupations Code Chapter 651 and under the methods authorized thereby. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

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

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22 TAC §206.2

The Texas Funeral Service Commission (Commission or TFSC) adopts the repeal of 22 TAC §206.2, Institutional Requirements, without changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4472) and will not be republished.

Reasoned Justification OF ADOPTED REPEAL.

The adopted repeal is to eliminate the outdated rule and replace it simultaneously with a new more germane rule.

SUMMARY OF COMMENTS.

The Commission received no comments regarding the proposed repeal.

STATUTORY AUTHORITY.

The repeal is adopted under Texas Health and Safety Code, Chapter 691, including §691.Go1, which defines the terms used in the chapter, and §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter. The adopted repeal is also adopted under Chapter 692A, health and Safety Code, and under Chapter 651, Occupations Code, including §651.005, which directs the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691.

The statutory provisions affected by the adopted repeal are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

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

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22 TAC §206.2

The Texas Funeral Service Commission (Commission or TFSC) adopts new §206.2, relating to Authorized Activities. Section 206.2 is adopted with changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4473) and will be republished.

REASONED JUSTIFICATION.

The adopted new rule under Chapter 206 implement Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code. The adopted new rule updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The adopted new rule rewrites the section to state the purpose and scope of the chapter and to consolidate the definition used throughout the Commission's rule implementing Texas Health and Safety Code, Chapter 691. The proposed rule satisfies the Commission's mandatory duty under §691.033(d), Health and Safety Code, to clearly state the activities authorized in relation to the use or dissection of a body or anatomical specimen, to aid prosecutions under §42.08, Penal Code. The adopted rule is necessary to satisfy the Commission's mandatory duty under §691.033(d), Health and Safety Code; provide predictable protection for legitimate professional, educational, research, and forensic practice; and give prosectors and the public clear notice of the activities authorized and performed with legal authority under Chapter 691.

GENERAL COMMENTS.

The agency received six comments regarding the proposed new rule, which focused on who may act as an authorized person, employees acting for authorized entities, medical and surgical training activities, experimentation, consent, and the locations in which authorized activities may occur.

AGENCY RESPONSE.

The agency appreciates the public comments. The agency believes changes to clarify the employee acting within the scope of an authorized entity's activities does not need a separate individual authorization; align the rule with the "consent for donation" terminology used throughout the package; and refine the location requirement so an authorized activity must occur at a location approved by the Commission for that activity. Staff also made conforming changes to the special-project and approval language.

STATUTORY AUTHORITY.

The new rule is adopted under Texas Health and Safety Code, Chapter 691, including §691.022(c), which requires the Commission to adopt rules, establish procedures necessary to administer and enforce the chapter; §691.033(a), which authorizes the use, dissection, operation on, examination, and experimentation on a body or anatomical specimen to further medical or forensic science, and §691.033(d), which requires the Commission to adopt rules that clearly state the activities authorized in relation to the use or dissection of a body to aid prosecutions under §42.08, Penal Code; and §691.034, which provides for registration, inspection, and authorization of persons using bodies and anatomical specimens. The adopted rule is also adopted under Chapter 651, Occupations Code, including §651.005.

The statutory provision affected by the adopted rule are those set forth in Texas Health and Safety Code, Chapter 691; Texas Occupations Code, Chapter 651; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the new rule is adopted in Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.2. Authorized Activities.

(a) Authority and purpose.

(1) This section is adopted under §§691.022(c), 691.033(a) and (d), and 691.034, Health and Safety Code.

(2) This section satisfies the commission's mandatory duty under §691.033(d) to clearly state the activities authorized in relation to the use or dissection of a body or anatomical specimen under the jurisdiction of the commission, provides predictable protection for legitimate professional practice, and defines the procedural standards governing the commission's administrative enforcement. To the extent of any conflict, this section supersedes the abuse-of-corpse provisions of 22 TAC §206.15 of this title (relating to Abuse of a Corpse).

(b) Authorized persons; designation.

(1) Subject to registration, inspection, and / or licensure by the commission, as applicable, and to consent for donation, as defined in §206.1 of this title (relating to Scope and Definitions), the following are authorized persons who may receive or use a body or anatomical specimen derived from a whole body under §691.033(a), Health and Safety Code:

(A) a willed body program;

(B) a non-transplant anatomical donation organization; and

(C) an anatomical facility inspected and approved under §691.034, Health and Safety Code, only for the purposes of using a body or anatomical specimen, including:

(i) an institution of higher education, and a program within it, in medicine, osteopathic medicine, dentistry, nursing, physician assistant studies, physical therapy, athletic training, emergency medical services or paramedicine, mortuary science, biology, anatomy, biomedical engineering, forensic science, or other health science;

(ii) a licensed physician, dentist, or other licensed health professional conducting education, training, or research consistent with §691.033(a);

(iii) a forensic science program, forensic biology, forensic chemistry, forensic anthropology or taphonomy facility at an institution of higher education or a governmental forensic agency;

(iv) a search-and-rescue organization recognized by the commission for human-remains-detection canine training;

(v) a United States military or other federal medical, dental, surgical, forensic, or health-science education, training, or research program operating in this state, to the extent it receives or uses a body or anatomical specimen derived from a whole body under Chapter 691, Health and Safety Code;

(vi) a medical device, biotechnology, or pharmaceutical entity conducting education, training, research, or development, when receiving bodies or anatomical specimens from, or using bodies or anatomical specimens at, a registered willed body program, non-transplant anatomical donation organization, or anatomical facility;

(vii) a continuing professional education or surgical-training provider conducting activities in an approved setting when receiving bodies or anatomical specimens from, or using bodies or anatomical specimens at, a registered willed body program, non-transplant anatomical donation organization, or anatomical facility;

(viii) an eye bank or tissue bank, in coordination with the commission, only for the purposes of using a body or anatomical specimen. This chapter does not apply to these banks when receiving donations under Chapter 692A, Health and Safety Code, other than whole bodies;

(ix) a governmental medical examiner, law enforcement, first responder agency or forensic agency for education, training, or research, in coordination with the commission; and

(x) any other person designated by the commission under paragraph (5) of this subsection.

(2) Authorized Person. The commission may designate a natural person as an authorized individual under this subsection in the person's own right, as distinct from an entity. An individual acting within the course and scope of employment with an authorized entity while performing the entity's authorized activities is not required to hold a separate individual authorization or registration under this paragraph; however, the authorized entity at all times remains responsible for the actions of its employees under this subsection.

(3) Designated Responsible Individual. Each authorized entity shall designate a responsible individual or individuals accountable for the entity's compliance with this chapter with respect to each body or anatomical specimen. For non-traditional approved anatomical facilities, a Designated Responsible Individual must be on-site for the duration of the activity with the body or anatomical specimen.

(4) Experimentation. As used in §691.033(a), Health and Safety Code, and this section, experimentation means systematic inquiry, testing, or development performed on a body or anatomical specimen to advance medical, surgical, dental, forensic, or other health science.

(5) Designation of additional authorized persons.

(A) A person not within paragraph (1) of this subsection may apply to the commission for designation as an authorized person under §691.033(a), Health and Safety Code, describing the applicant, the intended use, the setting, the supervision, and the recordkeeping and chain-of-custody measures the applicant will follow.

(B) The commission shall refer the application to the State Anatomical Advisory Committee, which shall review it against the criteria in subsection (c) of this section and submit a recommendation to the commission.

(C) In reviewing an application, the advisory committee and the commission shall consider whether the proposed use furthers medical or forensic science under §691.033(a), Health and Safety Code; is within the scope of the consent for donation; will occur in an approved setting under qualified supervision; and will be supported by the records and chain of custody required under this chapter.

(D) The commission shall make the final designation decision after considering the advisory committee's recommendation. A designation may be conditional, limited in duration, or revoked.

(c) Authorized activities. The activities listed in this subsection, when performed by an authorized person within the scope of the consent for donation, are authorized under §691.033(a), Health and Safety Code. The list in this subsection is illustrative of the activities authorized under §691.033(a), Health and Safety Code, and is not exhaustive. An activity within the scope of §691.033(a), Health and Safety Code, is authorized whether or not specifically named.
Figure: 22 TAC §206.2(c)

(d) Activities outside the listed scope. An activity not specifically listed in subsection (c) of this section is authorized when:

(1) the activity is within the scope of the consent for donation; or

(2) the entity provides prior written notice to the commission describing the activity, its purpose, and its alignment with §691.033(a), Health and Safety Code, and the commission does not object within 30 days of receipt.

(e) Safe harbor; conduct with legal authority.

(1) An authorized activity is performed with legal authority within the meaning of Texas Penal Code §42.08 (Abuse of Corpse).

(2) Consistent with §691.033(c), Health and Safety Code, a law relating to the prevention of mutilation of a body does not apply to the use, dissection, operation, examination, or experiment on a body or anatomical specimen authorized under §691.033, Health and Safety Code.

(3) Experimentation, as defined in subsection (b)(4) of this section and expressly authorized by §691.033(a), Health and Safety Code, is an authorized activity when performed by an authorized person within the scope of donor consent. Describing conduct as "experiment" or "experimentation" does not by itself remove it from this safe harbor.

(4) An authorized activity is not subject to administrative penalty under §691.022(c), Health and Safety Code, and is not grounds for suspension, revocation, or denial of registration under §691.034(c) or (d), based solely on the nature of the activity.

(5) Nothing in this section limits the discretion of a district attorney, county attorney, or other prosecuting authority in the exercise of constitutional and statutory charging authority.

(f) Activities not authorized. The following are not authorized under §691.033(a), Health and Safety Code, and are not within the safe harbor of subsection (e) of this section:

(1) use of a body or anatomical specimen outside the scope of the consent for donation;

(2) sale, purchase, or transfer of a body or anatomical specimen for valuable consideration in violation of §692A.016, Health and Safety Code;

(3) use of a body or anatomical specimen by a person not authorized under §691.033(a), Health and Safety Code and this section;

(4) public display of identifying features of a donor (including face, identifying tattoos, scars, or donor identification numbers) without donor consent or appropriate dignity protections;

(5) any activity that an authorized person knows or reasonably should know violates Health and Safety Code, Chapter 691, Chapter 692A, or commission rule;

(6) any authorized activity not performed at a location approved by the commission for the activity. This paragraph does not prohibit a licensed funeral establishment from receiving a body or anatomical specimen for transport, preparation, or final disposition, or a licensed crematory establishment from receiving a body or anatomical specimen for cremation, as provided by §206.4 (relating to Transport, Importation and Exportation of Bodies) and §206.14 of this title (relating to Disposition of the Body and Disposition of Remains).

(g) All requests for transfer of bodies or anatomical specimens directed to a registered or approved willed body program, a registered non-transplant anatomical donation organization, or an inspected and approved anatomical facility - must be made or approved in writing by a Designated Responsible Individual of the requesting entity and acted on by a Designated Responsible Individual of the releasing entity. This subsection is a documentation and accountability requirement adopted under 691.022(c) and 691.031, Health and Safety Code; it does not require commission approval of a transfer and does not exempt any transfer from §§206.3 (relating to Chain of Custody), 206.4, or 206.5 (relating to Transfer of Bodies or Anatomical Specimens) of this title.

(h) Relationship to Penal Code §42.08. This section is adopted to aid prosecutions under Texas Penal Code §42.08 as required by §691.033(d), Health and Safety Code, by giving prosecutors and the public clear notice of the activities authorized and performed with legal authority under Chapter 691, Health and Safety Code, This section does not create, expand, or limit any criminal offense, defense, or element under the Penal Code, except as stated in subsection (e) of this section.

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

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Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
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For further information, please call: (512) 936-2488

22 TAC §206.3

The Texas Funeral Service Commission (Commission or TFSC) adopts the repeal of 22 TAC §206.3, Distribution Priorities, without changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4476) and will not be republished.

Reasoned Justification OF ADOPTED REPEAL.

The adopted repeal is to eliminate the outdated rule and replace it simultaneously with a new more germane rule.

SUMMARY OF COMMENTS.

The Commission received no comments regarding the proposed repeal.

STATUTORY AUTHORITY.

The repeal is adopted under Texas Health and Safety Code, Chapter 691, including §691.Go1, which defines the terms used in the chapter, and §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter. The adopted repeal is also adopted under Chapter 692A, health and Safety Code, and under Chapter 651, Occupations Code, including §651.005, which directs the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691.

The statutory provisions affected by the adopted repeal are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

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

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22 TAC §206.3

The Texas Funeral Service Commission (Commission or TFSC) adopts new §206.3, relating to Chain of Custody. Section 206.3 is adopted with changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4477) and will be republished.

Reasoned Justification.

The adopted new rule under 22 TAC Chapter 206 implement Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The adopted new rule updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The adopted rule rewrites the section to establish chain-of-custody requirements under §691.031, Health and Safety Code, including prescribing the chain-of-custody form and the process for completing, transferring, and retaining it. The adopted rule is necessary to implement the Commission's mandatory duty under §691.031, Health and Safety Code, to adopt rules ensuring that each body or anatomical specimen is properly tracked from intake to final disposition, and to make custody records available for inspection by the Commission or a district or county attorney.

General Comments.

The agency received seven comments regarding the proposed new rule, addressed electronic tracking systems, specimen identifiers, internal movement, derived specimens, privacy, responsibility for prior entries, and record retention.

Agency Response.

The agency appreciates the public comments. The agency believes changes to clarify the version of the Commission form in effect when the body or specimen is first received remains valid for the case; require the form to remain HIPAA compliant; use broader chain-of-custody system terminology; clarify that internal movement under one entity's continuous responsibility is not a new transfer; and refine the seven-year retention record period so it is tied to custodian's last custody date, or final disposition for the person performing final disposition.

Statutory Authority.

The new rule is adopted under Texas Health and Safety Code, Chapter 691, including §691.011, which requires the Commission to keep identification records; §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter; §691.031, which requires the Commission to adopt rules ensuring proper transportation of bodies and the completion, maintenance, and transfer of a chain-of-custody form prescribed by the Commission and the availability of those records for inspection; and §691.033, which addresses recordkeeping for bodies and anatomical specimens. The adopted new rule is also adopted under Chapter 651, Occupations Code, including §651.005.

The statutory provisions affected by the proposed rule are those set forth in Texas Health and Safety Code, Chapter 691; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed rule is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.3. Chain of Custody.

(a) Authority. This section is adopted under the authority of Texas Health and Safety Code §§ 691.011, 691.022(c), 691.031, and 691.033.

(b) Application. This section applies to every person with control or possession of a body or anatomical specimen received, distributed, or used under Chapter 691, Health and Safety Code.

(c) Form prescribed.

(1) The commission prescribes the chain-of-custody form, which is incorporated by reference and available on the commission's website. The form satisfies the requirement of Health and Safety Code §691.031(a)(3)(A).

(2) The commission may revise the form from time to time. The version of the form published on the commission's website as of the date of first receipt of the body or anatomical specimen remains valid for the body or anatomical specimen covered by that form.

(3) The form must remain HIPAA compliant.

(d) Completion of form.

(1) The entity that first acquires a body or anatomical specimen under Chapter 691 shall initiate the form by completing Section A (Header), including the specimen unique identifier assigned under the commission's adopted identifier nomenclature.

(2) At each transfer of custody, the releasing party and the receiving party shall each complete and sign the corresponding entries in Section B (Custody Transfers).

(3) The commission may develop a chain-of-custody system which contains the information contained in the form, and electronic completion of the form satisfies the requirements of this section and Health and Safety Code §691.031. An entity's existing electronic tracking system satisfies this section if the commission confirms in writing that the system captures the data fields of TFSC chain-of-custody form, maintains audit trail required by subsection (i)(2) of this section, transmits data in a compatible format to the commission's electronic chain-of-custody system in real time and meets the production requirement of subsection (j) of this section. A confirmation under this paragraph is a method of compliance, not an exemption, and may be revoked on a determination that the system no longer meets these requirements.

(4) Movement of a body or anatomical specimen within the premises and under the continuous responsibility of a single authorized entity, including movement between secure storage and a laboratory or between workstations, is not a transfer of custody requiring an entry under paragraph (2) of this subsection. The entity's security and tracking

procedures under §206.12(c)(4)(D) of this title governs those movements.

(e) Transport providers.

(1) A courier acting in a transportation capacity, without opening the transport container or exercising discretion over the specimen, shall be indicated by name on the form.

(2) An entity that takes custody for any purpose other than transport, including temporary storage, repackaging, or inspection, shall complete a full custody entry as the receiving party.

(f) Disarticulation and derived specimens.

(1) Where a whole body is disarticulated into multiple anatomical specimens, the master form covering the whole body shall be retained by the entity that performed the disarticulation, and a new chain-of-custody form shall be initiated for each derived specimen, cross-referencing the master form's specimen unique identifier.

(2) The retention requirement in subsection (h) of this section applies to the master form and to each derived form.

(3) Paragraph (1) of this subsection applies when a specimen is separated from a body for separate use, transfer or disposition. Natural disarticulation of skeletal elements maintained together at the same facility under the master form does not require initiation of a derived form until an element is separately used, transferred, or distributed, at which time a derived form cross-referencing the master form's specimen unique identifier must be initiated.

(g) Transfer of form with custody. Consistent with Health and Safety Code §691.031(a)(3)(C), each person who transfers custody of a body or anatomical specimen shall transfer the original or a complete copy of the chain-of-custody form to the receiving party at the time of transfer, and shall retain a copy.

(h) Retention. Each person with custody of a body or anatomical specimen shall retain a copy of the chain-of-custody form for seven (7) years following the later of the person's last date of custody of the body or anatomical specimen or, for the person performing final disposition, the date of final disposition, or for such longer period as required by other applicable law.

(i) Format.

(1) The chain-of-custody form may be maintained in paper or electronic format, and additionally may be used in multiple copies, so long as each copy maintained by the sender and receiver contains a complete copy of the form.

(2) An electronic form shall:

(A) contain all required fields;

(B) capture signatures by electronic means consistent with Tex. Bus. & Com. Code Chapter 322 (Uniform Electronic Transactions Act); and

(C) maintain an audit trail capable of demonstrating the date, time, and identity of each entry.

(j) Inspection and production. Consistent with Health and Safety Code §691.031(f), each chain-of-custody form shall be made available for inspection by the commission or by a district or county attorney upon request not later than two (2) business days of a written request.

(k) Failure to comply. Failure to complete, retain, or transfer a chain-of-custody form as required by this section may result in administrative penalties under §691.022(c) or suspension or revocation of registration under §691.034(c) or (d).

(l) Responsibility. Each person completing an entry under this section is responsible for the accuracy and completeness of the person's own entries for the person's own period of custody and may rely in good faith on the form as received. This subsection does not limit the commission's authority under §691.034(b), Health and Safety Code, with respect to any person's own conduct, and does not relieve any person of the duties imposed by §691.031(d)-(f), Health and Safety Code, applicable to that person as a sender or receiver.

(m) Implementation. The commission will not enforce the form-completion requirements of this section before the 30th day after the effective date of this section. The commission will publish the chain-of-custody form, the specimen unique identifier nomenclature, and technical specifications for electronic completion before that date.

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

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Maria Haynes
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22 TAC §206.4

The Texas Funeral Service Commission (Commission or TFSC) adopts amendments to §206.4, relating to Transport, Importation and Exportation of Bodies. Section 206.4 is adopted with changes to the adopted text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4479) and will be republished.

Reasoned Justification.

The adopted amendment under 22 TAC Chapter 206 implements Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The adopted amendment updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The adopted rule amends the section to conform it to Senate Bill 2040 and current statutory structure, including replacing references to the former "board" and "secretary-treasurer" with the Commission and its Executive Director and updating provisions governing transport, importation, and exportation of bodies and anatomical specimens. It removes a redundant provision regarding violations of rules and also moves and revises a requirement for a yearly procurement and use report for anatomical entities to assist the commission in evaluating compliance with statutory requirements for export. The adopted rule is necessary to conform the rule to Chapter 691 as amended by Senate Bill 2040, ensure the secured and dignified transport of bodies and anatomi-

cal specimens, and provide clear conditions for importation into and exportation out of this state.

General Comments.

The agency received three comments regarding the adopted amendment, which centered on focused primarily on interstate movement, NADO transfers, the scope of Commission approval authority, and return shipments to an out-of-state provider.

Agency Response.

The agency appreciates the public comments. The agency believes changes to clarify the import-notification timing, recognize the statutory treatment of qualifying NADO export activity, and clarify that returning a body or specimen to the same out-of-state provider after completion of the authorized Texas activity is completion of the original documented transfer and does not require a new export approval. Other transportation and chain-of-custody requirements continue to apply.

Statutory Authority.

The amendment is adopted under Texas Health and Safety Code, Chapter 691, including §691.022(c), which requires the Commission to adopt rules and establish procedures necessary to administer and enforce the chapter; §691.029, which authorizes the Commission to receive, distribute, and transfer a body or anatomical specimen from inside or outside this state; §691.030, which governs the Commission's distribution and out-of-state transport of bodies and anatomical specimens; and §691.031, which requires the Commission to adopt rules ensuring proper transportation and labeling. The amended rule is also adopted under Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code, including §651.005.

The statutory provisions affected by the adopted rule are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed rule is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.4. Transport, Importation and Exportation of Bodies.

(a) Transport of Bodies. The transfer and transport of bodies or anatomical specimens from one willed body program, non-anatomical donation organization or anatomical facility to another, or for export from the state, shall be done in an appropriate, secured vehicle operated by a licensed funeral establishment, ambulance service, willed body program, non-anatomical donation organization, anatomical facility, search organization, or public carrier. A label with the statement that the container's contents are derived from human tissue shall be affixed to the container in which the body or anatomical specimen is transported. The container shall be secured, packaged to prevent leakage of fluids and kept at an appropriate interior temperature to prevent decomposition and emission of odors.

(b) Each body or anatomical specimen shall be carefully deposited and transported with the least possible public display.

(c) Importation. Notification of the intent to import a body or anatomical specimen from outside of the State of Texas shall be given to the commission in writing as soon as practicable. Such bodies or specimens shall fall under the jurisdiction of the commission upon entering the State of Texas, and all rules regulating such material shall apply.

(d) Exportation. No body or anatomical specimen under the jurisdiction of the commission including donations to tissue banks authorized by Health and Safety Code, Chapter 692A, shall be shipped out of the State of Texas, unless permission in writing for such shipment has been granted by the commission.

(1) The commission may grant approval of exportation of a body or anatomical specimen if it determines that:

(A) the recipient out-of-state institution is a willed body program, non-transplant anatomical donation organization or anatomical facility of the same type as those authorized recipients listed in §206.2 of this title (relating to Authorized Activities);

(B) the supply of bodies or anatomical specimens exceeds the needs for bodies or anatomical specimens in this state; and

(C) the donor authorized out-of-state shipment.

(2) If, in the opinion of the commission, a video or in-person site visit to the requesting institution is desirable or necessary to verify that the requesting institution respects the dignity of the human body and complies with any restrictions contained in the donor instrument, such a visit shall be made by the willed body program or non-transplant anatomical organization and a report made to the commission, which includes, but is not limited to, a review of the materials required §206.12(c)(4)(D) of this title (relating to Registration Application and Inspection Required) and implementation procedures of the out of state facility as a condition of approving the transfer. The expenses incurred by such a site visit shall be reimbursed by the potential receiving institution.

(3) To the extent §691.030(e), Health and Safety Code, excludes a body or anatomical specimen donated to a registered non-transplant anatomical donation organization from §691.030, Health and Safety Code, the approval requirements of this subsection and paragraph (1) of this subsection do not apply to the exportation of that body or anatomical specimen. The registered non-transplant anatomical donation organization shall provide the commission written notice of the exportation, in the form or electronic system prescribed by the commission, before or at the time of shipment. This paragraph applies only to the body or anatomical specimen described by §691.030(e), Health and Safety Code; it does not exempt the organization or any other person from subsections (a), (b), (c), or (f) of this section, from §206.3 of this title (relating to Chain of Custody), or from any other requirement of this chapter, and it does not apply to a body or anatomical specimen distributed by or through the commission or a willed body program.

(4) The return of a body or anatomical specimen to the out-of-state person from which it was received, on completion of the authorized activity for which it was transferred into this state, is the completion of the original documented transfer, must be recorded on the chain-of-custody form under §206.3 of this title, and does not require approval under this subsection.

(e) Proscription of local removal. Bodies or anatomical specimens shall not be removed or relocated from the designated premises of the willed body program, non-transplant anatomical donation program, or anatomical facility which have been authorized by the commission to receive, hold, or dispose of bodies without the written permission of the Executive Director of the commission or the Executive Director's designee.

(f) Yearly procurement and use report. Each willed body program or non-transplant anatomical donation organization which has received, directly or by transfer, and/or used a body during the prior year shall complete, sign and file with the commission the yearly cadaver procurement and use report prescribed by the commission. Each anatomical facility shall file an annual need or use report prescribed by the commission. These reports shall be filed not later than August

31 of each year for the prior annual period. Tissue banks and search organizations receiving donations as authorized by Health and Safety Code Chapter 692A will file a cadaver procurement and transfer form as prescribed by the commission.

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

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Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
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22 TAC §206.5

The Texas Funeral Service Commission (Commission or TFSC) adopts amendments §206.5, relating to Transfer of Bodies or Anatomical Specimens. Section 206.5 is adopted with changes to the adopted text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4481) and will be republished.

Reasoned Justification.

The adopted amendment under 22 TAC Chapter 206 implements Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The adopted amendment updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The adopted rule amends the section to update the transfer-application and approval process, including providing that an Authorized Person, as defined in §206.1, may request a transfer on the form prescribed by the Commission and designating the Executive Director or the Executive Director's designee as authorized to approve transfers. The adopted rule is necessary to conform the transfer process to Chapter 691 as amended by Senate Bill 2040 and to the Commission's current structure, and ensure that transfers are made only to approved recipients under clear conditions.

General Comments.

The agency received five comments regarding the adopted amendment, which focused heavily on the Commission's transfer-approval process as it applies to material donated to registered non-transplant anatomical donation organizations.

Agency Response.

The agency appreciates the public comments. The agency believes changes to language expressly recognizes that, to the extent §691.022(a) and §691.030(e) removes qualifying NADO distributions from the Commission's distribution and redistribution functions, case-by-case Commission transfer approval does not apply. The rule also makes clear that this does not eliminate chain of custody, recipient authorization, transportation, registration, inspection, reporting, or disposition requirements that otherwise apply.

Statutory Authority.

The amendment is adopted under Texas Health and Safety Code, Chapter 691, including §691.022, which addresses the Commission's distribution duties and authorizes the Commission to adopt rules and establish procedures necessary to administer and enforce the chapter; §691.029, which authorizes the Commission to receive, distribute, and transfer a body or anatomical specimen; §691.030, which governs distribution and redistribution; and §691.033, which authorizes the use of bodies and anatomical specimens to further medical or forensic science. The adopted rule is also adopted under Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code, including §651.005.

The statutory provisions affected by the proposed rule are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed rule is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.5. Transfer of Bodies or Anatomical Specimens.

(a) Application for transfer. An Authorized Person, as defined in §206.1 of this title (relating to Scope and Definitions), desiring the transfer of a body or anatomical specimen must make written request on the form or electronic system prescribed by the commission.

(b) Approval of transfer. The Executive Director of the commission or the Executive Director's designee is authorized to approve transfers. All recipients of transfers must be an approved willed body program, non-transplant anatomical donation organization or an authorized person for use at approved anatomical facility.

(c) Applicability.

(1) This section applies to each request for the transfer of a body or anatomical specimen, including a request directed to the commission and a request for a body or anatomical specimen distributed by or through the commission or a willed body program.

(2) To the extent §§691.022(a) and 691.030(e), Health and Safety Code, exclude a body or anatomical specimen donated to a registered non-transplant anatomical donation organization from the commission's distribution and redistribution functions, the approval requirement of subsection (b) of this section does not apply to the transfer of that body or anatomical specimen by that organization. The transferor and the recipient shall document each such transfer as provided by §206.3 of this title (relating to Chain of Custody); the recipient must be authorized person under §206.2 of this title (relating to Authorized Activities); and the transfer remains subject to §206.4 of this title (relating to Transport, Importation and Exportation of Bodies) to the extent applicable.

(3) This section does not exempt any person from any requirement of this chapter on account of the source of a body or anatomical specimen. A person that receives a body or anatomical specimen from a registered non-transplant anatomical donation organization remains subject to every requirement of this chapter applicable to that person, including registration or authorization under §206.12 of this title (relating to Registration Application and Inspection Required), chain of custody under §206.3 of this title, transport and importation under §206.4 of this title, recordkeeping and reporting, inspection as

authorized by §691.034, Health and Safety Code, and disposition under §206.14 of this title (relating to Disposition of the Body and Disposition of Remains).

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

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22 TAC §206.7

The Texas Funeral Service Commission (Commission or TFSC) adopts the repeal of 22 TAC §206.7, Board Forms, without changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4483) and will not be republished.

The adopted repeal is to eliminate the outdated rule and replace it simultaneously with a new more germane rule.

SUMMARY OF COMMENTS.

The Commission received no comments regarding the proposed repeal.

STATUTORY AUTHORITY.

The repeal is adopted under Texas Health and Safety Code, Chapter 691, including §691.Go1, which defines the terms used in the chapter, and §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter. The adopted repeal is also adopted under Chapter 692A, health and Safety Code, and under Chapter 651, Occupations Code, including §651.005, which directs the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691.

The statutory provisions affected by the adopted repeal are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

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

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22 TAC §206.7

The Texas Funeral Service Commission (Commission or TFSC) adopts new §206.7, relating to Educational Use of Anatomical Material; Prohibition of Public Display. Section 206.7 is adopted with changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4484) and will be republished.

Reasoned Justification.

The adopted new rule under 22 TAC Chapter 206 implements Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The adopted new rule updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The adopted new rule governs the educational use of human anatomical material and to prohibit the public display of a body or gross anatomical specimen as spectacle or entertainment. The adopted new rule permits educational observation and participation when four conditions are met donor consent, an approved setting inspected by the Commission, qualified supervision, and a bona fide educational purpose and prohibits selling admission to the general public to observe the display, dissection, or examination of human anatomical material. The adopted new rule is necessary to ensure that human anatomical material used for educational observation is handled with respect and dignity consistent with the treatment-with-respect standard the Commission is required to adopt under §691.022(b), Health and Safety Code; preserve broad and legitimate access to anatomical education for the scientific and professional community; and prohibit the display of human anatomical material as public spectacle or entertainment.

General Comments.

The agency received four comments regarding the proposed new rule, which addressed qualified supervision, temporary and nontraditional facilities, museums and exhibitions, photography and recording, security cameras, and the distinction between legitimate education and public spectacle.

Agency Response.

The agency appreciates the public comments. The agency believes changes align the section with the "consent for donation" terminology; clarify the approved-setting requirement; and add a limited fixed-security-system provision so security recordings are not required to obscure identifying features, while prohibiting their use or distribution for another purpose. The rule continues to preserve bona fide educational, museum, and scientific activities that meet the stated safeguards.

Statutory Authority.

The new rule is adopted under Texas Health and Safety Code, Chapter 691, including §691.022(b), which requires the Commission to adopt rules to ensure that each body and anatomical specimen is treated with respect while in the custody of the Commission or a person authorized to receive the body or specimen, and §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter and authorizes the Commission to assess administrative penalties and to revoke, suspend, or pro-

bate a registration or other authorization in the manner provided by Chapter 651, Occupations Code; §691.028, which governs donation of a body by written instrument and the informed consent of the donor; §691.033, which authorizes the use, dissection, operation on, examination, and experimentation on a body or anatomical specimen to further medical or forensic science; and §691.034, including §691.034(c) and (d), which authorize the Commission to suspend or revoke a registration or other authorization and provide for a hearing. The adopted new rule is also proposed under Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code, including §651.005.

The statutory provisions affected by the adopted new rule are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed rule is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.7. Educational Use of Anatomical Material; Prohibition of Public Display.

(a) Authority and purpose.

(1) This section is adopted under Texas Health and Safety Code, §§691.022(b), 691.028, and 691.033.

(2) The purpose of this section is to ensure that human anatomical material used for educational observation is handled with respect and dignity, to preserve broad and legitimate access to anatomical education for the scientific and professional community, and to prohibit the display of human anatomical material as public spectacle or entertainment.

(b) Educational use permitted under four conditions. A person may observe or participate in the educational use, dissection, or examination of a body or anatomical specimen, regardless of the person's profession, credential, or level of education, provided all of the following conditions are met:

(1) Donor consent. The donor or a person authorized under §692A.009 consented to the use of the body or specimen for education or training, and the consent reasonably encompasses observation by the category of persons present. Consent documented on the commission's Donor Acknowledgement Form, or an equivalent record under §691.028, is one way of satisfying this requirement when the donor personally made the donation; consent for donation, as defined in §206.1 of this title (relating to Scope and Definitions), otherwise satisfies this requirement.

(2) Approved setting. The activity occurs in an approved setting. A venue offering general admission or access by the public is not an approved setting for purposes of this section.

(3) Qualified supervision. The activity is led or supervised by a Qualified Instructor or Bioskills Trainer, who is responsible for the educational purpose and for respectful conduct during the activity.

(4) Bona fide educational purpose. The activity serves a genuine educational, training, or research purpose and is part of a structured program, course, or supervised session. The activity is not open to general public attendance, is not marketed or conducted as entertainment or spectacle, and does not offer admission to the general public for a fee or otherwise to observe human remains.

(c) Minors as observers. A minor may observe or participate in educational use under subsection (b) of this section when the activity is part of an accredited or recognized educational program in which the minor is enrolled, the supervising qualified instructor approves the minor's participation, and any consent required by the educational institution or by the minor's parent or guardian has been obtained. This subsection does not authorize general public attendance by minors outside an enrolled educational program.

(d) Prohibition of public display.

(1) No person may engage in the public display of a body or anatomical specimen except as part of a bona fide educational activity meeting all conditions of subsection (b) of this section.

(2) No person may sell admission, tickets, or access to the general public to observe the display, dissection, or examination of a body or anatomical specimen.

(3) This subsection does not prohibit:

(A) a legitimate educational program meeting subsection (b) of this section;

(B) reverent, consent-based public memorial or recognition of anatomical donors that does not involve display of remains as spectacle; or

(C) an accredited museum or scientific exhibition conducted with documented consent and appropriate dignity protections, subject to any additional commission approval.

(e) Media and recording. Recording, photography, or live transmission of educational activities under this section is permitted only consistent with the consent for donation and applicable dignity protections, including obscuring identifying features. This subsection does not prohibit recording by a fixed security system for facility security purposes; a security recording is not required to obscure identifying features, may not be used, sold, or distributed for any other purpose, and is subject to the treatment-with-respect standard adopted under §691.022(b), Health and Safety Code. Sale or public distribution of recordings depicting identifiable human remains as spectacle is prohibited.

(f) Treatment with respect. All educational use under this section is subject to the treatment-with-respect standard adopted under §691.022(b). The Qualified Instructor or Bioskills Trainer is responsible for ensuring that conduct during the activity is respectful of the donor and consistent with the dignity of the human remains.

(g) Enforcement. A violation of this section may result in administrative penalties under §691.022(c) and suspension or revocation of registration under §691.034(c) or (d). Conduct prohibited by this section is not an authorized activity under §206.2 of this title (relating to Authorized Activities) and does not fall within the safe harbor of that section.

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

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Maria Haynes
Interim Executive Director
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For further information, please call: (512) 936-2488

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22 TAC §206.8

The Texas Funeral Service Commission (Commission or TFSC) adopts amendments §206.8, relating to Forms for Recording of Willed and Donated Bodies. Section 206.8 is adopted with changes to the adopted text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4487) and will be republished.

Reasoned Justification.

The adopted amendment under 22 TAC Chapter 206 implements Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The adopted amendment updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The adopted rule amends the section governing the forms used to record willed and donated bodies and the complaint-notice information that must be included in a written contract relating to a willed or donated body. The adopted rule replaces the former Anatomical Board references and updates the required complaint-notice language to direct complaints and inquiries to the Commission, and allows the notice to be provided on the contract form itself or on a separate signed acknowledgement kept with the contract and subject to inspection. The adopted rule is necessary to conform the section to Chapter 691 as amended by Senate Bill 2040 and to implement §691.010, Health and Safety Code, which requires the Commission by rule to establish methods by which service recipients are notified of the Commission's name, mailing address, and telephone number for the purpose of directing complaints.

General Comments.

The agency received three comments regarding the adopted amendment, which focused on the interaction between the complaint-notice requirement and the Uniform Anatomical Gift Act, previously executed documents, out-of-state documents of gift, and donor-consent terminology.

Agency Response.

The agency appreciates the public comments. The agency believes changes clarifies that the notice requirement applies prospectively and does not invalidate or require amendment of a validly executed prior will, instrument, or document of gift. The language also recognizes documents of gift valid under Chapter 692A while maintaining the TFSC contact-information requirement for applicable Texas donation documents going forward.

Statutory Authority.

The amendment is adopted under Texas Health and Safety Code, Chapter 691, including §691.010, which requires the Commission to make information of public interest available and by rule to establish methods by which service recipients are notified of the Commission's name, mailing address, and telephone number for the purpose of directing complaints to the Commission; §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter; and §691.028, which governs donation of a body by written instrument. The adopted rule is also adopted under Chapter 692A, Health and Safety Code (Revised Uniform Anatomical Gift Act), and Chapter 651, Occupations Code, including §651.005.

The statutory provisions affected by the adopted rule are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed rule is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.8. Forms for Recording of Willed and Donated Bodies.

(a) Each consent for donation or written consent donating a body within the State of Texas and/or relating to bodies willed or donated to an entity within the State of Texas regulated by the commission or authorized by the commission to receive bodies shall include the name, mailing address, and telephone number of the commission for the purpose of directing complaints to the commission. An entity may comply with this subsection by including this notice on the contract form itself or on a separate notice acknowledgement signed by the donor or other authorized individual at the time of execution of the written contract. If the notice is provided separately, the acknowledgement must be kept with the written contract and is subject to inspection by the commission.

(b) This section applies to a written contract executed under the law of this state on or after the effective date of this section. Nothing in the chapter invalidates, or requires the re-execution or amendment of, a will, written instrument, or document of gift validly executed before the effective date of this section. A document of gift valid under §692A.019, Health and Safety Code, is valid without regard to whether it contains the notice described by this section; a body or anatomical specimen received under such a document is, on receipt in this state, subject to the chapter.

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

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22 TAC §206.11

The Texas Funeral Service Commission (Commission or TFSC) adopts the repeal of 22 TAC §206.11, Institutions Authorized to Receive and Hold Bodies, without changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4488) and will not be republished.

Reasoned Justification OF ADOPTED REPEAL.

The adopted repeal is to eliminate the outdated rule and replace it simultaneously with a new more germane rule.

SUMMARY OF COMMENTS.

The Commission received no comments regarding the proposed repeal.

STATUTORY AUTHORITY.

The repeal is adopted under Texas Health and Safety Code §651.152, which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce Chapter 651; Texas Occupations Code §651.005, which requires the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691, Health and Safety Code; and Texas Health and Safety Code §691.034(g), which requires the Commission to adopt rules and procedures necessary to administer the regulation and registration of persons and institutions using bodies and anatomical specimens.

CROSS REFERENCE TO STATUTE

The adopted repeal implements Texas Health and Safety Code §§691.030, 691.033, and 691.034.

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

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22 TAC §206.12

The Texas Funeral Service Commission (Commission or TFSC) adopts the repeal of 22 TAC §206.12, Application and Inspection of Facilities, without changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4490) and will not be republished.

Reasoned Justification of Adopted Repeal.

The adopted repeal is to eliminate the outdated rule and replace it simultaneously with a new more germane rule.

SUMMARY OF COMMENTS.

The Commission received no comments regarding the proposed repeal.

STATUTORY AUTHORITY.

The repeal is adopted under Texas Health and Safety Code, Chapter 691, including §691.Go1, which defines the terms used in the chapter, and §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter. The adopted repeal is also adopted under Chapter 692A, health and Safety Code, and under Chapter 651, Occupations Code, including §651.005, which directs the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691.

The statutory provisions affected by the adopted repeal are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

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

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22 TAC §206.12

The Texas Funeral Service Commission (Commission or TFSC) adopts new §206.12, relating to Registration Application and Inspection Required. Section 206.12 is adopted with changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4491) and will be republished.

Reasoned Justification.

The adopted new rule updates 22 TAC Chapter 206 implement Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The adopted new rule updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The adopted new rule establishes the application, registration, inspection, renewal, ownership-change, relocation, and renovation requirements for individuals and entities that receive, use, or transfer donor whole bodies or anatomical specimens under Chapter 691, implementing the Commission's registration and inspection authority under §691.034. The proposed rule is necessary to implement the Commission's mandatory duties under §691.034, Health and Safety Code, which requires willed body programs and non-transplant anatomical donation organizations to register with the Commission, requires the Commission to inspect and may approve willed body programs and anatomical facilities, and requires the Commission to adopt rules and procedures necessary to administer registration and inspection, and the Commission's authority under §691.022(c) to establish registration and inspection requirements and procedures.

General Comments.

The agency received six comments regarding the proposed new rule, which addressed ownership disclosures, application documentation, accreditation, inspections, renewals, existing registrants, employees, and how governmental entities and institutions of higher education can satisfy application requirements structured around private ownership.

Agency Response.

The agency appreciates the public comments. The agency believes changes clarify that employees acting within the course and scope of an authorized entity do not need separate autho-

rization; measure the initial application decision period from receipt of an administratively complete application; create an application pathway tailored to governmental entities and institutions of higher education; clarify notice and hearing protections for renewal refusal; and add transition language so existing registrants are not forced through a new initial application and inspection solely because the rule is adopted.

Statutory Authority.

The new rule is adopted under Texas Health and Safety Code, Chapter 691, including §691.034, which requires willed body programs and non-transplant anatomical donation organizations to register with the Commission, provides for conditional registration, requires the Commission to inspect and may approve willed body programs and anatomical facilities, requires the Commission to establish a process to periodically verify a non-transplant anatomical donation organization's compliance, authorizes investigations and inspections, authorizes suspension or revocation of registration or other authorization, provides for a hearing, and requires the Commission to adopt rules and procedures necessary to administer the section; §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter, including rules establishing registration and inspection requirements and procedures, and authorizes administrative penalties in the manner provided by Chapter 651, Occupations Code; and §691.012, which authorizes the Commission by rule to set and collect fees, including fees for registration and for conducting inspections and verification activities. The adopted new rule is also proposed under Chapter 651, Occupations Code, including §651.005.

The statutory provisions affected by the adopted new rule are those set forth in Texas Health and Safety Code, Chapter 691; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed rule is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.12. Registration Application and Inspection Required.

(a) Authorization or registration required. Any individual or entity wishing to receive, use, or transfer non-transplant donor whole bodies or anatomical specimen for purposes under Chapter 691, Texas Health and Safety Code, must hold an active and valid registration or authorization with the commission prior to operating in Texas. If an individual is simply attending an event as a student, trainee, or employee of the authorized entity acting within the course and scope of employment, no authorization or registration is required by the individual.

(b) Initial Application. An application for an authorization or registration must be made to the commission on a form provided by the commission and accompanied with the required nonrefundable application fee. The commission shall approve or deny an initial application within 90 days from receipt of an administratively complete application.

(c) The application must contain:

(1) the name, address and phone number of:

(A) the sole proprietor, if the applicant is a sole proprietor;

(B) each general partner who is an individual, if the applicant is a partnership; and

(C) any individual who has an ownership interest of more than 25 percent in the corporation, if the applicant is a corporation.

(2) the legal name of the applicant; a description and diagram of the applicant's ownership structure; contact information; type of legal entity; and a signed notarized statement that the applicant is not owned by a TFSC commissioner or any establishment or individual licensed by the commission under Occupations Code chapter 651.

(3) if different from subsection (c)(2), the name of the applicant facility, which should be the name the facility does business as or an assumed name that would appear on the authorization or registration and should match any advertisements or facility signage; facility physical and mailing address, telephone number, website, and if licensed by another state agency, the license number and proof that the license is valid and in good standing.

(4) Documentation. The application must include the following documentation:

(A) Proof of compliance with all applicable federal, state and local laws for fire prevention and safety; storage, use and disposal of hazardous chemicals, pathogens, and medical waste; applicable zoning and facility construction requirements;

(B) Proof of compliance with all applicable federal, state and local laws for the storage, use, transfer, and receipt of donor human bodies or body parts, including that of any involved third-party for such actions, including a copy of an active crematory license and/or TCEQ Permit issued under 30 Texas Administrative Code §106.494 if the applicant will perform cremations;

(C) A copy of the applicant's consent forms that would be provided to a potential donor or donor agent;

(D) A copy of the applicant's internal policies and procedures for:

(i) identifying each human body or body part to the individual decedent donor;

(ii) recording the chain of custody for the control or possession of the donor human body or anatomical specimen from receipt to return or disposition of the donor body or body part upon completion of use or purpose;

(iii) treatment of whole body or anatomical specimen with dignity and respect by staff, students, instructors, visitors, and all individuals who will be handling the body or specimen while the body or anatomical specimen is located at the applicant facility;

(iv) video and photography of the decedent donor or during an event in which the donor whole body or anatomical specimen is used;

(v) Security procedures to preclude unauthorized access and use of a donor whole body or anatomical specimen; and

(5) for a non-transplant anatomical organization, proof of accreditation from the AATB, or for a conditional registration application for a non-transplant anatomical organization:

(A) evidence demonstrating the applicant's compliance with the Standards for Non-Transplant Anatomical Donation, in the form prescribed by the commission;

(B) a statement describing the applicant's efforts to obtain accreditation, if accreditation is available; and

(C) the applicant's acknowledgment that a conditional registration is subject to the conditions stated on the certificate, to findings of continued compliance at each renewal, and to revocation for noncompliance. The non-transplant anatomical organization has a continuing obligation to notify the commission within five (5) business days in the event the organization loses its accreditation with the AATB.

(6) for an applicant that is a governmental entity or an institution of higher education, paragraphs (1) and (2) of this subsection are satisfied by providing; the legal name of the applicant and of its governing system or board; the name, address, and phone number of the individual authorized to represent the applicant before the commission; the name and contact information of the responsible program director; and the signed, notarized statement described by paragraph (2) of this subsection, executed by the authorized representative.

(d) All applicants must pass an on-site inspection, unless exempt by statute, prior to receiving authorization or registration by the commission to operate in Texas.

(e) After satisfying all application requirements for authorization or registration, the executive director shall issue an authorization or registration certificate to the applicant.

(f) An authorization or registration expires on the last day of the month 12 months from the date of issue listed on the certificate. The certificate shall include the dates for which the authorization or registration is valid. The executive director may issue an authorization or registration for a shorter time period if the facility does not receive, use, or store donor whole bodies or anatomical specimen on a daily basis.

(g) The certificate must be displayed prominently in the authorized entity's facility where personnel and visitors may view.

(h) Renewal Application. Applicants must complete and submit an application for renewal on a form prescribed by the commission. The renewal period of an authorization or registration is 12 months, unless the certificate is issued for a shorter time period.

(i) A late renewal fee will be assessed for an application for renewal which has been postmarked after its renewal date.

(j) Authorized entities may be inspected upon the submission of a renewal application. For a registered non-transplant anatomical donation organization, an inspection in connection with renewal may occur only as part of the verification process established under §691.034(a-3), Health and Safety Code, or an investigation under §691.034(b), Health and Safety code.

(k) A renewal certificate will not be issued unless:

(1) all fees and outstanding penalties, if any, have been paid;

(2) the commission's records reflect that the applicant is current on a payment plan; or

(3) the penalties previously assessed are the subject of an administrative hearing or judicial review.

(l) The commission may investigate any circumstances involved with the renewal of any authorization or registration.

(m) A registration or authorization will be canceled if the application for renewal is not received within 60 days of the expiration date listed on the authorization or registration certificate,

(n) The commission may refuse to renew a registration or authorization certificate, subject to the applicable notice and hearing provisions of §691.034, Health and Safety Code, and Chapter 651, Occupations Code.

(o) Subsections (i) and (m) do not apply to authorization or registration certificates issued for a period less than 12 months.

(p) Ownership Change. No authorization or registration may be transferred or assigned from one authorized entity to another without the approval of the commission.

(q) If a change of ownership of an authorized entity is anticipated, in order to ensure continuity of operations or services, the commission shall be informed in writing and the applicant shall submit an amended application for authorization or registration and a pay a nonrefundable fee at least 30 days prior to the change of ownership of each authorized entity. The commission will make best efforts to approve or reject the ownership change within 30 days of receipt of a complete amended application or the entity's last response to a request for clarification or additional documentation.

(r) Relocation. If an authorized entity is relocating, the authorized entity must submit an amended application and a pay the nonrefundable fee at least 30 days prior to the relocation.

(s) Renovation. An authorized entity that has undergone major renovations that may affect the entity's compliance with facility standards must submit an amended application and pay the nonrefundable fee upon completion of the renovation.

(t) An inspection under subsection (u) of this section following an amended application is conducted, for a registered non-transplant anatomical donation organization, only as authorized by §691.034(a-3) or (b), health and Safety Code.

(u) Applicants under subsections (r) and (s) must pass an on-site inspection prior to the commission approving an authorization or registration.

(v) If the application is approved, an authorization or registration certificate shall be issued to the applicant effective for the dates listed on the certificate. The previous authorization or registration shall be void on the date the new registration or authorization certificate is issued.

(w) Transition. An entity holding a registration or authorization issued by the commission before the effective date of this section is not required to submit an initial application or undergo an initial inspection under this section solely by reason of the adoption of this section. This section applies to the entity beginning with the entity's first renewal after the effective date of this section. This subsection does not limit the commission's authority under §691.034(b), Health and Safety Code.

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

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22 TAC §206.14

The Texas Funeral Service Commission (Commission or TFSC) adopts the repeal of 22 TAC §206.14, Final Disposition of the Body and Disposition of Remains, without changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4494) and will not be republished.

REASONED JUSTIFICATION OF ADOPTED REPEAL.

The adopted repeal is to eliminate the outdated rule and replace it simultaneously with a new more germane rule.

SUMMARY OF COMMENTS.

The Commission received no comments regarding the proposed repeal.

STATUTORY AUTHORITY.

The repeal is adopted under Texas Health and Safety Code, Chapter 691, including §691.Go1, which defines the terms used in the chapter, and §691.022(c), which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter. The adopted repeal is also adopted under Chapter 692A, health and Safety Code, and under Chapter 651, Occupations Code, including §651.005, which directs the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691.

The statutory provisions affected by the adopted repeal are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 692A; and Texas Occupations Code, Chapter 651.

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

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22 TAC §206.14

The Texas Funeral Service Commission (Commission or TFSC) adopts new §206.14, relating to Disposition of the Body and Disposition of Remains. Section 206.14 is adopted with changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4495) and will be republished.

Reasoned Justification.

The adopted new rule under 22 TAC Chapter 206 implements Texas Health and Safety Code, Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Chapter 692A, Health and Safety Code, and Chapter 651, Occupations Code.

The adopted new rule updates Chapter 206 to conform the Commission's anatomical-donation rules to the statutory framework enacted by Senate Bill 2040, 88th Legislature, Regular Session (2023), which transferred regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and redesignated and amended Chapter 691, Health and Safety Code. The adopted new rule amends the section heading and rewrites the section governing the final disposition of a donor whole body or anatomical specimen and the disposition of remains after an authorized entity's use is complete, including return to the providing entity, burial or cremation in compliance with applicable law, and compliance with donor disposition instructions. The adopted new rule is necessary to conform the section to Chapter 691 as amended by Senate Bill 2040; implement the Commission's general duties under §691.022, including the treatment-with-respect standard under §691.022(b); and ensure that final disposition occurs in compliance with Occupations Code, Chapter 651, and Health and Safety Code, Chapter 716, and with documented donor instructions.

General Comments.

The agency received two comments regarding the proposed new rule, which addressed return of remains to the providing organization, lawful final-disposition methods, donor instructions, cremation, and residual tissue.

Agency Response.

The agency appreciates the public comments. The agency believes changes will make the return obligation mandatory where the receiving entity is not statutorily permitted to accept the donation directly and clarify that references to a donor's agent and instructions include persons and directions recognized through the "consent for donation" framework. The rule continues to require compliance with donor instructions to the extent permitted by law.

Statutory Authority.

The new rule is adopted under Texas Health and Safety Code, Chapter 691, including §691.022, which requires the Commission to adopt rules to ensure that each body and anatomical specimen is treated with respect and to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce the chapter; §691.030, which governs the Commission's distribution and redistribution of bodies and anatomical specimens; and §691.033, which authorizes the use of bodies and anatomical specimens and requires recordkeeping that tracks each body or anatomical specimen from intake to final disposition. The adopted new rule is also proposed under Chapter 651, Occupations Code, including §651.005, and is adopted consistent with Chapter 716, Health and Safety Code (crematory services).

The statutory provisions affected by the adopted rule are those set forth in Texas Health and Safety Code, Chapter 691, and Chapter 716; and Texas Occupations Code, Chapter 651.

The legislation that enacted the statutory authority under which the proposed rule is proposed to be adopted is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.14. Disposition of the Body and Disposition of Remains.

(a) Once a donor whole body or anatomical specimen will no longer be used by an authorized entity:

(1) if the authorized entity is prohibited by statute from receiving a whole body or anatomical specimen donation directly from a donor or donor's agent, then upon completion of use of the whole body or anatomical specimen, the authorized entity must return the donor whole body or anatomical specimen to the providing authorized willed body program or authorized non-transplant anatomical donation organization; and

(2) if the authorized entity is permitted by statute to receive a whole body or anatomical specimen donation directly from a donor or donor's agent, then upon completion of use of the whole body or anatomical specimen, the authorized entity is to bury, incinerate or cremate the body in compliance with Occupations Code chapter 651, Health and Safety Code chapter 716, and the commission's rules of this

title, 30 TAC §106.494, and any other applicable federal, state or local law.

(b) If the donor or donor's agent left instructions regarding the disposition of the donor's body after the authorized entity's use for the donor is completed, the authorized entity must comply with the donor's or donor agent's instructions to the extent they are consistent with applicable law and regulations, including the return of cremated remains to the individual designated by the donor or donor's agent. To the maximum extent permitted by law, the donor's informed authorization controls the manner of final disposition and handling of anatomical specimens following completion of their authorized use. If residual remains are to be returned, the cremation chamber must be completely cleaned before subsequent use, and the remains must not be commingled.

(c) This section does not require the return or cremation of residual soft tissue not connected to bone or bone fragments consumed in the process of research or education by an authorized entity, provided the residual soft tissue is disposed in accordance with 25 TAC §1.136.

(d) In this section, a reference to a donor's agent includes a person authorized to make an anatomical gift under §692A.009, Health and Safety Code, and instructions include those given in a consent for donation as defined in §206.1 of this title (relating to Scope and Definitions).

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

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22 TAC §206.21

The Texas Funeral Service Commission (Commission or TFSC) adopts the repeal of 22 TAC §206.21, Statement of the Willed Body Program, without changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4497) and will not be republished.

Reasoned Justification OF ADOPTED REPEAL.

The adopted repeal is to eliminate references to offices that no longer exist and is duplicative of the statutory registration requirement.

SUMMARY OF COMMENTS.

The Commission received no comments regarding the proposed repeal.

STATUTORY AUTHORITY.

The repeal is adopted under Texas Health and Safety Code §651.152, which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce Chapter 651; Texas Occupations Code §651.005, which requires the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691, Health and Safety Code; and Texas Health and Safety Code §691.034(g), which requires the Commission to adopt rules and procedures necessary to administer the regulation and registration of persons and institutions using bodies and anatomical specimens.

CROSS REFERENCE TO STATUTE

The adopted repeal to implements Texas Health and Safety Code §691.034.

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

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For further information, please call: (512) 936-2488

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22 TAC §206.22

The Texas Funeral Service Commission (Commission or TFSC) adopts the repeal of 22 TAC §206.22, Requirement for Self-Sufficiency, without changes to the proposed text as published in the July 10, 2026, issue of the *Texas Register* (51 TexReg 4498) and will not be republished.

Reasoned Justification OF ADOPTED REPEAL.

The adopted repeal of the aspirational and non-binding rules, does not correspond to the current statutory distribution framework and it is obsolete.

SUMMARY OF COMMENTS.

The Commission received no comments regarding the proposed repeal.

STATUTORY AUTHORITY.

The repeal is adopted under Texas Health and Safety Code §651.152, which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce Chapter 651; Texas Occupations Code §651.005, which requires the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691, Health and Safety Code; and Texas Health and Safety Code §691.034(g), which requires the Commission to adopt rules and procedures necessary to administer the regulation and registration of persons and institutions using bodies and anatomical specimens.

CROSS REFERENCE TO STATUTE

The adopted repeal to implement Texas Health and Safety Code §691.030.

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 August 17, 2026.

TRD-202603554

Maria Haynes
Interim Executive Director
Texas Funeral Service Commission
Effective date: September 6, 2026
Proposal publication date: July 10, 2026
For further information, please call: (512) 936-2488

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PART 15. TEXAS STATE BOARD OF PHARMACY

CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS

22 TAC §283.7

The Texas State Board of Pharmacy adopts amendments to §283.7, concerning Examination Requirements. These amendments are adopted without changes to the proposed text as published in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4090). The rule will not be republished.

The amendments allow an applicant for licensure by examination who has completed the three didactic years of pharmacy education to take the Texas Pharmacy Jurisprudence Examination a maximum of one time prior to graduation from a college/school of pharmacy and remove outdated examination requirements.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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 August 10, 2026.

TRD-202603366
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Effective date: August 30, 2026
Proposal publication date: June 26, 2026
For further information, please call: (512) 305-8084

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CHAPTER 291. PHARMACIES
SUBCHAPTER A. ALL CLASSES OF PHARMACIES

22 TAC §291.3

The Texas State Board of Pharmacy adopts amendments to §291.3, concerning Required Notifications. These amendments are adopted without changes to the proposed text as published in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4092). The rule will not be republished.

The amendments clarify the meaning of a "fire, flood, or natural disaster" for purposes of required notification to the board, cross-reference an existing notification requirement, and update terminology in accordance with House Bill 1500.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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 August 10, 2026.

TRD-202603367
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Effective date: August 30, 2026
Proposal publication date: June 26, 2026
For further information, please call: (512) 305-8084

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22 TAC §291.11

The Texas State Board of Pharmacy adopts amendments to §291.11, concerning Operation of a Pharmacy. These amendments are adopted without changes to the proposed text as published in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4095). The rule will not be republished.

The amendments clarify that a pharmacy may not discontinue operating for a period of 30 days or longer unless the pharmacy has timely notified the board of a fire, flood, or natural disaster.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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 August 10, 2026.

TRD-202603368

Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Effective date: August 30, 2026
Proposal publication date: June 26, 2026
For further information, please call: (512) 305-8084

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22 TAC §291.13

The Texas State Board of Pharmacy adopts new rule §291.13, concerning Telehealth Services Provided by a Pharmacist. The new rule is adopted without changes to the proposed text as published in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4096). The rule will not be republished.

The new rule establishes the documentation and retention requirements regarding a patient's consent to treatment, data collection, and data sharing for telehealth services provided by a pharmacist, in accordance with House Bill 1700.

The Board received comments from the Texas Federation of Drug Stores expressing concern that the proposed rule may be construed as treating routine pharmacist-patient counseling as a telehealth service requiring separate informed consent procedures and creates two different standards of care for the same professional service, and suggesting to exclude pharmacist-patient counseling and consultations regarding prescription medications from the informed consent requirements for telehealth services and to clarify that communications conducted to fulfill pharmacists' legally required patient counseling obligations are not telehealth encounters.

The Board received comments from Doug Read, R.Ph., with H.E.B. Pharmacy expressing concern that the proposed rule fails to distinguish between true telehealth encounters and patient counseling communications already required as part of dispensing, appears broader that required by HB 1700, its economic impact is underestimated, and stopping to obtain and document telehealth consent for every question from a patient would create substantial workflow issues and delay to patient access to medication, and suggesting the proposed rule be revised to exclude routine counseling, drug information inquiries, refill communications, and other pharmacist-patient interactions that are incidental to dispensing.

The Board received comments from Ronald Richardson, R.Ph., with Southend Pharmacy suggesting to clarify the term "telehealth service" to exclude routine pharmacist-patient communications incidental to the dispensing of a prescription or the ongoing provision of pharmacy services, when consent must be obtained to only require a single documented informed consent for ongoing or recurring telehealth services until revoked by the patient or there is a material change in the nature of the telehealth services being provided, and the scope of "data collection" and "data sharing" to exclude the collection, use, or disclosure of protected health information in order to dispense prescriptions, communicate with pharmacists and prescribers, submit claims for payment, or otherwise comply with applicable law.

The new rule is adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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 August 10, 2026.

TRD-202603369
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Effective date: August 30, 2026
Proposal publication date: June 26, 2026
For further information, please call: (512) 305-8084

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SUBCHAPTER C. NUCLEAR PHARMACY (CLASS B)

22 TAC §291.55

The Texas State Board of Pharmacy adopts amendments to §291.55, concerning Records. These amendments are adopted without changes to the proposed text as published in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4097). The rule will not be republished.

The amendments require the pharmacist-in-charge of a Class B pharmacy to notify the board of a significant loss of information from the pharmacy's data processing system.

No comments were received.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

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 August 10, 2026.

TRD-202603370
Daniel Carroll, Pharm.D.
Executive Director
Texas State Board of Pharmacy
Effective date: August 30, 2026
Proposal publication date: June 26, 2026
For further information, please call: (512) 305-8084

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PART 23. TEXAS REAL ESTATE COMMISSION

CHAPTER 535. GENERAL PROVISIONS
SUBCHAPTER D. THE COMMISSION

22 TAC §535.46

The Texas Real Estate Commission (TREC) adopts 22 TAC §535.46, Broker Responsibility Advisory Committee, in Chapter 535, General Provisions, without changes, as published in the May 22, 2026, issue of the *Texas Register* (51 TexReg 3501) and will not be republished.

Section 2110.002 of the Texas Government Code requires that the composition of an advisory committee that advises a state agency regarding an industry or occupation regulated or directly affected by the agency must provide a balanced representation between: (i) the industry or occupations; and (ii) consumers of services provided by the agency, industry, or occupation. To help ensure that balanced representation, the changes replace two of the broker member positions with public member positions and corresponding changes are made throughout the rule.

Three comments were received, which were reviewed by the Commission's Executive Committee. One commenter was generally in favor of the changes, while one commenter was against the changes and questioned the utility of public members on the committee. The third commenter believed "members who represent the public" to be too vague. Because the same language is used in other advisory committee rules where a process exists to review public member applicants, and because public member participation is a requirement of state law, the committee declined to recommend any changes to the rule as published.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

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 August 11, 2026.

TRD-202603398
Abby Lee
General Counsel
Texas Real Estate Commission
Effective date: August 31, 2026
Proposal publication date: May 22, 2026
For further information, please call: (512) 936-3057

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SUBCHAPTER F. REQUIREMENTS FOR EDUCATION PROVIDERS, COURSES AND INSTRUCTORS FOR QUALIFYING EDUCATION

22 TAC §535.62, §535.65

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.62, Approval of Qualifying Courses; and §535.65, Responsibilities and Operations of Providers of Qualifying Courses, in Chapter 535, General Provisions, with non-substantive changes to §535.62(b)(6)(C) and §535.65(g)(5) to align reference language to Texas Register standards, as published in the May 22, 2026, issue of the *Texas Register* (51 TexReg 3503) and will be republished.

The changes are made as a result of the agency's updated license management system--the REALM Portal. The changes to §535.62 update terminology in subsection (i) for better consistency with current practice and to align language with other rules.

The changes to §535.65 update the requirements for course completion certificates (to be renamed "course completion records" to more accurately capture the type of documents being provided). The REALM Portal will allow for more efficiencies and automation in the processing of qualifying real estate coursework, which currently requires a manual process that is labor intensive. A requirement to include either the student's license number or application number on the course completion record allows this automation to occur. The remaining changes to this rule also are made to align the language with the requirements currently found in §535.75, which deals with provider requirements for continuing education, and to streamline the information required to be provided by education providers to the Commission.

No comments were received on the amendments as published.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

§535.62. Approval of Qualifying Courses.

(a) Application for approval of a qualifying course.

(1) For each qualifying course a provider intends to offer, the provider must:

(A) submit the course application and course approval forms, including all materials required using a process acceptable to the Commission; and

(B) pay the fee required by §535.101 or §535.210 of this title.

(2) A provider may file a single application for a qualifying course offered through multiple delivery methods. A fee is required for content and examination review of each qualifying course and for each distinct delivery method utilized by a provider for that course.

(3) A provider who seeks approval of a new delivery method for a currently approved qualifying course must submit a new application and pay all required fees, including a fee for content and examination review.

(4) The Commission may:

(A) request additional information be provided to the Commission relating to an application;

(B) terminate an application without further notice if the applicant fails to provide the additional information not later than the 60th day after the Commission mails the request; and

(C) prior to approval of a proposed qualifying real estate inspector course, submit the course to the Texas Real Estate Inspector Committee for review and recommendation.

(b) Standards for course approval. To be approved as a qualifying course by the Commission, a provider must satisfy the Commission that the course:

(1) covers all topics and units for the course subject required by the Act, Chapter 1102 and this chapter;

(2) covers all units within the prescribed topic;

(3) contains sufficient content to satisfy the number of hours for which credit is being requested as evidenced by:

(A) word count studies;

(B) samples of student time studies; or

(C) other methods acceptable to the Commission;

(4) will be scheduled for the full clock hours of time for which credit is awarded and presented in full hourly units;

(5) does not have daily course segments that exceed 12 hours;

(6) will be delivered by one of the following delivery methods:

(A) classroom delivery;

(B) distance education delivery; or

(C) a combination of subparagraphs (A) and (B) of this paragraph, if at least 50% of the combined course is offered by classroom delivery;

(7) include at a minimum, the following methods to assess a student's comprehension of the course material:

(A) topic quizzes, with at least three questions related to the subject matter in each course topic;

(B) at least one scenario-based learning exercise per every increment of 10 credit hours or less; and

(C) if the course is delivered by distance education delivery:

(i) prevent the student from moving from one topic to the next topic until the student answers all topic quiz questions correctly and receives a passing grade on the scenario based learning exercises; and

(ii) for quiz questions answered incorrectly, employ a method to present the rationale behind the correct answer and ask a subsequent related quiz question that will count toward passing the topic if answered correctly; and

(8) include at least four versions of a final examination, and ensure that each version of the examination:

(A) covers each topic required by the Act or Rules for the specific course;

(B) does not contain any true/false questions;

(C) does not repeat more than one third of the questions from other versions of the final examination;

(D) for all qualifying courses other than a real estate math course:

(i) consists of at least two questions per credit course hour; and

(ii) draws from a question bank consisting of at least four questions per credit course hour; and

(E) for all qualifying real estate math courses, consists of at least 20 questions that are drawn from a question bank consisting of at least 40 questions.

(c) If the course is currently certified by a distance learning certification center acceptable to the Commission, the provider will be deemed to have met requirements for verification of clock/course hours for distance education delivery.

(d) Approval of currently approved courses by a secondary provider.

(1) If a secondary provider wants to offer a course currently approved for another provider, the secondary provider must:

(A) submit, using a process acceptable to the Commission:

(i) the course application and approval forms including all materials required; and

(ii) authorization to the Commission from the owner of the rights to the course material granting permission for the secondary provider to offer the course; and

(B) pay the fee required by §535.101 or §535.210 of this title.

(2) If approved to offer the previously approved course, the secondary provider is required to:

(A) offer the course as originally approved, assume the original expiration date, include any approved revisions, use all materials required for the course; and

(B) meet the requirements of §535.65 of this title.

(e) Required revision of a currently approved qualifying course.

(1) Providers are responsible for keeping current on changes to the Act and Commission Rules and must revise or supplement materials for approved courses when changes are adopted on or before the effective date of those statutes or rules.

(2) If the Commission adopts new requirements for a course, including but not limited to a course approval form that divides selected qualifying course subjects into topics and units, the Commission will determine, at the time the Commission adopts the new requirements, whether a provider must revise the course or supplement the course. Any provider currently offering a course that is subject to change must:

(A) revise or supplement any currently approved classroom qualifying course covering that subject no later than 12 months after the effective date of the new requirements; and

(B) revise or supplement any currently approved qualifying course offered by distance or combination delivery no later than 15 months after the effective date of the new requirements.

(3) If the Commission determines that a qualifying course should be supplemented, a provider must submit the supplemental materials required by the Commission. No fee will be required and the course will maintain its original expiration date.

(4) If the Commission determines that a qualifying course should be revised, a provider must:

(A) submit the course application and approval forms including all materials required using a process acceptable to the Commission; and

(B) pay the fee required by §535.101 or §535.210 of this title.

(5) A provider may not offer a course for qualifying credit after the deadlines established by this subsection following a required revision or supplement if the provider has not received written approval from the Commission to offer the revised or supplemented course.

(6) If a provider paid a fee for the initial course approval, the provider will receive a prorated credit on the fee paid under this subsection for a revised course for the unexpired time remaining on that initial approval. The Commission will calculate the prorated credit by dividing the fee paid for the initial approval by 48 months and multiplying that amount by the number of full months remaining between the approval date of the revised course and the expiration date of the currently approved version of the course.

(7) A revised course approved under this subsection expires four years from the date of approval of the revision.

(8) No later than 90 days before the effective date of a revised or supplemented course, a provider shall send written notice to all students who have purchased the currently approved course and not completed it, that credit will no longer be given for the current course as of the effective date of the revised or supplemented course.

(9) If an approved provider fails to give the notice set out in paragraph (8) of this subsection, the provider shall allow the student to take the revised or supplemented course at no additional charge.

(f) Voluntary revision of a currently approved qualifying course.

(1) A provider who voluntarily revises a currently approved course, shall, prior to implementation of any course materials:

(A) file any updated course materials and revisions of the course outline with the Commission; and

(B) pay the fee required by §535.101 and §535.210 of this title.

(2) If after review the Commission is not satisfied with the updated course materials and revised course outline, the Commission may direct a provider to:

(A) further revise the materials;

(B) cease use of materials; or

(C) withdraw a course text.

(3) If a provider paid a fee for the initial course approval, the provider will receive a prorated credit on the fee paid under this subsection for the unexpired time remaining on that initial approval. The Commission will calculate the prorated credit by dividing the fee paid for the initial approval by 48 months and multiplying that amount by the number of full months remaining between the approval date of the revised course and the expiration date of the currently approved version of the course.

(4) A revised course approved under this subsection expires four years from the date of approval of the revision.

(5) No later than 90 days before the effective date of a revised course, a provider shall send written notice to all students who have purchased the currently approved course and not completed it, that credit will no longer be given for the current course as of the effective date of the revised course.

(6) If an approved provider fails to give the notice set out in paragraph (5) of this subsection, the provider shall allow the student to take the revised course at no additional charge.

(g) Approval and Expiration of approval.

(1) A Qualifying provider shall not offer qualifying education courses until the provider has received written notice of the approval from the Commission.

(2) A Qualifying course expires four years from the date of approval and providers must reapply and meet all current requirements of this section to offer the course for another four years.

(3) Courses approved for use by a secondary provider under subsection (d) of this section or approved for additional delivery methods under subsection (a)(3) of this section expire on the same date that the originally approved course expires.

(h) Renewal of course approval.

(1) Not earlier than 90 days before the expiration of a course approval, a provider may apply for a renewal of course approval for another four-year period.

(2) Approval of an application to renew course approval shall be subject to the standards for initial approval set out in this section.

(3) The Commission may deny an application to renew course approval if the provider is in violation of a Commission order.

(i) Course preapproval for exempt providers.

(1) Providers exempt from approval by the Commission may submit courses to the Commission for preapproval by meeting the standards for course approval under this section, including submitting all applicable forms and fees.

(2) Any course offered by an exempt provider without preapproval by the Commission will be evaluated by the Commission to determine whether it qualifies for credit at such time as a student submits a transcript or other course completion record to the Commission for credit.

(3) The Commission will determine whether or not a course offered by an exempt provider without preapproval by the Commission qualifies for credit using the standards set out under this section.

(4) An exempt provider may not represent that a course qualifies for credit by the Commission unless the exempt provider receives written confirmation from the Commission that the course has been preapproved for credit.

§535.65. Responsibilities and Operations of Providers of Qualifying Courses.

(a) Responsibility of Providers.

(1) A provider is responsible for:

(A) the administration of each course, including, but not limited to, compliance with any prescribed period of time for any required course topics required by the Act, Chapter 1102, and Commission rules;

(B) maintaining student attendance records and pre-enrollment agreements;

(C) verifying instructor qualification, performance and attendance;

(D) proper examination administration;

(E) validation of student identity acceptable to the Commission;

(F) maintaining student course completion records;

(G) ensuring all advertising complies with subsection (c) of this section;

(H) ensuring that instructors or other persons do not recruit or solicit prospective sales agents, brokers, easement or right-of-way agents, or inspectors during course presentation; and

(I) ensuring staff is reasonably available for public inquiry and assistance.

(2) A provider may not promote the sale of goods or services during the presentation of a course.

(3) A provider may remove a student and not award credit if a student does not participate in class, or disrupts the orderly conduct of a class, after being warned by the provider or the instructor.

(4) If a provider approved by the Commission does not maintain a fixed office in Texas for the duration of the provider's approval to offer courses, the provider shall designate a resident of this state as attorney-in-fact to accept service of process and act as custodian of any records in Texas that the provider is required to maintain by this section. A power-of-attorney designating the resident must be filed with the Commission in a form acceptable to the Commission.

(b) Use of Qualified Instructor.

(1) Except as provided by this subsection, a provider must use an instructor that is currently qualified under §535.63 of this subchapter (relating to Qualifications for Instructors of Qualifying Courses) to teach the specified course.

(2) Each instructor shall be selected on the basis of expertise in the subject area of instruction and ability as an instructor.

(3) A provider shall require specialized training or work experience for instructors teaching specialized subjects such as law, appraisal, investments, taxation or home inspection.

(4) An instructor shall teach a course in substantially the same manner represented to the Commission in the instructor's manual or other documents filed with the application for course approval.

(5) A provider may use the services of a guest instructor who does not meet the instructor qualifications under §535.63 of this subchapter for qualifying real estate, easement or right-of-way, or inspector courses provided that person instructs for no more than 10% of the total course time.

(c) Advertising.

(1) The following practices are prohibited:

(A) using any advertising which does not clearly and conspicuously contain the provider's name on the first page or screen of the advertising;

(B) representing that the provider's program is the only vehicle by which a person may satisfy educational requirements;

(C) conveying a false impression of the provider's size, superiority, importance, location, equipment or facilities, except that a provider may use objective information published by the Commission regarding pass rates if the provider also displays next to the passage rate in a readily noticeable fashion:

(i) A hyperlink to the Commission website's Education Provider Exam Passage Rate page labeled "TREC Provider Exam Pass Rates" for digital media; or

(ii) A URL to the Commission website's Education Provider Exam Passage Rate page labeled "TREC Provider Exam Pass Rates" for non-digital media;

(D) promoting the provider directly or indirectly as a job placement agency, unless the provider is participating in a program recognized by federal, state, or local government and is providing job placement services to the extent the services are required by the program;

(E) making any statement which is misleading, likely to deceive the public, or which in any manner tends to create a misleading impression;

(F) advertising a course under a course name other than the course name approved by the Commission; or

(G) advertising using a name that implies the course provider is the Texas Real Estate Commission, including use of the acronym "TREC", in all or part of the course provider's name.

(2) Any written advertisement by a provider that includes a fee that the provider charges for a course must display any additional fees that the provider charges for the course in the same place in the advertisement and with the same degree of prominence.

(3) The provider shall advertise a course for the full clock hours of time for which credit is awarded.

(4) The provider is responsible for and subject to sanctions for any violation of this subsection by any affiliate or other third party marketer or web hosting site associated with or used by the provider.

(d) Pre-enrollment agreements for approved providers.

(1) Prior to a student enrolling in a course, a provider approved by the Commission shall provide the student with a pre-enrollment agreement that includes all of the following information:

(A) the tuition for the course;

(B) an itemized list of any fees charged by the provider for supplies, materials, or books needed in course work;

(C) the provider's policy regarding the refund of tuition and other fees, including a statement addressing refund policy when a student is dismissed or withdraws voluntarily;

(D) the attendance requirements;

(E) the acceptable makeup procedures, including any applicable time limits and any fees that may be charged for makeup sessions;

(F) the procedure and fees, if applicable, associated with exam proctoring;

(G) the procedure and fees for taking any permitted makeup final examination or any permitted re-examination, including any applicable time limits; and

(H) the notices regarding potential ineligibility for a license based on criminal history required by §53.152, Texas Occupations Code.

(2) A pre-enrollment agreement must be signed by a representative of the provider and the student prior to commencement of the course.

(e) Refund of fees by approved provider.

(1) A provider shall establish written policies governing refunds and contingency plans in the event of course cancellation.

(2) If a provider approved by the Commission cancels a course, the provider shall:

(A) fully refund all fees collected from students within a reasonable time; or

(B) at the student's option, credit the student for another course.

(3) The provider shall inform the Commission when a student requests a refund because of a withdrawal due to the student's dissatisfaction with the quality of the course.

(4) If a provider fails to give the notice required by subsection (d)(1)(H) of this section, and an individual's application for a license is denied by the Commission because the individual has been convicted of a criminal offense, the provider shall reimburse the individual the amounts required by §53.153, Texas Occupations Code.

(f) Course materials.

(1) Before the course starts, a provider shall give each student copies of or, if a student has online access, provide online access to any materials to be used for the course.

(2) A provider shall update course materials to ensure that current and accurate information is provided to students as provided for under §535.62 of this subchapter (relating to Approval of Qualifying Courses).

(g) Presentation of courses.

(1) Classroom Delivery.

(A) The location for the course must:

(i) be conducive to instruction, such as a classroom, training room, conference room, or assembly hall that is separate and apart from work areas;

(ii) be adequate for the class size;

(iii) pose no threat to the health or safety of students; and

(iv) allow the instructor to see and hear each student and the students to see and hear the instructor, including when offered through the use of technology.

(B) The provider must:

(i) verify the identification of each student at class sign up and when signing in for each subsequent meeting of the class;

(ii) ensure the student is present for the course for the hours of time for which credit is awarded;

(iii) provide a 10 minute break per hour at least every two hours; and

(iv) not have daily course segments that exceed 12 hours.

(C) For a qualifying or non-elective continuing education classroom delivery course delivered through the use of technology where there are more than 20 students registered for the course, the provider will also use a monitor to verify identification of each student, monitor active participation of each student and facilitate questions for the instructor.

(D) Makeup Session for Classroom Courses.

(i) A provider may permit a student who attends at least two-thirds of an originally scheduled qualifying course to complete a makeup session to satisfy attendance requirements.

(ii) A member of the provider's staff must approve the makeup procedure to be followed. Acceptable makeup procedures are:

(I) attendance in corresponding class sessions in a subsequent offering of the same course; or

(II) the supervised presentation by audio or video recording of the class sessions actually missed.

(iii) A student shall complete all class makeup sessions no later than the 90th day after the date of the completion of the original course.

(iv) A student who attends less than two-thirds of the originally scheduled qualifying course is not eligible to complete a makeup session. The student shall automatically be dropped from the course with no credit.

(2) Distance Education Delivery. The provider must ensure that:

(A) the student taking all topics of the course and completing all quizzes and exercises is the student receiving credit for the course through a student identity verification process acceptable to the Commission;

(B) a qualified instructor is available to answer students' questions or provide assistance as necessary in a timely manner;

(C) a student has completed all instructional modules and attended any hours of live instruction required for a given course; and

(D) a qualified instructor is responsible for providing answers and rationale for the grading of the course work.

(3) A provider is not required to present topics in the order outlined for a course on the corresponding course approval form.

(4) The periods of time prescribed to each unit of a topic for a qualifying course as outlined on the corresponding course approval form are recommendations and may be altered to allow instructors flexibility to meet the particular needs of their students.

(5) Notwithstanding paragraphs (3) and (4) of this subsection, all units must be presented within the prescribed topic.

(h) Course examinations.

(1) The final examination given at the end of each course must be given in the manner submitted to and approved by the Commission.

(2) Final examination questions must be kept confidential and be significantly different from any quiz questions and exercises used in the course.

(3) A provider shall not permit a student to view or take a final examination before the completion of regular course work and any makeup sessions required by this section.

(4) A provider must rotate all versions of the examination required by §535.62(b)(7) of this subchapter throughout the approval period for a course in a manner acceptable to the Commission and must require an unweighted passing score of 70%.

(5) A provider must administer the examination under conditions that ensure the student taking the examination is the student who registered for and took the course.

(6) A provider may not give credit to a student who fails a final examination and a subsequent final examination as provided for in subsection (i) of this section.

(i) Subsequent final course examination.

(1) If a student fails a final course examination, a provider may permit the student to take a subsequent final examination only after the student has completed any additional course work prescribed by the provider.

(2) A student shall complete the subsequent final examination no later than the 90th day after the date the original class concludes. The subsequent final examination must be a different version of the original final examination given to the student and must comply with §535.62(b)(8) of this subchapter and subsection (h) of this section.

(3) If a student fails to timely complete the subsequent final examination as required by this subsection, the student shall be automatically dropped from the course with no credit.

(4) A student who fails the final course examination a second time is required to retake the course and the final course examination.

(j) Course completion records.

(1) Upon successful completion of a qualifying course, a provider shall submit course completion records to the Commission using a process acceptable to the Commission not sooner than the number of course credit hours has passed and not later than the 10th calendar day after the date a course is completed.

(2) The course completion record shall include:

(A) the provider's name and approval number;

(B) the student's name;

(C) the course title;

(D) course number;

(E) the number of credit hours;

(F) the course delivery method;

(G) the dates the student began and completed the course; and

(H) for qualifying real estate courses completed on or after October 1, 2026, one of the following issued by the Commission:

(i) the student's license number, or

(ii) if no license number has been issued by the Commission, the student's application number.

(3) A provider may withhold any official completion documentation required by this subsection from a student until the student has fulfilled all financial obligations to the provider.

(4) A provider shall maintain adequate security against forgery for official completion documentation required by this subsection.

(k) Instructor and course evaluations.

(1) A provider shall provide each student enrolled in a course with an instructor and course evaluation form or provide a link to an online version of the form that a student can complete and submit any time after course completion.

(2) An instructor may not be present when a student is completing the evaluation form and may not be involved in any manner with the evaluation process.

(3) When evaluating an instructor or course, a provider shall use all of the questions from the evaluation form approved by the Commission, in the same order as listed on that form. A provider may add additional questions to the end of the Commission evaluation questions or request the students to also complete the provider's evaluation form.

(4) A provider shall maintain any comments made by the provider's management relevant to instructor or course evaluations with the provider's records.

(5) At the Commission's request, a provider shall produce instructor and course evaluation forms for inspection by Commission staff.

(l) Maintenance of records for a provider of qualifying courses.

(1) A provider shall maintain records of each student enrolled in a course for a minimum of four years following completion of the course, including course and instructor evaluations and student enrollment agreements.

(2) A provider shall maintain financial records sufficient to reflect at any time the financial condition of the school.

(3) A school's financial statement and balance sheets must be available for audit by Commission staff, and the Commission may require presentation of financial statements or other financial records.

(4) All records may be maintained electronically but must be in a common format that is legible and easily printed or viewed without additional manipulation or special software.

(m) Changes in ownership or operation of an approved provider of qualifying courses.

(1) An approved provider shall obtain the approval of the Commission at least 30 days in advance of any material change in the operations of the provider by submitting the Qualifying Education Provider Supplement Application using a process acceptable to the Commission, including but not limited to changes in:

(A) operations or records management; and

(B) the location of the main office and any other locations where courses are offered.

(2) An approved provider requesting approval of a change in ownership shall provide all of the following information or documents using a process acceptable to the Commission:

(A) an Education Provider Application reflecting all required information for each owner and the required fee;

(B) a Principal Information Form for each proposed new owner who holds at least 10% interest in the school;

(C) financial documents to satisfy standards imposed by §535.61 of this subchapter (relating to Approval of Providers of Qualifying Courses), including a $20,000 surety bond for the proposed new owner; and

(D) business documentation reflecting the change.

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 August 11, 2026.

TRD-202603399

Abby Lee
General Counsel
Texas Real Estate Commission
Effective date: August 31, 2026
Proposal publication date: May 22, 2026
For further information, please call: (512) 936-3057

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SUBCHAPTER G. REQUIREMENTS FOR CONTINUING EDUCATION PROVIDERS, COURSES AND INSTRUCTORS

22 TAC §535.75

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.75, Responsibilities and Operations of Continuing Education Providers, in Chapter 535, General Provisions, without changes, as published in the May 22, 2026, issue of the *Texas Register* (51 TexReg 3508) and will not be republished.

The changes to §535.75 update the requirements for the course completion roster (to be renamed "course completion records" to more accurately capture the type of documents being provided) to streamline the information required to be provided by education providers to the Commission and to align language with other rules.

No comments were received on the amendments as published.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

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 August 11, 2026.

TRD-202603400
Abby Lee
General Counsel
Texas Real Estate Commission
Effective date: August 31, 2026
Proposal publication date: May 22, 2026
For further information, please call: (512) 936-3057

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SUBCHAPTER I. LICENSE RENEWAL

22 TAC §535.92

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.92, Continuing Education Requirements, in Chapter 535, General Provisions, without changes, as published in the May 22, 2026, issue of the *Texas Register* (51 TexReg 3510) and will not be republished.

The change to §535.92 updates terminology in subsection (b) (from "course completion roster" to "course completion records") to more accurately capture the types of documents provided and to align language with other rules.

One comment was received on the proposal and was reviewed by the Commission's Executive Committee. The commenter expressed a desire to increase continuing education requirements, but was not responsive to the proposed changes. As a result, the committee had no additional changes to the proposal.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

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

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Abby Lee
General Counsel
Texas Real Estate Commission
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For further information, please call: (512) 936-3057

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TITLE 25. HEALTH SERVICES

PART 4. ANATOMICAL BOARD OF THE STATE OF TEXAS

CHAPTER 471. OFFICERS

25 TAC §§471.1 - 471.4

The Texas Funeral Service Commission (Commission or TFSC), as the successor agency to the regulatory functions formerly performed by the Anatomical Board of the State of Texas, adopts the repeal of 25 TAC, Part 4, Chapter 471, comprised of §§471.1 - 471.4, without changes to the proposed text as published in the July 3, 2026, issue of the *Texas Register* (51 TexReg 4352) and will not be republished.

Reasoned Justification.

The adopted repeal removes the Anatomical Board since it no longer functions as a regulatory board and its functions have been transferred to the Commission, these provisions are obsolete.

Summary of Comments.

The Commission received no comments regarding the proposed repeal.

Statutory Authority.

The repeal is adopted under Texas Occupations Code §651.152, which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce Chapter 651; Texas Occupations Code §651.005, which requires the Commission to regulate willed body programs, nontransplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691, Health and Safety Code, and in accordance with the power and duties granted by Chapter 651; and Texas Health and Safety Code §691.034(g), which re-

quires the Commission to adopt rules and procedures necessary to administer the regulation and registration of persons and institutions using bodies and anatomical specimens. The repeal is further adopted to implement Senate Bill 2040, 88th Legislature, Regular Session (2023) (Act of Mary 28, 2023, 88th Leg., R.S. ch. 961), effective September 1, 2023, which transferred the regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and ended the separate regulatory role of the Anatomical Board of the State of Texas.

Cross Reference to Statute.

The adopted repeal to implements Texas Health and Safety Code Chapter 691 and Texas Occupations Code Chapter 651.

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 August 17, 2026.

TRD-202603534
Maria Haynes
Interim Executive Director
Anatomical Board of the State of Texas
Effective date: September 6, 2026
Proposal publication date: July 3, 2026
For further information, please call: (512) 936-2488

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CHAPTER 473. EXECUTIVE COMMITTEE

25 TAC §473.1

The Texas Funeral Service Commission (Commission or TFSC), as the successor agency to the regulatory functions formerly performed by the Anatomical Board of the State of Texas, adopts the repeal of 25 TAC, Part 4, Chapter 473, comprised of §473.1, without changes to the proposed text as published in the July 3, 2026, issue of the *Texas Register* (51 TexReg 4353) and will not be republished.

Reasoned Justification OF ADOPTED REPEAL.

The adopted repeal removes the Anatomical Board since it no longer functions as a regulatory board and its functions have been transferred to the Commission, these provisions are obsolete.

SUMMARY OF COMMENTS.

The Commission received no comments regarding the proposed repeal.

STATUTORY AUTHORITY.

The repeal is adopted under Texas Occupations Code §651.152, which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce Chapter 651; Texas Occupations Code §651.005, which requires the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691, Health and Safety Code, and in accordance with the power and duties granted by Chapter 651; and Texas Health and Safety Code §691.034(g), which requires the Commission to adopt rules and procedures necessary to administer the regulation and registration of persons and institutions using bodies and anatomical specimens. The repeal is further adopted to implement Senate Bill 2040, 88th Legislature, Regular Session (2023) (Act of Mary 28, 2023, 88th Leg., R.S. ch. 961), effective September 1, 2023, which transferred the regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and ended the separate regulatory role of the Anatomical Board of the State of Texas.

CROSS REFERENCE TO STATUTE.

The adopted repeal to implement Texas Health and Safety Code Chapter 691 and Texas Occupations Code Chapter 651.

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

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Maria Haynes
Interim Executive Director
Anatomical Board of the State of Texas
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For further information, please call: (512) 936-2488

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CHAPTER 475. MEETINGS

25 TAC §§475.1 - 475.5

The Texas Funeral Service Commission (Commission or TFSC), as the successor agency to the regulatory functions formerly performed by the Anatomical Board of the State of Texas, adopts the repeal of 25 TAC, Part 4, Chapter 475, comprised of §§475.1 - 475.5, without changes to the proposed text as published in the July 3, 2026, issue of the *Texas Register* (51 TexReg 4355) and will not be republished.

Reasoned Justification OF ADOPTED REPEAL.

The adopted repeal removes the Anatomical Board since it no longer functions as a regulatory board and its functions have been transferred to the Commission; these provisions are obsolete.

SUMMARY OF COMMENTS.

The Commission received no comments regarding the proposed repeal.

STATUTORY AUTHORITY.

The repeal is adopted under Texas Occupations Code §651.152, which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce Chapter 651; Texas Occupations Code §651.005, which requires the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691, Health and Safety Code, and in accordance with the power and duties granted by Chapter 651; and Texas Health and Safety Code §691.034(g), which requires the Commission to adopt rules and procedures necessary to administer the regulation and registration of persons and institutions using bodies and anatomical specimens. The repeal is further adopted to implement Senate Bill 2040, 88th Legislature, Regular Session (2023) (Act of Mary 28, 2023, 88th Leg., R.S. ch. 961), effective September 1, 2023, which transferred the

regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and ended the separate regulatory role of the Anatomical Board of the State of Texas.

CROSS REFERENCE TO STATUTE.

The adopted repeal to implement Texas Health and Safety Code Chapter 691 and Texas Occupations Code Chapter 651.

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

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TRD-202603536
Maria Haynes
Interim Executive Director
Anatomical Board of the State of Texas
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For further information, please call: (512) 936-2488

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CHAPTER 483. HEARING PROCEDURES

25 TAC §483.1

The Texas Funeral Service Commission (Commission or TFSC), as the successor agency to the regulatory functions formerly performed by the Anatomical Board of the State of Texas, adopts the repeal of 25 TAC, Part 4, Chapter 483, comprised of §483.1, without changes to the proposed text as published in the July 3, 2026, issue of the *Texas Register* (51 TexReg 4356) and will not be republished.

Reasoned Justification OF ADOPTED REPEAL.

The adopted repeal removes the Anatomical Board since it no longer functions as a regulatory board and its functions have been transferred to the Commission; these provisions are obsolete.

SUMMARY OF COMMENTS.

The Commission received no comments regarding the proposed repeal.

STATUTORY AUTHORITY.

The repeal is adopted under Texas Occupations Code §651.152, which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce Chapter 651; Texas Occupations Code §651.005, which requires the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691, Health and Safety Code, and in accordance with the power and duties granted by Chapter 651; and Texas Health and Safety Code §691.034(g), which requires the Commission to adopt rules and procedures necessary to administer the regulation and registration of persons and institutions using bodies and anatomical specimens. The repeal is further adopted to implement Senate Bill 2040, 88th Legislature, Regular Session (2023) (Act of Mary 28, 2023, 88th Leg., R.S. ch. 961), effective September 1, 2023, which transferred the regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and ended the separate regulatory role of the Anatomical Board of the State of Texas.

CROSS REFERENCE TO STATUTE.

The adopted repeal implements Texas Health and Safety Code Chapter 691 and Texas Occupations Code Chapter 651.

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

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TRD-202603537
Maria Haynes
Interim Executive Director
Anatomical Board of the State of Texas
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Proposal publication date: July 3, 2026
For further information, please call: (512) 936-2488

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CHAPTER 485. AUDIT PROCEDURES

25 TAC §485.1

The Texas Funeral Service Commission (Commission or TFSC), as the successor agency to the regulatory functions formerly performed by the Anatomical Board of the State of Texas, adopts the repeal of 25 TAC, Part 4, Chapter 485, comprised of §485.1, without changes to the proposed text as published in the July 3, 2026, issue of the *Texas Register* (51 TexReg 4358) and will not be republished.

Reasoned Justification OF ADOPTED REPEAL.

The adopted repeal removes the Anatomical Board since it no longer functions as a regulatory board and its functions have been transferred to the Commission; these provisions are obsolete.

SUMMARY OF COMMENTS.

The Commission received no comments regarding the proposed repeal.

STATUTORY AUTHORITY.

The repeal is adopted under Texas Occupations Code §651.152, which requires the Commission to adopt rules, establish procedures, and prescribe forms necessary to administer and enforce Chapter 651; Texas Occupations Code §651.005, which requires the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691, Health and Safety Code, and in accordance with the power and duties granted by Chapter 651; and Texas Health and Safety Code §691.034(g), which requires the Commission to adopt rules and procedures necessary to administer the regulation and registration of persons and institutions using bodies and anatomical specimens. The repeal is further adopted to implement Senate Bill 2040, 88th Legislature, Regular Session (2023) (Act of Mary 28, 2023, 88th Leg., R.S. ch. 961), effective September 1, 2023, which transferred the regulation of willed body programs, non-transplant anatomical donation organizations, and anatomical facilities to the Commission and ended the separate regulatory role of the Anatomical Board of the State of Texas.

CROSS REFERENCE TO STATUTE.

The adopted repeal to implement Texas Health and Safety Code Chapter 691 and Texas Occupations Code Chapter 651.

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 August 17, 2026.

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Maria Haynes
Interim Executive Director
Anatomical Board of the State of Texas
Effective date: September 6, 2026
Proposal publication date: July 3, 2026
For further information, please call: (512) 936-2488

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 7. TEXAS COMMISSION ON LAW ENFORCEMENT

CHAPTER 223. ENFORCEMENT

37 TAC §223.20

The Texas Commission on Law Enforcement (Commission) adopts new 37 Texas Administrative Code §223.20, Emergency Suspension for Imminent Threat, with non-substantive changes to the proposed text as published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3541). The rule will be republished.

The adopted new rule conforms with the addition of Texas Occupations Code §1701.5011 made by Senate Bill 1445 (88R). It permits the Commission to suspend for not more than 90 days the license of a person that constitutes an imminent threat to the public health, safety, or welfare. It only applies if a chief administrator is the person that constitutes an imminent threat or if the chief administrator is unable to fulfill their obligation to make a fitness-for-duty determination under 37 Texas Administrative Code §211.29. A non-exclusive list of possible indications of imminent threat is included in the adopted new rule. This addresses an important chief administrator scenario without otherwise diminishing local control.

The public comment period began on May 22, 2026, and ended on June 25, 2026, at the conclusion of the public meeting of the Commission. One public comment was received.

Public Comment No. 1 from the Policing Project at NYU School of Law: Commenter recommends changes to allow the Commission to order the emergency suspension of all peace officers, even when a chief administrator is able to address fitness-for-duty concerns regarding appointed peace officers. Commenter indicates that, even if able, chief administrators may fail to address fitness-for-duty concerns and officer misconduct, possibly for unethical or nefarious reasons. Commenter believes that the rule does not follow the Legislature's direction in Texas Occupations Code §1701.5011 and fails to comply with best practices.

Commenter also recommends broadening the examples of imminent threat listed because the examples narrowly focus on mental health issues. Commenter recommends adding to the list arrests and charges for felonies and certain misdemeanors or commission of "an act that would constitute a felony or misdemeanor which could serve as a basis for license revocation, irrespective of whether the officer has yet been prosecuted."

Commission Response: The Legislature's charge in Texas Occupations Code §1701.5011 to the Commission was to "adopt rules specifying the circumstances under which the commission may issue an emergency order, without a hearing, suspending a person's license for a period not to exceed 90 days after determining that the person constitutes an imminent threat to the public health, safety, or welfare." By the plain language of the statute, the Legislature has given discretion to the Commission to specify the circumstances when an emergency suspension may be issued after determining a licensee constitutes an imminent threat. Noticeably absent are any directives as proposed by Commenter.

Generally, the Commission does not have authority to investigate and discipline a peace officer for administrative misconduct. The Legislature has left this authority to the law enforcement agencies and civil service commissions. Also, Texas Occupations Code §1701.451 provides that the Commission does not have the authority to review disciplinary action taken by a law enforcement agency against a licensee. And the chief administrator has been given the responsibility to decide when to order a fitness-for-duty examination for the agency's licensees. With this in mind, the Commission made a policy decision to not create a backdoor for the regulation of administrative misconduct and fitness-for-duty concerns at the agency level because this aligns with other provisions of Texas Occupations Code Chapter 1701. As such, the Commission is exercising the discretion given by the Legislature to determine when an emergency suspension is appropriate.

Additionally, 37 Texas Administrative Code §223.18 already provides that the Commission may suspend a licensee that has been arrested for or charged with a felony offense which would constitute an immediate peril to the public health, safety, or welfare if the licensee were to remain licensed during the pendency of the criminal proceedings.

The new rule is adopted pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.5011, Emergency Suspension. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator. Texas Occupations Code §1701.5011 requires the Commission to adopt rules to specify the circumstances under which the Commission may suspend for not more than 90 days the license of a person who constitutes an imminent threat to the public health, safety, or welfare.

The new rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.5011, Emergency Suspension. No other code, article, or statute is affected by this adoption.

§223.20. Emergency Suspension for Imminent Threat.

(a) Only if a chief administrator is the person who constitutes an imminent threat, or is unable to fulfill their obligation to make a determination under §211.29(g) of this title (relating to Responsibilities

of Agency Chief Administrators), then the commission shall determine whether an imminent threat exists.

(b) The commission, through the executive director, may suspend the license of a person who constitutes an imminent threat to the public health, safety, or welfare if the person were to remain licensed.

(c) Indications of imminent threat include evidence that they are currently a danger to themselves or others, such as:

(1) law enforcement intervention documenting an imminent threat;

(2) voluntary admission to an inpatient mental health facility related to homicidal or suicidal ideations;

(3) commitment under Texas Health and Safety Code Chapters 573 or 574; or

(4) adjudicated as a mental defective.

(d) If the commission determines that an imminent threat exists, the commission will issue an order suspending the person's license for no more than 90 days. Not later than the 10th day after the order is issued, the commission will request a hearing with SOAH.

(e) The effective date of this section is September 1, 2026.

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 August 10, 2026.

TRD-202603373
Gregory Stevens
Executive Director
Texas Commission on Law Enforcement
Effective date: September 1, 2026
Proposal publication date: May 22, 2026
For further information, please call: (512) 936-7700

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PART 9. TEXAS COMMISSION ON JAIL STANDARDS

CHAPTER 251. GENERAL

37 TAC §251.6

The Texas Commission on Jail Standards (TCJS) adopts amendments to §251.6 under Chapter 251 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the June 12, 2026, issue of the *Texas Register* (51 TexReg 3862). The rule will not be republished.

The adoption of this rule adds guardianship language to the Complaints section of minimum jail standards.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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 August 14, 2026.

TRD-202603492
Ricky Armstrong
Executive Director
Texas Commission on Jail Standards
Effective date: September 3, 2026
Proposal publication date: June 12, 2026
For further information, please call: (512) 850-9668

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CHAPTER 253. DEFINITIONS

37 TAC §253.1

The Texas Commission on Jail Standards (TCJS) adopts amendments to §253.1 under Chapter 253 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the June 12, 2026, issue of the *Texas Register* (51 TexReg 3863). The rule will not be republished.

The adoption of this rule adds definitions related to guardianship of a ward and jail operations.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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 August 14, 2026.

TRD-202603493
Ricky Armstrong
Executive Director
Texas Commission on Jail Standards
Effective date: September 3, 2026
Proposal publication date: June 12, 2026
For further information, please call: (512) 850-9668

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CHAPTER 259. NEW CONSTRUCTION RULES

SUBCHAPTER B. NEW MAXIMUM SECURITY DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

37 TAC §259.132

The Texas Commission on Jail Standards (TCJS) adopts amendments to §259.132 under Chapter 259 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the June 12, 2026, issue of the *Texas Register* (51 TexReg 3864). The rule will not be republished.

The adoption of this rule updates standards to be more easily understood.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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 August 14, 2026.

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Ricky Armstrong
Executive Director
Texas Commission on Jail Standards
Effective date: September 3, 2026
Proposal publication date: June 12, 2026
For further information, please call: (512) 850-9668

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CHAPTER 265. ADMISSION

37 TAC §265.4

The Texas Commission on Jail Standards (TCJS) adopts amendments to §265.4 Inmate Files under Chapter 265 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the June 12, 2026, issue of the *Texas Register* (51 TexReg 3865). The rule will not be republished.

The adoption of this rule adds guardianship language to the admissions section of minimum jail standards.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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 August 14, 2026.

TRD-202603494
Ricky Armstrong
Executive Director
Texas Commission on Jail Standards
Effective date: September 3, 2026
Proposal publication date: June 12, 2026
For further information, please call: (512) 850-9668

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37 TAC §265.5

The Texas Commission on Jail Standards (TCJS) adopts amendments to §265.5 Health Tags under Chapter 265 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the June 12, 2026, issue of the *Texas Register* (51 TexReg 3866). The rule will not be republished.

The adoption of this rule adds guardianship language to the admissions section of minimum jail standards.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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 August 14, 2026.

TRD-202603495
Ricky Armstrong
Executive Director
Texas Commission on Jail Standards
Effective date: September 3, 2026
Proposal publication date: June 12, 2026
For further information, please call: (512) 850-9668

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37 TAC §265.7

The Texas Commission on Jail Standards (TCJS) adopts amendments to §265.7 Telephone Use under Chapter 265 Part 9 of Title 37 of the Texas Administrative Code with changes to the text as proposed in the June 12, 2026, issue of the *Texas Register* (51 TexReg 3866). The rule will be republished.

The adoption of this rule adds guardianship language to the admissions section of minimum jail standards.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

§265.7. Telephone Use.

A telephone shall be available for inmates' use within the processing area. The facility shall allow reasonable access to a written or electronic contact list that is in the inmate's possession upon booking. For inmates with a Guardian, the jail shall attempt to facilitate communication with the Guardian.

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 August 14, 2026.

TRD-202603496
Ricky Armstrong
Executive Director
Texas Commission on Jail Standards
Effective date: September 3, 2026
Proposal publication date: June 12, 2026
For further information, please call: (512) 850-9668

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CHAPTER 273. HEALTH SERVICES

37 TAC §273.2

The Texas Commission on Jail Standards (TCJS) adopts amendments to §273.2 Health Services Plan under Chapter 273 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the June 12, 2026, issue of the *Texas Register* (51 TexReg 3868). The rule will not be republished.

The adoption of this rule adds guardianship language to the health services section of minimum jail standards.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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 August 14, 2026.

TRD-202603497
Ricky Armstrong
Executive Director
Texas Commission on Jail Standards
Effective date: September 3, 2026
Proposal publication date: June 12, 2026
For further information, please call: (512) 850-9668

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37 TAC §273.9

The Texas Commission on Jail Standards (TCJS) adopts new §273.9 Guardianship under Chapter 273 Part 9 of Title 37 of the Texas Administrative Code without changes to the text as proposed in the June 12, 2026, issue of the *Texas Register* (51 TexReg 3869). The rule will not be republished.

The adoption of this rule adds guardianship guidance and language to the health services section of minimum jail standards.

No comments were received during the public comment period.

Statutory authority to adopt this rule comes from Texas Government Code 511.009.

No further article, statute, or code is affected by this adoption.

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 August 14, 2026.

TRD-202603498
Ricky Armstrong
Executive Director
Texas Commission on Jail Standards
Effective date: September 3, 2026
Proposal publication date: June 12, 2026
For further information, please call: (512) 850-9668

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TITLE 43. TRANSPORTATION

PART 10. TEXAS DEPARTMENT OF MOTOR VEHICLES

CHAPTER 221. SALVAGE VEHICLE DEALERS

SUBCHAPTER B. LICENSING

43 TAC §221.17

INTRODUCTION. The Texas Department of Motor Vehicles (department) adopts amendments to 43 Texas Administrative Code (TAC) Subchapter B, Licensing; §221.17, License Processing for Military Service Members, Spouses, and Veterans. These adopted amendments are necessary for the department to be able to identify and expedite the processing of these applications as required by Occupations Code, §55.0041, without significant licensing system programming changes. The department adopts §221.17 without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2684). The rule will not be republished.

REASONED JUSTIFICATION. Occupations Code, §55.004(b-1), as amended by Senate Bill 1818, 89th Texas Legislature, Regular Session, requires all state licensing agencies, including the department, to issue a provisional license to military service members, veterans and military spouses while the agency processes the application for licensure. The adopted amendments to §221.17(b) clarify the license application process for a military service member, military veteran, or military spouse to obtain a provisional license as a salvage vehicle dealer. These clarifications are necessary for the department to be able to identify and process these applications on an expedited basis as required by Occupations Code, §55.0041. Adopted amendments to §221.17(b)(1) establish less-onerous application requirements for a provisional license to align the rule with Occupations Code, §55.0041, which sets the specific requirements for this temporary license type. The adopted amendments to §221.17(b)(1) clarify that a military service member, military spouse, or military veteran may apply for a provisional license by downloading and completing the provisional license application form from the department website or contacting the department. Adopted amendments to §221.17(b)(1) also require the applicant to submit a completed provisional license application to the department at the email address designated in the application form, replace the requirement to submit a more comprehensive online application under 43 Texas Administrative Code §221.15 and §221.16, reletter the required attachments that must be submitted with the provisional license application, and clarify the circumstances in which certain attachments are required.

Adopted amendments to §221.17(b)(2) add the phrase "provisional license" to describe the application type, add in §221.17(b)(2)(A) military veteran to the list of those eligible and amend related prepositions, and change a verb in §221.17(b)(2)(B) to align with the language used in §221.17(b)(2)(A) and (C) and in Occupations Code, §55.0041. Adopted amendments in new §221.17(b)(2)(C) add that if the department confirms that the applicant is licensed in good standing in a state with licensing requirements that are similar in scope and practice, the department will promptly issue the provisional license and notify the applicant to submit a complete application as described in §221.15 and §221.16.

Adopted amendments to §221.17(b)(3) replace the first sentence with new text that aligns the rule with Occupations Code, §55.0041(b-1) and §55.005(a), both as amended by House Bill 5629, 89th Legislature, Regular Session, which require that all licensing agencies issue a license to a military service member, veteran, or military spouse within 10 business days of an application or explain why the agency is unable to issue the license. The adopted amendments to §221.17(b)(3) clarify that the department will issue a license within 10 days of receiving a complete application as described in §221.15 and §221.16, or notify the applicant why a license cannot currently be issued, if the applicant holds a provisional license, is currently licensed in good standing in another state with licensing requirements that are similar in scope and practice, or was licensed in good

standing in Texas in the last five years. These adopted amendments streamline and standardize the salvage dealer licensing process for military members, military spouses, and military veterans consistent with the requirements of Occupations Code, Chapter 55, without requiring substantial licensing system changes that would delay implementation. The remaining text of current §221.17(b)(3) is redesignated as §221.17(c), and current §221.17(c) is redesignated as §221.17(d).

SUMMARY OF COMMENTS.

No comments on the proposed amendments were received.

STATUTORY AUTHORITY. The department adopts amendments to Chapter 221 under Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Occupations Code, §2302.052, which assigns the board a duty to set reasonable and necessary application fees, license fees, renewal fees, and other fees as required to implement Chapter 2302; Occupations Code, §2302.103, which requires a salvage vehicle dealer to apply for a license on a form prescribed by the department and pay an application fee; Occupations Code, §2302.104, which prescribes content that must be included in an application; Occupations Code, §2302.105, which requires the department to complete an investigation of the applicant's qualifications before issuing a license; Occupations Code, §2302.108, which authorizes the department to deny, suspend, revoke, or reinstate a license issued under Chapter 2302 consistent with the requirements of Government Code, Chapter 2001; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department.

The department also adopts amendments under the authority of Transportation Code, §§501.0041, 502.0021, and 503.002; and Government Code, §§2001.004, 2001.039, and 2001.054, in addition to the statutory authority referenced throughout this preamble.

Transportation Code, §501.0041 authorizes the department to adopt rules to administer Transportation Code, Chapter 501. Transportation Code, §502.0021 authorizes the department to adopt rules to administer Transportation Code, Chapter 502. Transportation Code, §503.002 authorizes the department to adopt rules to administer Transportation Code, Chapter 503.

Government Code, §2001.004 requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures. Government Code, §2001.039 requires state agencies to readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule. Government Code, §2001.054 specifies the requirements regarding the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a license.

CROSS REFERENCE TO STATUTE. These rule revisions would implement Government Code, Chapter 2001; Occupations Code, Chapters 53, 55, and 2302; and Transportation Code, Chapters 501-503, and 1002.

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 August 14, 2026.

TRD-202603455
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Effective date: September 3, 2026
Proposal publication date: April 24, 2026
For further information, please call: (512) 465-4160

REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039. Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Texas Health and Human Services Commission

Title 1, Part 15

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 1, Part 15, of the Texas Administrative Code (TAC):

Chapter 377, Children's Advocacy Programs

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 377, Children's Advocacy Programs, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 377" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register.*

The text of the rule sections being reviewed will not be published but may be found in Title 1, Part 15, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202603640
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: August 19, 2026

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Finance Commission of Texas

Title 7, Part 1

On behalf of the Finance Commission of Texas (commission), the Texas Department of Banking files this notice of intention to review and consider for readoption, revision, or repeal, the following chapter of Texas Administrative Code, Title 7, in its entirety:

Chapter 5 (Administration of Finance Agencies), §§5.100, 5.101, 5.103, 5.105, 5.107

The review is conducted pursuant to Government Code, §2001.039. Comments regarding the review of this chapter, and whether the reasons for initially adopting the sections under review continue to exist, will be accepted for 30 days following the publication of this notice in the *Texas Register*.

Any questions or written comments pertaining to this notice of intention to review should be directed to Robert K, Nichols, III, General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Suite 300, Austin, Texas 78705, or e-mailed to legal@dob.texas.gov.

Any proposed changes to these sections as a result of the rule review will be published as proposed rules in the *Texas Register.* Proposed rules are subject to public comment for a reasonable period prior to final adoption by the commission.

TRD-202603487
Robert K. Nichols, III
General Counsel
Finance Commission of Texas
Filed: August 14, 2026

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Texas Department of Banking

Title 7, Part 2

On behalf of the Finance Commission of Texas (commission), the Texas Department of Banking files this notice of intention to review and consider for readoption, revision, or repeal, the following chapter of Texas Administrative Code, Title 7, in its entirety:

Chapter 11 (Miscellaneous), §§11.10 - 11.12, 11.37

The review is conducted pursuant to Government Code, §2001.039. Comments regarding the review of this chapter, and whether the reasons for initially adopting the sections under review continue to exist, will be accepted for 30 days following the publication of this notice in the *Texas Register*.

Any questions or written comments pertaining to this notice of intention to review should be directed to Robert K, Nichols, III, General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Suite 300, Austin, Texas 78705, or e-mailed to legal@dob.texas.gov.

Any proposed changes to these sections as a result of the rule review will be published as proposed rules in the *Texas Register.* Proposed rules are subject to public comment for a reasonable period prior to final adoption by the commission.

TRD-202603488
Robert K. Nichols, III
General Counsel
Texas Department of Banking
Filed: August 14, 2026

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On behalf of the Finance Commission of Texas (commission), the Texas Department of Banking files this notice of intention to review and consider for readoption, revision, or repeal, the following chapter of Texas Administrative Code, Title 7, in its entirety:

Chapter 26 (Perpetual Care Cemeteries), §§26.1 - 26.6, 26.11, 26.12

The review is conducted pursuant to Government Code, §2001.039. Comments regarding the review of this chapter, and whether the reasons for initially adopting the sections under review continue to exist, will be accepted for 30 days following the publication of this notice in the *Texas Register*.

Any questions or written comments pertaining to this notice of intention to review should be directed to Robert K, Nichols, III, General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Suite 300, Austin, Texas 78705, or e-mailed to legal@dob.texas.gov.

Any proposed changes to these sections as a result of the rule review will be published as proposed rules in the *Texas Register*. Proposed rules are subject to public comment for a reasonable period prior to final adoption by the commission.

TRD-202603490
Robert K. Nichols, III
General Counsel
Texas Department of Banking
Filed: August 14, 2026

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On behalf of the Finance Commission of Texas (commission), the Texas Department of Banking files this notice of intention to review and consider for readoption, revision, or repeal, the following chapter of Texas Administrative Code, Title 7, in its entirety:

Chapter 27 (Applications), §27.1

The review is conducted pursuant to Government Code, §2001.039. Comments regarding the review of this chapter, and whether the reasons for initially adopting the sections under review continue to exist, will be accepted for 30 days following the publication of this notice in the *Texas Register*.

Any questions or written comments pertaining to this notice of intention to review should be directed to Robert K, Nichols, III, General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Suite 300, Austin, Texas 78705, or e-mailed to legal@dob.texas.gov.

Any proposed changes to these sections as a result of the rule review will be published as proposed rules in the *Texas Register*. Proposed rules are subject to public comment for a reasonable period prior to final adoption by the commission.

TRD-202603491
Robert K. Nichols, III
General Counsel
Texas Department of Banking
Filed: August 14, 2026

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Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC), in its own capacity and on behalf of the Texas Department of State Health Services (DSHS), proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 13, Health Planning and Resource Development

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 13, Health Planning and Resource Development, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 13" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202603438
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: August 13, 2026

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The Texas Health and Human Services Commission (HHSC), in its own capacity and on behalf of the Texas Department of State Health Services (DSHS), proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code:

Chapter 31, Nutrition Services

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 31, Nutrition Services, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 31" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register*.

The text of the rule sections being reviewed will not be published but may be found in Title 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202603639
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: August 19, 2026

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The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 25, Part 1, of the Texas Administrative Code (TAC):

Chapter 415, Provider Clinical Responsibilities--Mental Health Services

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 415, Provider Clinical Responsibilities--Mental Health Services, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 415" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register.*

The text of the rule sections being reviewed will not be published but may be found in Title 25, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202603439
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: August 13, 2026

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Texas Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 275, Consumer Managed Personal Attendant Services (CMPAS) Program

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 275, Consumer Managed Personal Attendant Services (CMPAS) Program, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 275" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register.*

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202603453
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: August 14, 2026

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The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 330, LIDDA Role and Responsibilities

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 330, LIDDA Role and Responsibilities, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 330" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register.*

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202603441
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: August 13, 2026

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The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 366, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 366, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 366" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register.*

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202603641
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: August 19, 2026

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The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 505, Hospital Licensing

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 505, Hospital Licensing, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 505" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register.*

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202603646
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: August 19, 2026

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The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 904, Continuity of Services--State Facilities

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 746, Minimum Standards for Child-Care Centers, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to hhsrulescoordinationoffice@hhs.texas.gov. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 904" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register.*

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202603440
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: August 13, 2026

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Employees Retirement System of Texas

Title 34, Part 4

The Employees Retirement System of Texas files this notice of intent to review 34 Texas Administrative Code Chapter 61, concerning Terms and Phrases, in accordance with Texas Government Code §2001.039.

The Board will assess whether the reasons for adopting or re-adopting this chapter continue to exist. Each section of the chapter will be reviewed to determine whether it is obsolete, reflects current legal and policy considerations, reflects current provisions related to the governance of the Board, and is in compliance with Chapter 2001 of the Texas Government Code (Administrative Procedure Act).

Comments on the review may be submitted in writing, within 30 days following the publication of this notice of intent to review in the *Texas Register*, to Cynthia C. Hamilton, General Counsel and Chief Compliance Officer, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207, or you may email Ms. Hamilton at General.Counsel@ers.texas.gov. The deadline for receiving comments is Monday, September 28, 2026, at 10:00 a.m. Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be subject to an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202603565
Cynthia C. Hamilton
General Counsel and Chief Compliance Officer
Employees Retirement System of Texas
Filed: August 17, 2026

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The Employees Retirement System of Texas files this notice of intent to review 34 Texas Administrative Code Chapter 63, concerning Board of Trustees, in accordance with Texas Government Code §2001.039.

The Board will assess whether the reasons for adopting or re-adopting this chapter continue to exist. Each section of the chapter will be reviewed to determine whether it is obsolete, reflects current legal and policy considerations, reflects current provisions related to the governance of the Board, and is in compliance with Chapter 2001 of the Texas Government Code (Administrative Procedure Act).

Comments on the review may be submitted in writing, within 30 days following the publication of this notice of intent to review in the *Texas Register*, to Cynthia C. Hamilton, General Counsel and Chief Compliance Officer, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207, or you may email Ms. Hamilton at General.Counsel@ers.texas.gov. The deadline for receiving comments is Monday, September 28, 2026, at 10:00 a.m. Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be subject to an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202603564

Cynthia C. Hamilton
General Counsel and Chief Compliance Officer
Employees Retirement System of Texas
Filed: August 17, 2026

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The Employees Retirement System of Texas files this notice of intent to review 34 Texas Administrative Code Chapter 65, concerning Executive Director, in accordance with Texas Government Code §2001.039.

The Board will assess whether the reasons for adopting or re-adopting this chapter continue to exist. Each section of the chapter will be reviewed to determine whether it is obsolete, reflects current legal and policy considerations, reflects current provisions related to the governance of the Board, and is in compliance with Chapter 2001 of the Texas Government Code (Administrative Procedure Act).

Comments on the review may be submitted in writing, within 30 days following the publication of this notice of intent to review in the *Texas Register*, to Cynthia C. Hamilton, General Counsel and Chief Compliance Officer, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207, or you may email Ms. Hamilton at General.Counsel@ers.texas.gov. The deadline for receiving comments is Monday, September 28, 2026, at 10:00 a.m. Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be subject to an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202603562
Cynthia C. Hamilton
General Counsel and Chief Compliance Officer
Employees Retirement System of Texas
Filed: August 17, 2026

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The Employees Retirement System of Texas files this notice of intent to review 34 Texas Administrative Code Chapter 69, concerning Membership, Annuity, Termination, and Refunds, in accordance with Texas Government Code §2001.039.

The Board will assess whether the reasons for adopting or re-adopting this chapter continue to exist. Each section of the chapter will be reviewed to determine whether it is obsolete, reflects current legal and policy considerations, reflects current provisions related to the governance of the Board, and is in compliance with Chapter 2001 of the Texas Government Code (Administrative Procedure Act).

Comments on the review may be submitted in writing, within 30 days following the publication of this notice of intent to review in the *Texas Register*, to Cynthia C. Hamilton, General Counsel and Chief Compliance Officer, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207, or you may email Ms. Hamilton at General.Counsel@ers.texas.gov. The deadline for receiving comments is Monday, September 28, 2026, at 10:00 a.m. Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be subject to an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202603559
Cynthia C. Hamilton
General Counsel and Chief Compliance Officer
Employees Retirement System of Texas
Filed: August 17, 2026

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The Employees Retirement System of Texas files this notice of intent to review 34 Texas Administrative Code Chapter 76, concerning Cash Balance Benefit, in accordance with Texas Government Code §2001.039.

The Board will assess whether the reasons for adopting or re-adopting this chapter continue to exist. Each section of the chapter will be reviewed to determine whether it is obsolete, reflects current legal and policy considerations, reflects current provisions related to the governance of the Board, and is in compliance with Chapter 2001 of the Texas Government Code (Administrative Procedure Act).

Comments on the review may be submitted in writing, within 30 days following the publication of this notice of intent to review in the *Texas Register*, to Cynthia C. Hamilton, General Counsel and Chief Compliance Officer, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711-3207, or you may email Ms. Hamilton at General.Counsel@ers.texas.gov. The deadline for receiving comments is Monday, September 28,2026, at 10:00 a.m. Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be subject to an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202603566
Cynthia C. Hamilton
General Counsel and Chief Compliance Officer
Employees Retirement System of Texas
Filed: August 17, 2026

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Texas Department of Motor Vehicles

Title 43, Part 10

The Texas Department of Motor Vehicles (department) will review and consider whether to readopt, readopt with amendments, or repeal 43 Texas Administrative Code, Chapter 221, Salvage Vehicle Dealers. This review is being conducted pursuant to Government Code, §2001.039.

The board will assess whether the reasons for initially adopting these rules continue to exist and whether the rules should be repealed, readopted, or readopted with amendments.

If you want to comment on this rule review proposal, submit your written comments by 5:00 p.m. CDT on September 28, 2026. A request for a public hearing must be sent separately from your written comments. Send written comments or hearing requests by email to *rules@txdmv.gov* or by mail to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is held, the department will consider written comments and public testimony presented at the hearing.

TRD-202603445
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Filed: August 13, 2026

♦ ♦ ♦

Adopted Rule Reviews

Department of State Health Services

Title 25, Part 1

The Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code (TAC):

Chapter 73, Laboratories

Notice of the review of this chapter was published in the May 29, 2026, issue of the *Texas Register* (51 TexReg 3717) for public comment.

The 31-day comment period ended June 29, 2026. During this period, DSHS did not receive any comments regarding the proposed rule review.

DSHS has reviewed Chapter 73 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 73. Any amendments, if applicable, to Chapter 73 identified by DSHS in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes DSHS' review of 25 TAC Chapter 73 as required by Texas Government Code §2001.039.

TRD-202603454
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: August 14, 2026

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Texas Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 551, Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Conditions

Notice of the review of this chapter was published in the May 29, 2026, issue of the *Texas Register* (51 TexReg 3719) for public comment.

The 31-day comment period ended June 29, 2026. During this period, HHSC did not receive any comments regarding the proposed rule review.

HHSC has reviewed Chapter 551 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 551. Any amendments, if applicable, to Chapter 551 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 551 as required by Texas Government Code §2001.039.

TRD-202603437
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: August 13, 2026

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TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 19 TAC §110.10(f)(1) Required Literary Works List – Kindergarten

This list of literary works is required as described in administrative rule 19 TAC §110.10.

Grade	English Title	Author	ISBN	Designated Read Aloud
Kinder	April Rain Song	Langston Hughes		Read Aloud
Kinder	The Bald Eagle	Norman Pearl	978-1404826458	Read Aloud
Kinder	The Berenstain Bears and the Golden Rule	Stan Berenstain	978-0310712473	Read Aloud
Kinder	Blueberries for Sal	Robert McCloskey	978-0670175918	Read Aloud
Kinder	The Cat in the Hat	Dr. Seuss	978-0394800011	Read Aloud
Kinder	Chicka Chicka Boom Boom	Bill Martin Jr. and John Archambault	978-0689835681	Read Aloud
Kinder	Cinderella/Cenicienta	Francesc Boada (adapted by)	978-0811830904	Read Aloud
Kinder	Classic Nursery Rhymes (selected excerpts: Baa Baa Black Sheep, Hickory Dickery Dock, Humpty Dumpty, Jack and Jill, Little Boy Blue, Little Miss Muffet, Mary Had a Little Lamb, Old King Cole, One Two Buckle My Shoe)	Nicola Baxter (compiler)	978-1843228370	Read Aloud
Kinder	George Washington and the Cherry Tree (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Read Aloud
Kinder	Goldilocks and the Three Bears	Jim Aylesworth	978-0439395458	Read Aloud
Kinder	The Grasshopper and the Ants	Jerry Pinkney (retold from Aesop)	978-0316400817	Read Aloud
Kinder	How Grandmother Spider Brought Fire (A Choctaw Story) (excerpt from A Year Full of Stories: 52 Folktales and Legends from Around the World)	Angela McAllister	978-1847808684	

Grade	English Title	Author	ISBN	Designated Read Aloud
Kinder	The Keeping Quilt	Patricia Polacco	978-0689844478	Read Aloud
Kinder	L is for Lone Star: A Texas Alphabet	Carol Crane	978-1585360192	Read Aloud
Kinder	The Little Red Hen (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Read Aloud
Kinder	The Lion and the Mouse (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Read Aloud
Kinder	Luna Loves Art	Joseph Coelho	978-1684640461	Read Aloud
Kinder	A Picture Book of George Washington	David A. Adler	978-0823440597	Read Aloud
Kinder	A Picture Book of Thomas Alva Edison	David A. Adler	978-0823414147	Read Aloud
Kinder	The Runaway Bunny	Margaret Wise Brown	978- 0064430180	Read Aloud
Kinder	The Snowy Day	Ezra Jack Keats	978-0670654000	Read Aloud
Kinder	The Three Little Pigs / Los tres cerditos	Patricia Seibert	978-0769638188	Read Aloud
Kinder	The Tortoise and the Hare (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Read Aloud
Kinder	The Very Hungry Caterpillar	Eric Carle	978-0399208539	Read Aloud
Kinder	You Are Special: A Story for Everyone	Max Lucado	978-1433522673	Read Aloud

Figure: 19 TAC §110.10(f)(2) Required Literary Works List – First Grade

This list of literary works is required as described in administrative rule 19 TAC §110.10.

Grade	English Title	Author	ISBN	Designated Read Aloud
Grade 1	Abe Lincoln: The boy who loved books	Kay Winters	978-1416912682	Read Aloud
Grade 1	Abuela	Arthur Dorros	978-0140562255	Read Aloud
Grade 1	Ada Twist, Scientist	Andrea Beaty	978-1419721373	Read Aloud
Grade 1	Amelia Bedelia's First Day of School	Herman Parish	978-0061544576	Read Aloud
Grade 1	A Beautiful Day in the Neighborhood: The Poetry of Mister Rogers (selected excerpts: Won't You Be My Neighbor, I Like You As You Are, Children Can, Smile in Your Pocket, Take My Time, What Can You Hear?, I'd Like to Be Like Mom and Dad, Summer Rain, Are You Brave?, The King and the Ocean, Then Your Heart is Full of Love, The Truth Will Make You Free, You're Special, Perfect Day, I'm Proud of You)	Fred Rogers	978-1683693178	Read Aloud
Grade 1	The Boy Who Cried Wolf (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Read Aloud
Grade 1	Classic Nursery Rhymes (selected excerpts: Jack Be Nimble, Peter Peter Pumpkin Eater, Simple Simon, Sing a Song of Sixpence, There Was an Old Woman, Twinkle Twinkle Little Star, Yankee Doodle)	Nicola Baxter	978-1843228370	Read Aloud
Grade 1	Curious About the White House	Kate Waters	978-0399541452	Read Aloud
Grade 1	Daniel Boone (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	Read Aloud
Grade 1	Davy Crockett (English)	Emma E. Haldy	978-1634724937	Read Aloud
Grade 1	Invitation (excerpt from Where the Sidewalk Ends)	Shel Silverstein	978-0060256678	Read Aloud
Grade 1	Jack and the Beanstalk	Thomas Nelson	978-1646431847	Read Aloud
Grade 1	Jonah and the Whale (Book of Jonah, Chapter 1, Verses 1-5, 10-17, and Chapter 2, Verse 10)	International Children's Bible: Hebrew Bible/Old Testament	978-1400322336	Read Aloud
Grade 1	The Legend of the Bluebonnet	Tomie dePaola	978-0698113596	Read Aloud
Grade 1	The Life of Paul Revere	Maria Nelson	978-1433966576	Read Aloud
Grade 1	The Little Engine That Could	Watty Piper	978-0448405209	Read Aloud
Grade 1	Madeline	Ludwig Bemelmans	978-0140564396	Read Aloud

Grade	English Title	Author	ISBN	Designated Read Aloud
Grade 1	Medio Pollito/Half Chicken: A Folktale in Spanish and English	Alma Flor Ada	978-0440413608	Read Aloud
Grade 1	Now and Ben: The Modern Inventions of Benjamin Franklin	Gene Barretta	978-0312535698	Read Aloud
Grade 1	A Picture Book of Frederick Douglass	David A. Adler	823412059	Read Aloud
Grade 1	Amazing Americans: Pocahontas	Sharon Coan	978-1433373534	Read Aloud
Grade 1	Red Riding Hood	James Marshall	978-0140546934	Read Aloud
Grade 1	The Tale of Peter Rabbit	Beatrix Potter	978-0723247708	Read Aloud
Grade 1	The Ugly Duckling	Jerry Pinkney	978-0688159320	Read Aloud
Grade 1	Wolf in Sheep's Clothing (excerpt from Aesop's Fables: The Classic Edition)	Aesop (illustrated by Charles Santore)	978-1604338102	Read Aloud

Figure: 19 TAC §110.10(f)(3) Required Literary Works List – Second Grade

This list of literary works is required as described in administrative rule 19 TAC §110.10.

Grade	English Title	Author	ISBN	Designated Read Aloud
Grade 2	America Is...	Louise Borden	978-1416902867	Read Aloud
Grade 2	Beauty and the Beast	Marianna Mayer	978-0689711510	Read Aloud
Grade 2	Bluebonnet at the Alamo	Mary Brooke Casad	978-1681793634	Read Aloud
Grade 2	The Courage of Sarah Noble	Alice Dalgliesh	978-0689715402	Read Aloud
Grade 2	David and Goliath (excerpt from The Children's Book of Heroes)	William J. Bennett (editor)	978-0684834450	Read Aloud
Grade 2	The Donkey in the Lion's Skin (Excerpt from Aesop's Fables: The Classic Edition)	Aesop (illustrated by Charles Santore)	978-1604338102	Read Aloud
Grade 2	Falling Up (excerpt from Falling Up)	Shel Silverstein	978-0060248024	Read Aloud
Grade 2	James Madison: The 4th President	Josh Gregory	978-1642808216	Read Aloud
Grade 2	John Henry	Julius Lester	978-0140566222	Read Aloud
Grade 2	Johnny Appleseed	Steven Kellogg (retold and illustrated by)	978-0688140250	Read Aloud
Grade 2	The Legend of the Dipper (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Read Aloud
Grade 2	Paul Bunyan	Steven Kellogg (retold and illustrated by)	978-0688058005	Read Aloud
Grade 2	Moses: When Harriet Tubman Led Her People to Freedom	Carole Boston Weatherford	978-0786851751	Read Aloud
Grade 2	The Patchwork Quilt	Valerie Flournoy	978-0803700970	Read Aloud
Grade 2	Sam: The Minuteman	Nathaniel Benchley	978-0060204808	Read Aloud
Grade 2	Stellaluna	Janell Cannon	978-0544874350	Read Aloud
Grade 2	Susan B. Anthony	Laura K. Murray	978-1977126603	Read Aloud
Grade 2	The Swing	Robert Louis Stevenson		Read Aloud
Grade 2	Teammates	Peter Golenbock	978-0152842864	Read Aloud
Grade 2	The Thanksgiving Story	Alice Dalgliesh	978-0689710537	Read Aloud
Grade 2	Try, Try Again (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Read Aloud
Grade 2	We the Kids: The Preamble to the Constitution of the United States	David Catrow	978-0142402764	Read Aloud

Grade	English Title	Author	ISBN	Designated Read Aloud
Grade 2	Winnie-the-Pooh (Chapter 1 "In Which We Are Introduced to Winnie-the-Pooh and Some Bees, and the Stories Begin" and Chapter 2 "In Which Pooh Goes Visiting and Gets Into a Tight Place")	A. A. Milne	978-0525555315	Read Aloud

Figure: 19 TAC §110.10(f)(4) Required Literary Works List – Third Grade

This list of literary works is required as described in administrative rule 19 TAC §110.10.

Grade	English Title	Author	ISBN	Designated Read Aloud
Grade 3	Abraham Lincoln (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	
Grade 3	Archimedes and the Door of Science (Chapter 1 "Who Was Archimedes?," Chapter 4 "Archimedes and his Lever," Chapter 9 "Archimedes and Numbers")	Jeanne Bendick	978-1684222599	Read Aloud
Grade 3	Charlotte's Web	E. B. White	978-0064400558	
Grade 3	Enemy Pie	Derek Munson	978-0811827782	
Grade 3	The Fisherman and His Wife	Rachel Isadora	978-0399247712	
Grade 3	George Washington (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	
Grade 3	Icarus and Daedalus (excerpt from Classic Myths to Read Aloud)	William F. Russell	978-0517570128	Read Aloud
Grade 3	King Midas and the Golden Touch	Charlotte Craft	978-0060540630	Read Aloud
Grade 3	ROAR! – Daniel and the Lions' Den – Children's Adapted Version	CBN	978-1629997407	Read Aloud
Grade 3	Miss Rumphius	Barbara Cooney	978-0140505399	
Grade 3	Seeker of Knowledge: The Man Who Deciphered Egyptian Hieroglyphs	James Rumford	978-0618333455	Read Aloud
Grade 3	Smart (excerpt from Where the Sidewalk Ends)	Shel Silverstein	978-0060256678	
Grade 3	The Shepherd Boy and the Wolf (excerpt from Aesop's Fables)	Aesop (adapted and illustrated by Jerry Pinkney)	978-1587170003	
Grade 3	Stone Soup	Marcia Brown	978-0689711039	
Grade 3	Benjamin Franklin (Life Stories/Biografías)	Gillian Gosman	978-1448832194	
Grade 3	Stuart Little	E.B. White	978-0064400565	Read Aloud
Grade 3	Thomas Jefferson (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	
Grade 3	Tomás and the Library Lady	Pat Mora	978-0375803499	
Grade 3	Too Many Tamales	Gary Soto	978-0698114128	
Grade 3	The Town Mouse and the Country Mouse (excerpt from Aesop's Fables: The Classic Edition)	Aesop (illustrated Charles Santore)	978-1604338102	
Grade 3	What Do You Do with a Problem?	Kobi Yamada	978-1943200009	

Grade	English Title	Author	ISBN	Designated Read Aloud
Grade 3	The Wind in the Willows: Retold from the Kenneth Grahame original (Chapters "The River Bank," "The Open Road," "The Wild Wood," and "Mr. Badger")	Kenneth Grahame	978-1402736964	

Figure: 19 TAC §110.10(f)(5) Required Literary Works List – Fourth Grade

This list of literary works is required as described in administrative rule 19 TAC §110.10.

Grade	English Title	Author	ISBN	Designated Read Aloud
Grade 4	The Ant and the Dove (excerpt from Aesop's Fables)	Aesop (adapted and illustrated by Jerry Pinkney)	978-1587170003	
Grade 4	The Boy Who Harnessed the Wind (Picture Book Edition)	William Kamkwamba and Bryan Mealer	979-8217111121	
Grade 4	Brave Irene	William Steig	978-0312564223	
Grade 4	Dreams	Langston Hughes		
Grade 4	Number the Stars	Lois Lowry	978-0547577098	
Grade 4	Robin Hood and the Golden Arrow (excerpt from Robin Hood and the Golden Arrow and a World of Other Stories, pages 11-21)	Geraldine McCaughrean	978-1444002362	
Grade 4	Sea Fever	John Masefield		
Grade 4	Stone Fox	John Reynolds Gardiner	978-0064401326	
Grade 4	The Story of King Arthur and His Knights (Part 1 "The Winning of Kinghood" Chapters 1 and 2)	Howard Pyle (adapted by Tania Zamorsky)	978-1454945314	Read Aloud
Grade 4	Sundiata: The Lion King of Mali	David Wisniewski	978-0395764817	
Grade 4	Treasure Island (Classic Adventures)	Robert Louis Stevenson (adapted by Jacqueline Dembar Greene)	978-1946260260	
Grade 4	Who Was Leonardo da Vinci? (Chapter 1 "Who Was Leonardo DaVinci?", Chapter 2 "The Unwanted Boy", Chapter 3 "The Art Studio" and Chapter 4 "The Wider World")	Roberta Edwards	978-0448443010	
Grade 4	The Necessity of Humility (Book of Luke, Chapter14, Verses 7-11)	New International Reader's Version: New Testament	978- 0310445906	Read Aloud

Figure: 19 TAC §110.10(f)(6) Required Literary Works List – Fifth Grade

This list of literary works is required as described in administrative rule 19 TAC §110.10.

Grade	English Title	Author	ISBN
Grade 5	Adventures of Don Quixote (Dover Children's Thrift Classics)	Argentina Palacios	978-0486407913
Grade 5	Casey at the Bat	Ernest Lawrence Thayer	
Grade 5	The Colonization of Texas: Missions and Settlers	Stephanie Kuligowski	978-1433350443
Grade 5	Declaration of Independence in Translation: What It Really Means	Amy Jane Leavitt	978-1515762508
Grade 5	"Give Me Liberty or Give Me Death" (speech to the Second Virginia Convention)	Patrick Henry	
Grade 5	Independence Bell – July 4, 1776	Anonymous	
Grade 5	The Lion, the Witch and the Wardrobe	C. S. Lewis	978-0064471046
Grade 5	The Mayflower Compact	William Brewster, William Bradford, Edward Winslow	
Grade 5	The Monkey as King (excerpts from Aesop's Fables)	Aesop (illustrated by Charles Santore)	978-1604338102
Grade 5	A More Perfect Union: The Story of Our Constitution	Betsy Maestro	978-0688101923
Grade 5	Moses (Book of Exodus, Chapter 3 "The Burning Bush" Verses 1-22 and Chapter 14 "The Parting of the Red Sea" Verses 1-30)	New International Reader's Version: Hebrew Bible/Old Testament	978-0310445906
Grade 5	Paul Revere's Ride	Henry Wadsworth Longfellow	
Grade 5	The Phantom Tollbooth	Norton Juster	978-0394820378
Grade 5	Sam Houston: A Fearless Statesman	Joanne Mattern	978-1433350498
Grade 5	Thomas Jefferson: Third President	Mike Venezia	978-0516226088
Grade 5	Who was Davy Crockett? (selected excerpts: Who was Davy Crockett?, A Pioneer Family, Young David, On His Own, Crockett Speaks Up, David Goes to Washington, The Alamo, Folk Hero)	Gail Herman	978-0448467047

Figure: 19 TAC §110.30(f)(1) Required Literary Works List – Sixth Grade

This list of literary works is required as described in administrative rule 19 TAC §110.30.

Grade	Title	Author	ISBN
Grade 6	Across Five Aprils	Irene Hunt	978-0425182789
Grade 6	├-- Abraham Lincoln, a Man of Faith and Courage: Stories of Our Most Admired President (Chapter 7 "The Road Back to God")	Joe Wheeler	978-1982116514
Grade 6	├-- The Blue and The Gray	Francis Miles Finch	
Grade 6	├-- The Gettysburg Address	Abraham Lincoln	
Grade 6	└-- General Order 108 to the "Soldiers of the Armies of the United States"	Ulysses S. Grant	
Grade 6	All Creatures Great and Small	James Herriot	978-1250057839
Grade 6	├-- The Power of the Dog	Rudyard Kipling	
Grade 6	├-- A White Heron	Sarah Orne Jewett	978-1479462186
Grade 6	├-- Do Not Be Anxious (Book of Matthew, Chapter 6, Verses 25-34)	English Standard Version: New Testament	979-8874903398
Grade 6	└-- The Peace of the Wild Things	Wendell Berry	

Figure: 19 TAC §110.30(f)(2) Required Literary Works List – Seventh Grade

This list of literary works is required as described in administrative rule 19 TAC §110.30.

Grade	Title	Author	ISBN
Grade 7	The Diary of a Young Girl, translated from Dutch by B. M. Mooyart	Anne Frank, translated from the Dutch by B.M. Mooyart	978-0000526359
Grade 7	├-- Blessed is the Match	Hannah Szenes	
Grade 7	├-- Letter to the Hebrew Congregation at Newport	George Washington	
Grade 7	└— The Shepherd's Psalm (Book of Psalms, Chapter 23)	King James Version: Hebrew Bible/Old Testament	978-0718097905
Grade 7	The Outsiders	S. E. Hinton	978-0142407332
Grade 7	├-- The Eight Beatitudes (Book of Matthew, Chapter 5 Verses 1-12)	King James Version: New Testament	978-0718097905
Grade 7	├-- Do Not Go Gentle into That Good Night	Dylan Thomas	
Grade 7	├-- Mother to Son	Langston Hughes	
Grade 7	├-- Nothing Gold Can Stay	Robert Frost	
Grade 7	├-- The Road Not Taken	Robert Frost	
Grade 7	└— Thank You, M'am	Langston Hughes	978-0886824785

Figure: 19 TAC §110.30(f)(3) Required Literary Works List – Eighth Grade

This list of literary works is required as described in administrative rule 19 TAC §110.30.

Grade	Title	Author	ISBN
Grade 8	The Giver	Lois Lowry	978-0544336261
Grade 8	├-- Harrison Bergeron (excerpt from Welcome to the Monkey House)	Kurt Vonnegut	978-0385333504
Grade 8	├-- The Man in the Arena Passage (excerpt from Citizenship in a Republic speech by Teddy Roosevelt in 1910)	Teddy Roosevelt	
Grade 8	├-- O Me! O Life!	Walt Whitman	
Grade 8	└— To Everything There is a Season (Book of Ecclesiastes, Chapter 3)	King James Version: Hebrew Bible/Old Testament	978-0718097905
Grade 8	Night	Elie Wiesel	978-0374500016
Grade 8	├--Book of Lamentations, Chapter 3	Tanakh: Jewish Publication Society 1917	
Grade 8	├--The Perils of Indifference (excerpt from White House Official Transcript at Remarks of Millenium evening)	Elie Wiesel	
Grade 8	└—The Survivor	Primo Levi	

Figure: 19 TAC §110.70(f)(1) Required Literary Works List – English I

This list of literary works is required as described in administrative rule 19 TAC §110.70.

Course	Title	Author	ISBN
English I	Animal Farm	George Orwell	978-0451526342
English I	├--The Clever Teens' Guide to the Russian Revolution	Felix Rhodes	978-1542689922
English I	├-- I, Pencil	Leonard E. Read	978-1572462090
English I	├--Lyceum Address	Abraham Lincoln	
English I	└— Ozymandias	Percy Bysshe Shelley	
English I	Great Expectations	Charles Dickens	978-0486415864
English I	├--A Brief History of Life in Victorian Britain (excerpt Chapters 1, 2 and 6)	Michael Paterson	978-0762435180
English I	├--Love is not all	Edna St. Vincent Millay	
English I	└— Parable of the Prodigal Son (Book of Luke, Chapter 15, Verses 11-32)	English Standard Version: New Testament	979-8874903398

Figure: 19 TAC §110.70(f)(2) Required Literary Works List – English II

This list of literary works is required as described in administrative rule 19 TAC §110.70.

Course	Title	Author	ISBN
English II	The Tragedy of Julius Caesar	William Shakespeare	979-8336837506
English II	├--General Douglas MacArthur's Farewell Speech to the Corps of Cadets at the U.S. Military Academy at West Point (excerpt paragraph 3: Duty, Honor, Country)	Douglas MacArthur	
English II	├-- Eulogy for President Reagan	Margaret Thatcher	
English II	├-- Pericles' Funeral Oration (excerpt of Book 2 from Chapters 34 - 46 of History of the Peloponnesian War)	Thucydides (edited by M.I. Finley and translated by Rex Warner)	978-0140440393
English II	└ The Raven	Edgar Allen Poe	
English II	The Inferno	Dante Alighieri	978-0451531391
English II	├--The Book of Job (Book of Job, Chapters 1-7,11,14,19,28,38-42)	New International Reader's Version: Hebrew Bible/Old Testament	978-0310445906
English II	├--I've Been to the Mountaintop	Martin Luther King, Jr.	
English II	└ The Middle Ages: A Very Short Introduction (selected excerpts: Chapter 1 The 'Middle' Ages?, Chapter 2 People and Their Lifestyles, Chapter 3 The Big Idea: Christian Salvation, Chapter 4 Kingship, Lordship, and Government)	Miri Rubin	978-0199697298

Figure: 19 TAC §110.70(f)(3) Required Literary Works List – English III

This list of literary works is required as described in administrative rule 19 TAC §110.70.

Course	Title	Author	ISBN
English III	Fahrenheit 451	Ray Bradbury	978-1451673319
English III	├──Dear Mr. McCarthy, I am very real (excerpt, Section 1 from Palm Sunday: An Autobiographical Collage)	Kurt Vonnegut	978-0385334266
English III	├──What is Capitalism? (excerpt, Section 1 from Capitalism, The Unknown Ideal)	Ayn Rand	
English III	├──Flattering Unction (excerpt, Chapter 1 from The Vision of the Anointed)	Thomas Sowell	978-0465089949
English III	└── The Veldt (excerpt from The Illustrated Man)	Ray Bradbury	978-0006479222
English III	The Scarlet Letter	Nathaniel Hawthorne	978-0486280486
English III	├──Adam and Eve (Book of Genesis, Chapters 2 and 3)	New International Reader's Version: Hebrew Bible/Old Testament	978-0310445906
English III	├──The Minister's Black Veil	Nathaniel Hawthorne	979-8394407857
English III	└── We Wear the Mask	Paul Laurence Dunbar	

Figure: 19 TAC §110.70(f)(4) Required Literary Works List – English IV

This list of literary works is required as described in administrative rule 19 TAC §110.70.

Course	Title	Author	ISBN / LCCN
English IV	Hamlet	William Shakespeare	978-0743477123
English IV	├-- Hamlet and His Problems (excerpt from The Sacred Wood: Essays on Poetry and Criticism)	T. S. Eliot	
English IV	├-- If	Rudyard Kipling	
English IV	└-- The Love Song of J. Alfred Prufrock	T. S. Eliot	
English IV	Pride and Prejudice	Jane Austen	978-0141439518
English IV	├--The Definition of Love (Book of 1 Corinthians, Chapter 13)	English Standard Version: New Testament	979-8874903398
English IV	├-- "Hope" is the thing with feathers	Emily Dickinson	
English IV	├-- The Parson's Daughter of Oxney Colne	Anthony Trollope	978-1482079876
English IV	└-- When I Was One-and-Twenty	A. E. Housman	

Figure: 19 TAC §128.10(f)(1) Required Literary Works List – Kindergarten

This list of literary works is required as described in administrative rule 19 TAC §128.10.

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Kinder	April Rain Song	Langston Hughes		Canción de la lluvia de abril	Langston Hughes		Read Aloud
Kinder	The Bald Eagle	Norman Pearl	978-1404826458	El águila de Estados Unidos	Dona Herweck Rice	978-1493829651	Read Aloud
Kinder	The Berenstain Bears and the Golden Rule	Stan Berenstain	978-0310712473	Los Osos Berenstain y La regla de oro	Stan Berenstain	978-0829758849	Read Aloud
Kinder	Blueberries for Sal	Robert McCloskey	978-0670175918	Arándanos para Sal	Robert McCloskey	978-8484703662	Read Aloud
Kinder	The Cat in the Hat	Dr. Seuss	978-0394800011	The Cat in the Hat/El Gato Ensombrerado	Dr. Suess	978-0553524437	Read Aloud
Kinder	Chicka Chicka Boom Boom	Bill Martin Jr. and John Archambault	978-0689835681	Chica Chica Bum Bum	Bill Martin Jr. y John Archambault	978-0439434515	Read Aloud
Kinder	Cinderella/Cenicienta	Francesc Boada (adapted by)	978-0811830904	Cinderella/Cenicienta	Francesc Boada (adapted by)	978- 0811830904	Read Aloud
Kinder	Classic Nursery Rhymes (selected excerpts: Baa Baa Black Sheep, Hickory Dickery Dock, Humpty Dumpty, Jack and Jill, Little Boy Blue, Little Miss Muffet, Mary Had a Little Lamb, Old King Cole, One Two Buckle My Shoe)	Nicola Baxter (compiler)	978-1843228370	La Madre Goose: Nursery Rhymes for Los Niños (selected excerpts: Maria Had a Little Oveja, Baa, Baa, Black Oveja, This Little Cerdo Went to Market, Three Little Gatitos, Peter, Peter Calabaza, María, María Without Alegría, Little Miss Amarilla, Young Juan Ramón, Monday's Niño, One Potato, Dos Potatoes)	Susan Middleton Elya	978-0399251573	Read Aloud
Kinder	George Washington and the Cherry Tree (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	George Washington y el cerezo (excerpt from El libro de las virtudes para niños)	William J. Bennett (editor)	978-8440665089	Read Aloud

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Kinder	Goldilocks and the Three Bears	Jim Aylesworth	978-0439395458	Goldilocks and the Three Bears/Ricitos de Oro y los tres osos	Candice Ransom	978-0769638157	Read Aloud
Kinder	The Grasshopper & the Ants	Jerry Pinkney (retold from Aesop)	978-0316400817	La Cigarra Y La Hormiga y otras fábulas	Estudio PE S.A.C.	978-6070786365	Read Aloud
Kinder	How Grandmother Spider Brought Fire (A Choctaw Story) (excerpt from A Year Full of Stories: 52 Folktales and Legends from Around the World)	Angela McAllister	978-1847808684	Cómo la abuela araña trajo fuego (excerpt from Historias para todo el año)	Angela McAllister	978-8467590814	
Kinder	The Keeping Quilt	Patricia Polacco	978-0689844478	La colcha de los recuerdos	Patricia Polacco	978-1880507544	Read Aloud
Kinder	L is for Lone Star: A Texas Alphabet	Carol Crane	978-1585360192	¡Todos al Rodeo! A Vaquero Alphabet Book	María Alma González Pérez	978-0982242278	Read Aloud
Kinder	The Little Red Hen (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	La gallinita roja (excerpt from El libro de las virtudes para niños)	William J. Bennett (editor)	978-8440665089	Read Aloud
Kinder	The Lion and the Mouse (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	El león y el ratón (excerpt from El libro de las virtudes para niños)	William J. Bennett (editor)	978-8440665089	Read Aloud
Kinder	Luna Loves Art	Joseph Coelho	978-1684640461	A Luna le encanta el museo	Joseph Coelho and Fiona Lumbers	978-6075573175	Read Aloud
Kinder	A Picture Book of George Washington	David A. Adler	978-0823440597	George Washington: A Bilingual Biography for Kids/Una biografía bilingüe para niños	Claudia Alonso	978-1960304384	Read Aloud
Kinder	A Picture Book of Thomas Alva Edison	David A. Adler	978-0823414147	Thomas Edison: La revolución de la luz (selected excerpts: Que se haga la luz, Iluminar el camino, Ver la luz)	Nick Cimarusti	978-1087644523	Read Aloud

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Kinder	The Runaway Bunny	Margaret Wise Brown	978-0064430180	El Conejito Andarín	Margaret Wise Brown	978-0060776947	Read Aloud
Kinder	The Snowy Day	Ezra Jack Keats	978-0670654000	The Snowy Day/Un Día de Nieve	Ezra Jack Keats	978-1595192776	Read Aloud
Kinder	The Three Little Pigs / Los tres cerditos	Patricia Seibert	978-0769638188	The Three Little Pigs/Los tres cerditos	Patricia Seibert	978-0769638188	Read Aloud
Kinder	The Tortoise and the Hare (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	La liebra y la tortuga (excerpt from El libro de las virtudes para niños)	William J. Bennett (editor)	978-8440665089	Read Aloud
Kinder	The Very Hungry Caterpillar	Eric Carle	978-0399208539	The Very Hungry Caterpillar/La Oruga Muy Hambrienta	Eric Carle	978-0399256042	Read Aloud
Kinder	You Are Special: A Story for Everyone	Max Lucado	978-1433522673	Tú eres especial	Max Lucado	978-0789907523	Read Aloud

Figure: 19 TAC §128.10(f)(2) Required Literary Works List – First Grade

This list of literary works is required as described in administrative rule 19 TAC §128.10.

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Grade 1	Abe Lincoln: The boy who loved books	Kay Winters	978-1416912682	Soy Abraham Lincoln	Brad Meltzer	978-1543386028	Read Aloud
Grade 1	Abuela	Arthur Dorros	978-0140562255	Abuela	Arthur Dorros	978-0140562255	Read Aloud
Grade 1	Ada Twist, Scientist	Andrea Beaty	978-1419721373	Ada Magnífica, Científica	Andrea Beaty	978-1644730348	Read Aloud
Grade 1	Amelia Bedelia's First Day of School	Herman Parish	978-0061544576	Amelia Bedelia	Peggy Parish	978-1880507759	Read Aloud
Grade 1	A Beautiful Day in the Neighborhood: The Poetry of Mister Rogers (selected excerpts: Won't You Be My Neighbor, I Like You As You Are, Children Can, Smile in Your Pocket, Take My Time, What Can You Hear?, I'd Like to Be Like Mom and Dad, Summer Rain, Are You Brave?, The King and the Ocean, Then Your Heart is Full of Love, The Truth Will Make You Free, You're Special, Perfect Day, I'm Proud of You)	Fred Rogers	978-1683693178	Quinito's Neigborhood/El Vecindario de Quinito	Ina Cumpiano	978-0892392292	Read Aloud
Grade 1	The Boy Who Cried Wolf (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	¡Que viene el lobo! (excerpt from El libro de las virtudes para niños)	William J. Bennett (editor)	978-8440665089	Read Aloud

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Grade 1	Classic Nursery Rhymes (selected excerpts: Jack Be Nimble, Peter Peter Pumpkin Eater, Simple Simon, Sing a Song of Sixpence, There Was an Old Woman, Twinkle Twinkle Little Star, Yankee Doodle)	Nicola Baxter	978-1843228370	La Madre Goose: Nursery Rhymes for Los Niños (selected excerpts: Little Boy Azul, Old Madre Rosario, The Itsy Arañita, ¿What Are las Niñas Made Of?, ¿What Are los Niños Made Of?, Hey, Diddle Diddle, Twinkle, Twinkle, Small Estrella, I See la Luna)	Susan Middleton Elya	9780399251573	Read Aloud
Grade 1	Curious About the White House	Kate Waters	978-0399541452	La Casa Blanca	R. J. Bailey	9781620315064	Read Aloud
Grade 1	Daniel Boone (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	La leyenda de Daniel Boone	Eric Blair	978-1404816565	Read Aloud
Grade 1	Davy Crockett	Emma E. Haldy	978-1634724937	Davy Crockett	Emma E. Haldy	978-1534133150	Read Aloud
Grade 1	Invitation (excerpt from Where the Sidewalk Ends)	Shel Silverstein	978-0060256678	Invitación (excerpt from Dónde El Camino Se Corta)	Shel Silverstein	978-8440699626	Read Aloud
Grade 1	Jack and the Beanstalk	Thomas Nelson	978-1646431847	Jack and the Beanstalk/Juan y los frijoles mágicos	Carol Ottolenghi	978-0769638164	Read Aloud
Grade 1	Jonah and the Whale (Book of Jonah, Chapter 1 Verses 1-5 and 10-17; Chapter 2, Verse 10)	International Children's Bible: Hebrew Bible/Old Testament	978-1400322336	Jonás y la Ballena (Jonás, capítulo 1 versículos 1 – 5 and 10-16, capítulo 2 versículo 10)	La Biblia católica para niños	978-1599826752	Read Aloud
Grade 1	The Legend of the Bluebonnet	Tomie dePaola	978-0698113596	La Leyenda de la Flor "el Conejo" una antigua leyenda de Texas	Tomie dePaola	978-0590480505	Read Aloud
Grade 1	The Life of Paul Revere	Maria Nelson	978-1433966576	The Life of Paul Revere/La Vida de Paul Revere	Maria Nelson	978-1433966576	Read Aloud

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Grade 1	The Little Engine That Could	Watty Piper	978-0448405209	La Pequeña Locomotora Que Sí Pudo	Watty Piper	978-0448451091	Read Aloud
Grade 1	Madeline	Ludwig Bemelmans	978-0140564396	Madeline	Ludwig Bemelmans (translated by Ernesto Livon Grosman)	9780140557619	Read Aloud
Grade 1	Medio Pollito/Half Chicken: A Folktale in Spanish and English	Alma Flor Ada	978-0440413608	Medio Pollito/Half Chicken: A Folktale in Spanish and English	Alma Flor Ada	978-0440413608	Read Aloud
Grade 1	Now and Ben: The Modern Inventions of Benjamin Franklin	Gene Barretta	978-0312535698	Benjamin Franklin	Emma E. Haldy	978-1534133143	Read Aloud
Grade 1	A Picture Book of Frederick Douglass	David A. Adler	823412059	Frederick Douglass	Emma E. Haldy	978-1668964491	Read Aloud
Grade 1	Amazing Americans: Pocahontas	Sharon Coan	978-1433373534	Estadounidenses asombrosos: Pocahontas	Sharon Coan	978-1493804399	Read Aloud
Grade 1	Red Riding Hood	James Marshall	978-0140546934	Little Red Riding Hood/Caperucita Roja	Teresa Mlawer	978-0988325333	Read Aloud
Grade 1	The Tale of Peter Rabbit	Beatrix Potter	978-0723247708	El Cuento Clásico De Pedrito, El Conejo Travieso	Beatrix Potter	978-1646430345	Read Aloud
Grade 1	The Ugly Duckling	Jerry Pinkney	978-0688159320	The Ugly Duckling/El Patito Feo	Arianna Candell	978-8494653193	Read Aloud
Grade 1	Wolf in Sheep's Clothing (excerpt from Aesop's Fables: The Classic Edition)	Aesop (illustrated by Charles Santore)	978-1604338102	El lobo con piel de oveja (excerpt from Fábulas de Esopo: Edición Clásica)	Aesop (illustrated by Charles Santore)	978-1400349326	Read Aloud

Figure: 19 TAC §128.10(f)(3) Required Literary Works List – Second Grade

This list of literary works is required as described in administrative rule 19 TAC §128.10.

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Grade 2	America Is...	Louise Borden	978-1416902867	Mi bandera	Ellen K. Mitten	978-1634301299	Read Aloud
Grade 2	Beauty and the Beast	Marianna Mayer	978-0689711510	Beauty and the Beast/La Bella y la Bestia	Joana Costa Knufinke	979-8225030117	Read Aloud
Grade 2	Bluebonnet at the Alamo	Mary Brooke Casad	978-1681793634	El Álamo	R. J. Bailey	978-1620315163	Read Aloud
Grade 2	The Courage of Sarah Noble	Alice Dalgliesh	978-0689715402	El coraje de Sara Noble	Alice Dalgliesh	978-8427934627	Read Aloud
Grade 2	David and Goliath (excerpt from The Children's Book of Heroes)	William J. Bennett (editor)	978-0684834450	Una Aventura Gigantesca: David y Goliat	CBN	978-1629997810	Read Aloud
Grade 2	The Donkey in the Lion's Skin (Excerpt from Aesop's Fables: The Classic Edition)	Aesop (illustrated by Charles Santore)	978-1604338102	El burro con piel de león (excerpt from Fábulas de Esopo: Edición Clásica)	Aesop (illustrated by Charles Santore)	978-1400349326	Read Aloud
Grade 2	Falling Up (excerpt from Falling Up)	Shel Silverstein	978-0060248024	Cayendo hacia arriba (excerpt from Cayendo hacia arriba)	Shel Silverstein (translated by Alberto Jimenez Rioja)	978-1933032801	Read Aloud
Grade 2	James Madison: The 4th President	Josh Gregory	978-1642808216	James Madison y la formación de Estados Unidos	Torrey Maloof	979-8330902071	Read Aloud
Grade 2	John Henry	Julius Lester	978-0140566222	John Henry	Christianne C. Jones	978-1404821743	Read Aloud
Grade 2	Johnny Appleseed	Steven Kellogg (retold and illustrated by)	978-0688140250	La Historia de Johnny Appleseed	Aliki	978-0962516269	Read Aloud

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Grade 2	The Legend of the Dipper (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	La Leyenda de la Osa Mayor (excerpt from El libro de virtudes para niños)	William J. Bennett (editor)	978-8440665089	Read Aloud
Grade 2	Paul Bunyan	Steven Kellogg (retold and illustrated by)	978-0688058005	Paul Bunyan	Eric Blair	978-1404816572	Read Aloud
Grade 2	Moses: When Harriet Tubman Led Her People to Freedom	Carole Boston Weatherford	978-0786851751	¿Quién fue Harriet Tubman? (selected excerpts: ¿Quién fue a Harriet Tubman?, La Conductora, La Moises de su gente)	Yona Zeldis McDonough	978-1631138508	Read Aloud
Grade 2	The Patchwork Quilt	Valerie Flournoy	978-0803700970	Braids/Trencitas	Kathleen Contreras	978-1933032276	Read Aloud
Grade 2	Sam: The Minuteman	Nathaniel Benchley	978-0060204808	La Revolución Estadounidense: La lucha por la libertad (selected excerpts: ¡La guerra está cerca!, Y así comienza, El momento decisivo)	Torrey Maloof	978-0743913607	Read Aloud
Grade 2	Stellaluna	Janell Cannon	978-0544874350	Stellaluna	Janell Cannon	978-8426131577	Read Aloud
Grade 2	Susan B. Anthony	Laura K. Murray	978-1977126603	Estadounidenses asombrosos: Susan B. Anthony	Stephanie Kuligowski	978-1493804948	Read Aloud
Grade 2	The Swing	Robert Louis Stevenson		El Columpio	Robert Louis Stephenson		Read Aloud
Grade 2	Teammates	Peter Golenbock	978-0152842864	Jackie Robinson: Un héroe en el campo de béisbol	Stephanie Macceca	978-1433325786	Read Aloud
Grade 2	The Thanksgiving Story	Alice Dalgliesh	978-0689710537	El Primer Día de Acción de Gracias	Garnet Jackson	978-0439317337	Read Aloud
Grade 2	Try, Try Again (excerpt from The Children's Book of Virtues)	William J. Bennett (editor)	978-0684813530	Vuelve a intentarlo (excerpt from El libro de las virtudes para niños)	William J. Bennett (editor)	978-8440665089	Read Aloud

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Grade 2	We the Kids: The Preamble to the Constitution of the United States	David Catrow	978-0142402764	El Preámbulo: El espíritu de Estados Unidos	Lorin Driggs	978-1087622804	Read Aloud
Grade 2	Winnie-the-Pooh (Chapter 1 "In Which We Are Introduced to Winnie-the-Pooh and Some Bees, and the Stories Begin" and Chapter 2 "In Which Pooh Goes Visiting and Gets Into a Tight Place")	A. A. Milne	978-0525555315	Winny de Puh (capítulo 1 "En el cual conocemos a Winny de Puh y a unas abejas," capítulo 2 "En el cual Pooh va de visita y se encuentra en un aprieto")	A. A. Milne	978-0525449867	Read Aloud

Figure: 19 TAC §128.10(f)(4) Required Literary Works List – Third Grade

This list of literary works is required as described in administrative rule 19 TAC §128.10.

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Grade 3	Abraham Lincoln (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	Abraham Lincoln: 16 Presidente de los Estados Unidos de América	Grace Hansen	978-1629703794	
Grade 3	Archimedes and the Door of Science (Chapter 1 "Who Was Archimedes?," Chapter 4 "Archimedes and his Lever," Chapter 9 "Archimedes and Numbers")	Jeanne Bendick	978-1684222599	Arquímedes: Todo Principio Tiene un Principio	Álvaro Marcos	978-8417137007	Read Aloud
Grade 3	Charlotte's Web	E. B. White	978-0064400558	La teleraña de Carlota	E. B. White	978-0060757403	
Grade 3	Enemy Pie	Derek Munson	978-0811827782	Pastel para enemigos	Derek Munson	978-8426133786	
Grade 3	The Fisherman and His Wife	Rachel Isadora	978-0399247712	El pescador y su mujer: Versión del cuento de los hermanos Grimm	Eric Blair	978-1404816305	
Grade 3	George Washington (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	George Washington	Dona Herweck	978-1433381324	
Grade 3	Icarus and Daedalus (excerpt from Classic Myths to Read Aloud: The Great Stories of Greek and Roman Mythology)	William F. Russell	978-0517570128	Ariadna y el Minotauro (excerpt from Héroes de la Mitología Griega)	Luisa Mattia	978-8412804669	Read Aloud
Grade 3	King Midas and the Golden Touch	Charlotte Craft	978-0060540630	El Rey Midas	Miro Griego	978-8478648955	Read Aloud

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Grade 3	ROAR! – Daniel and the Lions' Den – Children's Adapted Version	CBN	978-1629997407	Daniel en la Fosa de los Leones	Vidalibros	978-1949206005	Read Aloud
Grade 3	Miss Rumphius	Barbara Cooney	978-0140505399	La señorita Runfio	Barbara Cooney	978-0670868315	
Grade 3	Seeker of Knowledge: The Man Who Deciphered Egyptian Hieroglyphs	James Rumford	978-0618333455	Explora tu mundo: El antiguo Egipto	Penelope Arlon	978-0545695152	Read Aloud
Grade 3	Smart (excerpt from Where the Sidewalk Ends)	Shel Silverstein	978-0060256678	El más listo (excerpt from Cayendo hacia arriba)	Shel Silverstein	978-1933032801	
Grade 3	The Shepherd Boy and the Wolf (excerpt from Aesop's Fables)	Aesop (adapted and illustrated by Jerry Pinkney)	978-1587170003	El Pastorcito Mentiroso	Kathleen E. Bradley	978-1433392870	
Grade 3	Stone Soup	Marcia Brown	978-0689711039	Sopa de Piedras	Marcia Brown	978-0962516245	
Grade 3	Life Stories/Biografías: Benjamin Franklin	Gillian Gosman	978-1448832194	Life Stories/Biografías: Benjamín Franklin	Gillian Gosman	978-1448832194	
Grade 3	Stuart Little	E.B. White	978-0064400565	Stuart Little	E.B. White	978-1644739020	Read Aloud
Grade 3	Thomas Jefferson (excerpt from A Book of Americans)	Stephen Vincent Benét and Rosemary Benét	978-1528700092	Thomas Jefferson: Declarar nuestra libertad	Jeanne Dustman	978-1433325809	
Grade 3	Tomás and the Library Lady	Pat Mora	978-0375803499	Tomás y la Señora de la Biblioteca	Pat Mora	978-0679841739	
Grade 3	Too Many Tamales	Gary Soto	978-0698114128	¡Qué montón de Tamales!	Gary Soto	978-0780769021	

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Grade 3	The Town Mouse and the Country Mouse (excerpt from Aesop's Fables: The Classic Edition)	Aesop (illustrated by Charles Santore)	978-1604338102	El ratón de cuidad y el ratón de campo (excerpt from Fábulas de Esopo: Edición Clásica)	Aesop (illustrated by Charles Santore)	978-1400349326	
Grade 3	What Do You Do with a Problem?	Kobi Yamada	978-1943200009	¿Qué Haces con un Problema?	Kobi Yamada	978-8416490523	
Grade 3	The Wind in the Willows: Retold from the Kenneth Grahame original (Chapters "The River Bank," "The Open Road," "The Wild Wood," and "Mr. Badger")	Kenneth Grahame	978-1402736964	El Viento en los Sauces	Kenneth Grahame	978-1987627930	

Figure: 19 TAC §128.10(f)(5) Required Literary Works List – Fourth Grade

This list of literary works is required as described in administrative rule 19 TAC §128.10.

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Grade 4	The Ant and the Dove (excerpt from Aesop's Fables: The Classic Edition)	Aesop (adapted and illustrated by Jerry Pinkney)	978-1587170003	El saltamontes y la hormiga (excerpt from Fábulas de Esopo: Edición Clásica)	Aesop (illustrated by Charles Santore)	978-1400349326	
Grade 4	The Boy Who Harnessed the Wind (Picture Book Edition)	William Kamkwamba and Bryan Mealer	979-8217111121	El Niño que Domó el Viento (selected excerpt: Prólogo)	William Kamkwamba	978-1644732649	
Grade 4	Brave Irene	William Steig	978-0312564223	Irene, la valiente	William Steig	978-0374436209	
Grade 4	Dreams	Langston Hughes		Sueños	Langston Hughes		
Grade 4	Number the Stars	Lois Lowry	978-0547577098	¿Quién cuenta las estrellas?	Lois Lowry	978-6070712579	
Grade 4	Robin Hood and the Golden Arrow (excerpt from Robin Hood and the Golden Arrow and a world of Other Stories, pages 11-21)	Geraldine McCaughrean	978-1444002362	Robin Hood (excerpt from El gran libro de los héroes y los aventureros)	Valeria Dávila	978-9873503818	
Grade 4	Sea Fever	John Masefield		Fiebre marina	John Masefield		
Grade 4	Stone Fox	John Reynolds Gardiner	978-0064401326	Stone Fox y la carrera de trineos	John Reynolds Gardiner	978-8427932630	
Grade 4	The Story of King Arthur and His Knights (Part 1 "The Winning of Kinghood" Chapters 1 and 2)	Howard Pyle (adapted by Tania Zamorsky)	978-1454945314	Not Available			Read Aloud
Grade 4	Sundiata: The Lion King of Mali	David Wisniewski	978-0395764817	Sunjata del Imperio Mandé	Ekiuwa Aire	978-1998041206	

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN	Designated Read Aloud
Grade 4	Treasure Island (Classic Adventures)	Robert Louis Stevenson (adapted by Jacqueline Dembar Greene)	978-1946260260	La isla del tesoro: Una adaptación ilustrada a todo color para niños de 8 a 12 años	Sol y Lápiz and Robert Stevenson	979-8280904040	
Grade 4	Who Was Leonardo da Vinci? (Chapter 1 "Who Was Leonardo DaVinci?", Chapter 2 "The Unwanted Boy", Chapter 3 "The Art Studio" and Chapter 4 "The Wider World")	Roberta Edwards	978-0448443010	¿Quién fue Leonardo da Vinci? (–capítulo 1 “¿Quién fue Leonardo da Vinci?”, capítulo 2 “Un niño no deseado”, capítulo 3 “El estudio de arte”, y capítulo 4 “El mundo más amplio”)	Roberta Edwards	978-0448458571	
Grade 4	The Necessity of Humility (Book of Luke, Chapter 14, Verses 7-11)	New International Reader's Version: New Testament	978-0310445906	La humildad y la hospitalidad (Book of Luke, Chapter 14, Verses 7-11)	Biblia Nueva Versión Internacional: El Nuevo Testamento	978-1535955102	Read Aloud

Figure: 19 TAC §128.10(f)(6) Required Literary Works List – Fifth Grade

This list of literary works is required as described in administrative rule 19 TAC §128.10.

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN
Grade 5	Adventures of Don Quixote (Dover Children's Thrift Classics)	Argentina Palacios	978-0486407913	Don Quijote de la mancha: Aventuras ilustradas para niños de 8 a 12 años	Miguel de Cervantes and Sol y Lápiz	979-8280669802
Grade 5	Casey at the Bat	Ernest Lawrence Thayer		La historia de Casey al bate	Benchmark	
Grade 5	The Colonization of Texas: Missions and Settlers	Stephanie Kuligowski	978-1433350443	La colonización de Texas: Misiones y colonos	Stephanie Kuligowski	978-1433372117
Grade 5	Declaration of Independence in Translation: What It Really Means	Amy Jane Leavitt	978-1515762508	La Declaración de Independencia	Jill K. Mulhall	978-1493816491
Grade 5	"Give Me Liberty or Give Me Death" (speech to the Second Virginia Convention)	Patrick Henry		¡Dadme libertad o dadme la muerte! (discurso ante la Segunda Convención de Virginia)	Patrick Henry	
Grade 5	Independence Bell – July 4, 1776	Anonymous		Los símbolos de Estados Unidos	Vista Higher Learning, Incorporated	978-1543386325
Grade 5	The Lion, the Witch and the Wardrobe	C. S. Lewis	978-0064471046	El León, la Bruja y el Ropero	C. S. Lewis	978-0060086619
Grade 5	The Mayflower Compact	William Brewster, William Bradford, Edward Winslow		El Pacto del Mayflower	David Armentrout and Patricia Armentrout	978-1595156488
Grade 5	The Monkey as King (excerpt from Aesop's Fables: The Classic Edition)	Aesop (illustrated by Charles Santore)	978-1604338102	El mono como rey (excerpt from Fábulas de Esopo: Edición Clásica)	Aesop (illustrated by Charles Santore)	978-1400349326
Grade 5	A More Perfect Union: The Story of Our Constitution	Betsy Maestro	978-0688101923	Una Unión Más Perfecta: La Historia de Nuestra Constitución	Betsy Maestro	978-1880507292

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN
Grade 5	Moses (Book of Exodus, 3 "The Burning Bush" Verses 1-22 and Chapter 14 "The Parting of the Red Sea" Versus 1-30)	New International Reader's Version: Hebrew Bible/Old Testament	978-0310445906	Moisés (Book of Exodus, 3 "The Burning Bush" Verses 1-22 and Chapter 14 "The Parting of the Red Sea" Versus 1-30)	Biblia Nueva Versión Internacional	978-1535955102
Grade 5	Paul Revere's Ride	Henry Wadsworth Longfellow		Not Available		
Grade 5	The Phantom Tollbooth	Norton Juster	978-0394820378	La caseta mágica	Norton Juster	978-1984897671
Grade 5	Sam Houston: A Fearless Statesman	Joanne Mattern	978-1433350498	Por qué Sam Houston es importante en Texas	Lynn Peppas	978-1725361126
Grade 5	Thomas Jefferson: Third President	Mike Venezia	978-0516226088	¿Quién fue Tomás Jefferson? (selected excerpts: Tom, el alto, La Declaración, Secretario de Estado y vicepresidente, Nuestro tercer presidente)	Dennis Brindell Fradin	978-1631138478
Grade 5	Who was Davy Crockett? (selected excerpts: Who was Davy Crockett?, A Pioneer Family, Young David, On His Own, Crockett Speaks Up, David Goes to Washington, The Alamo, Folk Hero)	Gail Herman	978-0448467047	Davy Crockett: Defensor de la frontera (selected excerpts: Primeros años de Davy, Davy el explorador, Davy va a Washington, Recuerden El Álamo)	J.T. Moriarty	978-0823941322

Figure: 19 TAC §128.30(f)(1) Required Literary Works List – Sixth Grade

This list of literary works is required as described in administrative rule 19 TAC §128.30.

Grade	English Title	Author	ISBN	Spanish Title	Author	ISBN
Grade 6	Across Five Aprils	Irene Hunt	978-0425182789	Not Available		
Grade 6	├--Stories of Our Most Admired President: Abraham Lincoln A Man of Faith and Courage (Chapter 7 "The Road Back to God")	Joe Wheeler	978-1982116514	Not Available		
Grade 6	├-- The Blue and The Gray	Francis Miles Finch		Not Available		
Grade 6	├--General Order 108 to the "Soldiers of the Armies of the United States"	Ulysses S. Grant		Not Available		
Grade 6	└— The Gettysburg Address	Abraham Lincoln		El Discurso de Gettysburg	David Armentrout	978-1595156471
Grade 6	All Creatures Great and Small	James Herriot	978-1250057839	Todas las criaturas grandes y pequeñas (volúmenes 1 – 3)	James Herriot	978-8410025400 978-8410025851 978-8410323834
Grade 6	├-- The Power of the Dog	Rudyard Kipling		Not Available		
Grade 6	├-- A White Heron	Sarah Orne Jewett	978-1479462186	Una garza blanca	Sarah Orne Jewett	978-8489846289
Grade 6	├-- Do Not Be Anxious (Book of Matthew, Chapter 6, Verses 25-34)	English Standard Version: New Testament	979-8874903398	No se preocúpan (Book of Matthew, Chapter 6, Verses 25-34)	La Santa Biblia Reina-Valera Revisión	978-1433579660
Grade 6	└— The Peace of the Wild Things	Wendell Berry		La paz de las cosas salvajes	Wendell Berry	

Figure: 19 TAC §128.30(f)(2) Required Literary Works List – ELLA Seventh Grade

This list of literary works is required as described in administrative rule 19 TAC §128.30.

Grade	Title	Author	ISBN
ELLA I	Anne Frank: The Diary of a Young Girl, translated from Dutch by B. M. Mooyart	Anne Frank, translated from the Dutch by B.M. Mooyaart	978-0000526359
ELLA I	├-- Blessed is the Match	Hannah Szenes	
ELLA I	├-- Letter to the Hebrew Congregation at Newport	George Washington	
ELLA I	└-- The Shepherd's Psalm (Book of Psalms, Chapter 23)	King James Version: Hebrew Bible/Old Testament	978-0718097905
ELLA I	The Outsiders	S. E. Hinton	978-0142407332
ELLA I	├-- The Eight Beatitudes (Book of Matthew, Chapter 5 Verses 1-12)	King James Version: New Testament	978-0718097905
ELLA I	├-- Do Not Go Gentle into That Good Night	Dylan Thomas	
ELLA I	├-- Mother to Son	Langston Hughes	
ELLA I	├-- Nothing Gold Can Stay	Robert Frost	
ELLA I	├-- The Road Not Taken	Robert Frost	
ELLA I	└-- Thank You, M'am	Langston Hughes	978-0886824785

Figure: 19 TAC §128.30(f)(3) Required Literary Works List – ELLA Eighth Grade

This list of literary works is required as described in administrative rule 19 TAC §128.30.

Grade	Title	Author	ISBN
ELLA II	The Giver	Lois Lowry	978-0544336261
ELLA II	├-- Harrison Bergeron (excerpt from Welcome to the Monkey House)	Kurt Vonnegut	978-0385333504
ELLA II	├-- The Man in the Arena Passage (excerpt from Citizenship in a Republic speech by Teddy Roosevelt in 1910)	Teddy Roosevelt	
ELLA II	├-- O Me! O Life!	Walt Whitman	
ELLA II	└-- To Everything There is a Season (Book of Ecclesiastes, Chapter 3)	King James Version: Hebrew Bible/Old Testament	978-0718097905
ELLA II	Night	Elie Wiesel	978-0374500016
ELLA II	├-- Book of Lamentations, Chapter 3	Tanakh: Jewish Publication Society 1917	
ELLA II	├-- The Perils of Indifference (excerpt from White House Official Transcript at Remarks of Millennium Evening)	Elie Wiesel	
ELLA II	└-- The Survivor	Primo Levi	

Figure: 19 TAC §128.70(f)(1) Required Literary Works List – ESOL I

This list of literary works is required as described in administrative rule 19 TAC §128.70.

Course	Title	Author	ISBN
ESOL I	Animal Farm	George Orwell	978-0451526342
ESOL I	├--The Clever Teens' Guide to the Russian Revolution	Felix Rhodes	978-1542689922
ESOL I	├-- I, Pencil	Leonard E. Read	978-1572462090
ESOL I	├--Lyceum Address	Abraham Lincoln	
ESOL I	└— Ozymandias	Percy Bysshe Shelley	
ESOL I	Great Expectations	Charles Dickens	978-0486415864
ESOL I	├--A Brief History of Life in Victorian Britain: A Social History of Queen Victoria's Reign (excerpt Chapters 1, 2 and 6)	Michael Paterson	978-0762435180
ESOL I	├--Love is not all	Edna St. Vincent Millay	
ESOL I	└— Parable of the Prodigal Son (Book of Luke, Chapter 15, Verses 11-32)	English Standard Version: New Testament	979-8874903398

Figure: 19 TAC §128.70(f)(2) Required Literary Works List – ESOL II

This list of literary works is required as described in administrative rule 19 TAC §128.70.

Course	Title	Author	ISBN
ESOL II	The Tragedy of Julius Caesar	William Shakespeare	979-8336837506
ESOL II	├──General Douglas MacArthur's Farewell Speech to the Corps of Cadets at the U.S. Military Academy at West Point (excerpt paragraph 3: Duty, Honor, Country)	Douglas MacArthur	
ESOL II	├── Eulogy for President Reagan	Margaret Thatcher	
ESOL II	├── Pericles' Funeral Oration (excerpt of Book 2 from Chapters 34 - 46 of History of the Peloponnesian War)	Thucydides (edited by M.I. Finley and translated by Rex Warner)	978-0140440393
ESOL II	└── The Raven	Edgar Allen Poe	
ESOL II	The Inferno	Dante Alighieri	978-0451531391
ESOL II	├──The Book of Job (Book of Job, Chapters 1-7,11,14,19,28,38-42)	New International Reader's Version: Hebrew Bible/Old Testament	978-0310445906
ESOL II	├──I've Been to the Mountaintop	Martin Luther King, Jr.	
ESOL II	└── The Middle Ages: A Very Short Introduction (selected excerpts: Chapter 1 "The 'Middle' Ages?", Chapter 2 "People and their Lifestyles", Chapter 3 "The Big Idea: Christian Salvation", Chapter 4 "Kingship, Lordship, and Government")	Miri Rubin	978-0199697298

Figure: 22 TAC §206.2(c)

Activity Category	Specific Activities Included
Anatomical Education	Dissection by faculty, staff and students in an accredited educational program; observation of dissection; identification of anatomical structures; preparation of prosections; cross-sectional and regional anatomy; comparative anatomy with imaging; cadaveric anatomy review by health professionals.
Surgical Training	Hands-on surgical skills training; cadaveric surgical courses; new-procedure, revision, and complication-management training; team-based and simulated operating-room training; training using fluoroscopy, ultrasound, navigation, or robotic systems on a cadaver.
Medical Device & Technology Development	Device testing, validation, and verification; fit and feasibility studies; usability testing; implant placement and removal practice; instrument development; biomechanical evaluation; testing of imaging, robotic, AI, or navigation systems; pre-market and post-market evaluation.
Research	Anatomical, tissue, cellular, and biomechanical research; pharmacological and toxicological research; novel preservation techniques; comparative-effectiveness and translational research; disease-pathology and surgical-outcomes research using cadaveric models.
Experimentation	Experimentation on a body or anatomical specimen to further medical or forensic science, as expressly authorized by §691.033(a), including testing or developing new or modified techniques, devices, materials, procedures, preservatives, or methods.
Forensic Science	Decomposition and taphonomy studies; forensic anthropology and pathology training; entomology research; trauma-pattern analysis; human-remains-detection canine training; forensic odontology.

Mortuary Science Education	Funeral-services, embalming, and restorative-arts training; mortuary practicum; preparation-room procedures; chemistry of preservation.
Preparation & Preservation	Embalming and arterial preservation using approved methods by a licensed embalmer under Chapter 651, Occupations Code; fresh-frozen preservation; perfusion using non-preservation methods; plastination; partial preservation; preparation for transport or dissection; thawing and reconditioning; antimicrobial or anti-decomposition treatment such as cleansing the exterior of the body.
Disarticulation & Segmentation	Disarticulation and segmentation of a whole body into anatomical specimens; separation of organs and structures; defleshing; preparation of skeletal and teaching specimens.
Transport & Storage	Transport to and between authorized recipients; cold-chain and frozen storage; packaging and repackaging; container labeling consistent with §691.031(a)(2); transport across state lines or internationally consistent with applicable law.
Documentation & Media	Photography, videography, imaging, scanning, and other recording for educational, research, training, or documentation purposes consistent with donor consent under §691.028 and §206.7 of this title (relating to Educational Use of Anatomical Material; Prohibition of Public Display), including obscuring identifying features when displayed beyond direct educational use.
Disposition	Cremation; cremation with return of cremated remains; burial; disposition of derived specimens consistent with donor consent.
Incidental & Necessary	Activities reasonably incidental or necessary to any activity above, including handling by trained personnel, infection-control and biohazard management, and inter-facility coordination.

Special Project	Activities incidental to a purpose not known at the time of donation and approved by the commission.

Figure: 26 TAC §350.1431(c)

~~[Figure: 26 TAC §350.1431(b)~~]

HHSC ECI Sliding Fee Scale	
If the adjusted income is within the following % of the federal poverty guideline:	the maximum charge is equal to the following amounts or the full cost of services, whichever is less:
≤ 100%	$0
>100% to ≤150%	$5
>150% to ≤200%	$14
> 200% to ≤250%	$28
> 250% to ≤300%	$45
> 300% to ≤350%	$67
> 350% to ≤400%	$124
> 400% to ≤450%	$210
> 450% to ≤500%	$313
> 500% to ≤550%	$433
> 550% to ≤600%	$474
> 600% to ≤650%	$515
> 650% to ≤700%	$557
> 700% to ≤750%	$598
> 750% to ≤800%	$639
> 800% to ≤850%	$680
> 850% to ≤900%	$722
> 900% to ≤950%	$763
> 950% to ≤1000%	$804
> 1000% of the federal poverty guidelines	the full cost of services.
If the parent refuses to attest in writing that information about their third-party coverage, family size, and gross income is true and accurate	then the family monthly maximum payment equals the full cost of services.

Figure: 30 TAC §335.251(a)

If your batteries . . .	And if you . . .	Then you . . .	And you . . .
(1) Will be reclaimed through regeneration (such as by electrolyte replacement)		are exempt from 30 TAC Chapters 39, 50, 55, 281, 305, and this chapter except Subchapter A and §335.504 of this chapter, and the notification requirements at §335.6 of this chapter (§3010 of RCRA)	are subject to Subchapter A and §335.504 of this chapter.
(2) Will be reclaimed other than through regeneration	generate, collect, and/or transport these batteries	are exempt from 30 TAC Chapters 39, 50, 55, 281, 305 and this chapter except Subchapter A and §335.504 of this chapter, and the notification requirements at §335.6 of this chapter (§3010 of RCRA)	are subject to Subchapter A, §335.504, and applicable provisions under Subchapter O of this chapter.
(3) Will be reclaimed other than through regeneration	store these batteries but you aren't the reclaimer	are exempt from 30 TAC Chapters 39, 50, 55, 281, 305, and this chapter except Subchapter A and §335.504 of this chapter, and the notification requirements at §335.6 of this chapter (§3010 of RCRA)	are subject to Subchapter A, §335.504, and applicable provisions under Subchapter O of this chapter.
(4) Will be reclaimed other than through regeneration	store these batteries before you reclaim them	must comply with §335.251(b) and as appropriate other regulatory provisions described in §335.251(b)	are subject to Subchapter A, §335.504, and applicable provisions under Subchapter O of this chapter.
(5) Will be reclaimed other than through regeneration	don't store these batteries before you reclaim them	are exempt from 30 TAC Chapters 39, 50, 55, 305, 281, and this chapter except Subchapter A and §335.504 of this chapter, and the notification requirements at §335.6 of this chapter (§3010 of RCRA)	are subject to Subchapter A, §335.504, and applicable provisions under Subchapter O of this chapter.

If your batteries . . .	And if you . . .	Then you . . .	And you . . .
(6) Will be reclaimed through regeneration or any other means	export these batteries for reclamation in a foreign country	are exempt from 30 TAC Chapters 39, 50, 55, 281, 305, and this chapter except Subchapter A, §335.53(g), §335.58, §335.504 of this chapter, and the notification requirements at §335.6 of this chapter (§3010 of RCRA)	are subject to Subchapter A, §335.53(g), §335.504, and §335.58 of this chapter.
(7) Will be reclaimed through regeneration or any other means	Transport these batteries in the U.S. to export them for reclamation in a foreign country	are exempt from 30 TAC Chapters 39, 50, 55, 281, 305, and this chapter except Subchapter A of this chapter, and the notification requirements at §335.6 of this chapter (§3010 of RCRA)	must comply with applicable requirements in §335.58 of this chapter.
(8) Will be reclaimed other than through regeneration	Import these batteries from a foreign country and store these batteries but you aren't the reclaimer	are exempt from 30 TAC Chapters 39, 50, 55, 281, 305, and this chapter except Subchapter A, §335.53(g), §335.58, §335.504 of this chapter, and the notification requirements at §335.6 of this chapter (§3010 of RCRA)	are subject to Subchapter A, §335.53(g), §335.504, and §335.58 and applicable requirements of Subchapter O of this chapter.
(9) Will be reclaimed other than through regeneration	Import these batteries from a foreign country and store these batteries before you reclaim them	must comply with §335.251(b) and as appropriate other regulatory provisions described in §335.251(b) (40 CFR §266.80(b))	are subject to Subchapter A, §335.53(g), §335.504, and §335.58 and applicable requirements of Subchapter O of this chapter.
(10) Will be reclaimed other than through regeneration	Import these batteries from a foreign country and don't store these batteries before you reclaim them	are exempt from 30 TAC Chapters 39, 50, 55, 281, 305, and this chapter except Subchapter A, §335.504, §335.53(g), §335.58 of this chapter, and the notification requirements at §335.6 (§3010 of RCRA)	are subject to Subchapter A, §335.53(g), §335.504, and §335.58 and applicable requirements of Subchapter O of this chapter.

Figure: 30 TAC §335.521(a)(1)

[Figure: 30 TAC §335.521(a)(1)]

Appendix 1, Table 1.

Constituents of Concern and
Their Maximum Leachable Concentrations.

Values are based on information contained in *Federal Registers* Vol. 55 / Friday, July 27, 1990; Vol. 56 / June 7, 1991; and Integrated Risk Information Systems, U.S. Environmental Protection Agency, and 40 CFR 264 Appendix 9.

Compound	CAS No.	Concentration (mg/l)
Acenaphthene	83-32-9	210
Acetone	67-64-1	400
Acetonitrile	75-05-8	20
Acetophenone	98-86-2	400
Acrylamide	79-06-1	0.08
Acrylonitrile	107-13-1	0.6
Aniline	62-53-3	60
#Anthracene	120-12-7	1050
Antimony	7440-36-0	1
Arsenic	7440-38-2	1.8
Barium	7440-39-3	100.0
Benzene	71-43-2	0.50
Benzidine	92-87-5	0.002
Beryllium	7440-41-7	0.08
Bis(2-chloroethyl)ether	111-44-4	0.3
Bis(2-ethylhexyl) phthalate	117-81-7 --	30 --
Bromodichloromethane	75-27-4	0.3
Bromomethane	74-83-9	5
Butylbenzyl phthalate	85-68-7	700
Cadmium	7440-43-9	0.5
Carbon disulfide	75-15-0	400
Carbon tetrachloride	56-23-5	0.50
Chlordane	57-74-9	0.03
Chlorobenzene	08-90-7	70
Chloroform	67-66-3	6.0
#Chloro-m-cresol, p	59-50-7	7000
2-Chlorophenol	95-57-8	20
Chromium	7440-47-3	5.0

m-Cresol	108-39-4	200.0*
o-Cresol	95-48-7	200.0*
p-Cresol	106-44-5	200.0*
DDD	72-54-8	1
DDE	72-55-9	1
DDT	50-29-3	1
Dibutyl phthalate	84-74-2	400
1,4-Dichlorobenzene	106-46-7	7.5
3,3-Dichlorobenzidine	91-94-1	0.8
1,2-Dichloroethane	107-06-2	0.50
Dichlorodifluoromethane	75-71-8	700
1,1-Dichloroethylene	75-35-4	0.6
1,3-Dichloropropene	542-75-6	1
2,4-Dichlorophenol	120-83-2	10
2,4-Dichlorophenoxy-	94-75-7	10.0
acetic acid (2,4-D)	--	--
Dieldrin	60-57-1	0.02
Diethyl phthalate	84-66-2	3000
Dimethoate	60-51-5	70
#2,4-Dimethylphenol	105-67-9	70
#2,6-Dimethylphenol	576-26-1	21
m-Dinitrobenzene	99-65-0	0.4
2,4-Dinitrophenol	51-28-5	7
2,4 -Dinitrotoluene	602-01-7	0.13
(and 2,6-, mixture)	--	--
#Dinoseb	88-85-7	3.5
1,4-Dioxane	123-91-1	30
Dioxins (Poly chlorinated dibenzo-p-dioxins)		
2,3,7,8-TCDD	1746-01-6	0.005
1,2,3,7,8-PeCDD	0321-76-4	0.010
1,2,3,4,7,8-HxCDD	57653-85-7	0.050
1,2,3,6,7,8-HxCDD	34465-46-8	0.050
1,2,3,7,8,9-HxCDD		0.050
Diphenylamine	122-39-4	90
1,2-Diphenylhydrazine	122-66-7	0.4
Disulfoton	298-04-4	0.1
Endosulfan	959-98-8	0.2
Endrin	72-20-8	0.02
#2-Ethoxyethanol	110-80-5	1400
Ethylbenzene	100-41-4	400
Ethylene dibromide	106-93-4	0.004
#Ethylene Glycol	107-21-1	7000
#Fluoranthene	206-44-0	140
#Fluorene	86-73-7	140
Furans (Polychlorinated dibenzo furans)		
2,3,7,8-TCDF	51207-31-9	0.050
1,2,3,7,8-PeCDF		0.100
2,3,4,7,8-PeCDF		0.010
1,2,3,4,7,8-HxCDF		0.050
1,2,3,6,7,8-HxCDF		0.050

1,2,3,7,8,9-HxCDF		0.050
Heptachlor	76-44-8	0.008
(and its hydroxide)	--	--
Heptachlor epoxide	1024-57-3	0.04
Hexachlorobenzene	118-74-1	0.13
Hexachloro-1,3-butadiene	87-68-3	0.4
Hexachlorocyclopentadiene	77-47-4	20
Hexachloroethane	67-72-1	3.0
Hexachlorophene	70-30-4	1
Isobutyl alcohol	78-83-1	1000
Isophorone	78-59-1	90
Lead	7439-92-1	1.5
Lindane	58-89-9	0.3
Mercury	7439-97-6	0.2
Methacrylonitrile	126-98-7	0.4
Methomyl	16752-77-5	90
Methoxychlor	72-43-5	10.0
#2-Methoxyethanol	109-86-4	14.0
Methyl ethyl ketone	78-93-3	200.0
Methyl isobutyl ketone	108-10-1	200
Methylene chloride	75-09-2	50
Methyl parathion	298-00-0	0.9
#Mirex	2385-85-5	0.7
Nickel	7440-02-0	70
Nitrobenzene	98-95-3	2.0
N-Nitroso-di-n-butylamine	924-16-3	0.06
N-Nitrosodiphenylamine	86-30-6	70
N-Nitrosomethylethylamine	10595-95-6	0.02
N-Nitroso-n-propylamine	621-64-7	0.05
N-Nitrosopyrrolidine	930-55-2	0.2
p-Phenylene diamine	106-50-3	20
Parathion	56-38-2	20
Pentachlorobenzene	608-93-5	3
Pentachloronitrobenzene	82-68-8	10
Pentachlorophenol	87-86-5	100.0
Phenol	108-95-2	2000
Pronamide	23950-58-5	300
#Pyrene	129-00-0	5.9
Pyridine	110-86-1	4
Selenium	7782-49-2	1.0
Silver	7440-22-4	5.0
Styrene	100-42-5	700
1,1,1,2-Tetrachloroethane	630-20-6	10
1,1,2,2-Tetrachloroethane	79-34-5	2
Tetrachloroethylene	127-18-4	0.7
2,3,4,6-Tetrachlorophenol	58-90-2	100
Toluene	108-88-3	1000
Toxaphene	8001-35-2	0.3
trans-1,3-Dichloro-	542-75-6	1
propene	--	--

Tribromomethane (Bromoform)	75-25-2	70
1,2,4-Trichlorobenzene	120-82-1	70
1,1,1-Trichloroethane	71-55-6	300
Trichloroethylene	79-01-6	0.5
1,1,2-Trichloroethane	79-00-5	6
Trichlorofluoromethane	75-69-4	1000
2,4,5-Trichlorophenoxy-propionic acid (2,4,5 TP or Silvex)	93-72-1 --	1.0 --
1,2,3-Trichloropropane	96-18-4	20
2,4,5-Trichlorophenol	95-95-4	400.0
2,4,6-Trichlorophenol	88-06-2	2
Vanadium Pentoxide	1314-62-1	30
Vinyl chloride	75-01-4	0.2
Xylenes (all isomers)	1330-82-1	7000

Constituent added since original rule publication.

* If o-, m-, and p-Cresol concentrations cannot be differentiated, the total cresol concentration is used. The Maximum Concentration for total cresol is 200.0 mg/l.

Figure: 30 TAC §335.521(a)(2)

[Figure: 30 TAC §335.521(a)(2)]

Appendix 1, Table 2.

Examples of Ignitable Solids.
Constituents listed from Department of Transportation Regulations, 49 CFR Part 173 Subpart E, October 1, 1993. (Note: The presence of a constituent on this table in a nonhazardous waste does not automatically identify that waste as a Class 1 ignitable waste. The constituents on this table are examples of materials which could be considered Class 1 ignitable waste. The physical characteristics of the waste will be the determining factor as to whether or not a waste is ignitable. Refer to §335.505(2) of this title (relating to Class 1 Waste Determination) for the Class 1 ignitable criteria.[)]
Compound or Material
Aluminum, metallic, powder
Alkali metal amalgams
Alkali metal amides
Aluminum alkyl halides
Aluminum alkyl hydrides
Aluminum alkyls
Aluminum borohydrides
Aluminum carbide
Aluminum ferrosilicon powder
Aluminum hydride
Aluminum phosphide
Aluminum resinate
Aluminum silicon powder
Ammonium picrate
2, 2'-Azodi-(2,4-dimethyl-4-methoxyvaleronitrile)
2, 2'-Azodi-(2,4-dimethylvaleronitrile)
1, 1' Azodi-(hexahydrobenzonitrile)
2,2'-Azodi (2-methyl-butryronitrile)

Azodiisobutryonitrile
Barium, metallic
Barium alloys, pyrophoric
Barium azide
Benzene-1,3-disulfohydrazide
Benzene sulfohydrazide
4-(Benzyl(ethyl)amino)-3-ethoxybenzenediazonium zinc chloride
4-(Benzyl(methyl)amino)-3-ethoxybenzenediazonium zinc chloride
Borneol
Boron trifluoride dimethyl etherate
5-tert-Butyl-2,4,6-trinitro-m-xylene
Calcium, metallic
Calcium carbide
Calcium chlorite
Calcium cyanamide
Calcium dithionite
Calcium hypochlorite
Calcium manganese silicon
Calcium silicon powder
Calcium phosphide
Calcium pyrophoric
Calcium resinate
Calcium silicide
Camphor, synthetic
Carbon, activated
Celluloid
Cerium
Cesium metal
Chromic acid or chromic acid mixture, dry
Cobalt naphthenates, powder
Cobalt resinate
Decaborane
2-Diazo-1-naphthol-4-sulpho-chloride
2-Diazo-1-naphthol-5-sulpho-chloride
2,5-Diethoxy-4-morpholinobenzenediazonium zinc chloride
Diethylzinc
4-Dimethylamino-6-(2-dimethyaminoethoxy) toluene-2-diazonium zinc chloride
Dimethylzinc

Dinitrophenolates
Dinitroresorcinol
N,N'-Dinitroso-N,N'-dimethyl terephthalamide
N,N'-Dinitrosopentamethylenetetramine
Diphenyloxide-4,4'disulfohydrazide
Dipicryl sulfide
4-Dipropylaminobenzenediazonium zinc chloride
Ferrocerium
Ferrosilicon
Ferrous metal
Hafnium powder
Hexamine
Hydrides, metal
3-(2-Hydroxyethoxy)-4-pyrrolidin-1-ylbenzenediazonium zinc chloride
Iron oxide, spent
Isosorbide dinitrate mixture
Lead phosphite, dibasic
Lithium acetylide-ethylene diamine complex
Lithium alkyls
Lithium aluminum hydride
Lithium amide, powdered
Lithium borohydride
Lithium ferro silicon
Lithium hydride
Lithium metal
Lithium nitride
Lithium silicon
Magnesium granules
Magnesium aluminum phosphide
Magnesium diamide
Magnesium phosphide
Magnesium silicide
Maneb
Manganese resinate
Methyl magnesium bromide
Methyldichlorosilane
Mono-(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione
N-methyl-N'-nitro-Nitrosoguanidine

Naphthalene
Nitrocellulose mixtures
Nitroguanidine
p-Nitrosodimethylaniline
Paraformaldehyde
Pentaborane
Peratic acid
Phosphorous, amorphous, red
Phosphorous, white or yellow
Phosphoric anhydride
Phosphorous pentachloride
Phosphorus pentasulfide
Phosphorus sesquisulfide
Phosphorus trisulfide
Picric acid
Potassium, metallic
Potassium dichloro-s-triazine-trione
Potassium borohydride
Potassium dithionite
Potassium phosphide
Potassium sulfide, anhydrous
Rubidium metal
Silicon powder, amorphous
Silver picrate
Sodium, metallic
Sodium aluminum hydride
Sodium amide
Sodium borohydride
Sodium chlorite
Sodium 2-diazo-1-naphthol-4-sulphonate
Sodium 2-diazo-1-naphthol-5-sulphonate
Sodium dichloro-s-triazine-trione
Sodium dinitro-ortho-cresolate
Sodium hydride
Sodium hydrosulfite
Sodium methylate
Sodium nitrite and mixtures
Sodium picramate, wet

Sodium potassium alloys
Sodium sulfide, anhydrous
Stannic phosphide
Strontium phosphide
Sulfur
Titanium metal powder
Titanium hydride
Trichloroisocyanuric acid
Trichlorosilane
Trichloro-s-triazinetrione
Trinitrobenzoic acid
Trinitrophenol
Trinitrotoluene
Urea nitrate
Zinc ammonium nitrite
Zinc phosphide
Zinc powder
Zinc resinate
Zirconium hydride, powdered
Zirconium picramate
Zirconium powder
Zirconium scrap

Figure: 30 TAC §335.521(a)(3)

[Figure: 30 TAC §335.521(a)(3)]

Appendix 1, Table 3.

Maximum Contaminant Levels (MCLs).

Values obtained from 40 CFR Part 141, Subparts B and G, Maximum Contaminant Levels and 40 CFR Part 143, Total Dissolved Solids.

Constituent	MCL (mg/l)
Arsenic	0.01 [0.05]
Barium	2 [1]
*Benzene	0.005
Cadmium	0.005
*Carbon tetrachloride	0.005
Chlordane	0.002
*Chlorobenzene	0.1
Chromium	0.1
2,4-D	0.07
*Dibromochloropropane	0.0002
*ortho-Dichlorobenzene	0.6
*para-Dichlorobenzene	0.075
*1,2-Dichloroethane	0.005
*1,1-Dichloroethylene	0.007
*trans-1,2-Dichloroethylene	0.1
*1,2-Dichloropropane	0.005
*Ethylbenzene	0.7
Heptachlor	0.0004
Heptachlor epoxide	0.0002
**Lead	0.015 [0.05]
Mercury	0.002
Methoxychlor	0.04
Pentachlorophenol	0.001
Selenium	0.05
Silver	0.05
*Styrene	0.1
*Tetrachloroethylene	0.005
*1,1,1-Trichloroethane	0.20
*Trichloroethylene	0.005
*Toluene	1
Toxaphene	0.003
2,4,5-TP (Silvex)	0.05

*Vinyl chloride	0.002
*Xylenes (total)	10
Total Dissolved Solids	500

* For a class 3 waste classification, these constituents must also be evaluated using the test methods described in 40 Code of Federal Regulations Part 261, Appendix II. See 335.507(4)(A)(ii) for additional information.

** Federal Maximum Contaminant Level Goal (MCLG) for Lead is 0.0 mg/l, but the action level is 0.015 mg/l

Figure: 30 TAC §335.521(b)

[Figure: 30 TAC §335.521(b)]

Appendix 2
Texas Commission on Environmental Quality [Commission]
Waste Permits Division
Industrial and Hazardous Waste Permits Section
MC 130
P.O.Box 13087
Austin, Texas 78711-3087
https://www.tceq.texas.gov/

Figure: 30 TAC §335.521(c)

[Figure: 30 TAC §335.521(c)]

Appendix 3.

FORM CODES
_____
Code Waste description
_____
LAB PACKS
LAB PACKS - Lab packs of mixed wastes, chemicals, lab wastes
001 Lab packs of old chemicals only
002 Lab packs of debris only
003 Mixed lab packs
004 Lab packs containing acute hazardous wastes
005 Waste pharmaceuticals managed as hazardous waste
006 Airbag waste (airbag modules or airbag inflators managed as hazardous waste
009 Other lab packs (Specify in Comments)
LIQUIDS
INORGANIC LIQUIDS - Waste that is primarily inorganic and highly fluid (e.g., aqueous), with low suspended inorganic solids and low organic content
101 Aqueous waste with low solvents
102 Aqueous waste with low other toxic organics
103 Spent acid with metals
104 Spent acid without metals
105 Acidic aqueous waste
106 Caustic solution with metals but no cyanides
107 Caustic solution with metals and cyanides
108 Caustic solution with cyanides but no metals
109 Spent caustic
110 Caustic aqueous waste
111 Aqueous waste with reactive sulfides
112 Aqueous waste with other reactives (e.g., explosives)
113 Other aqueous waste with high dissolved solids
114 Other aqueous waste with low dissolved solids

115 Scrubber water
116 Leachate
117 Waste liquid mercury
119 Other inorganic liquids (Specify in Comments)
198 Nonhazardous photographic chemical wastes (inorganic)
199 Brine solution that could also bear the form code 113
ORGANIC LIQUIDS - Waste that is primarily organic and is highly fluid, with low inorganic solids content and low-to-moderate water content
201 Concentrated solvent-water solution
202 Halogenated (e.g., chlorinated) solvent
203 Non-halogenated solvent
204 Halogenated/non-halogenated solvent mixture
205 Oil-water emulsion or mixture
206 Waste oil

207 Concentrated aqueous solution of other organics
208 Concentrated phenolics
209 Organic paint, ink, lacquer, or varnish
210 Adhesives or epoxies
211 Paint thinner or petroleum distillates
212 Reactive or polymerizable organic liquids
219 Other organic liquids (Specify in Comments)
296 Ethylene glycol based antifreeze
297 Nonhazardous liquids containing greater than or equal to (≥) [( )] 50 and less than (<) [( )] 500 ppm PCBs
298 Nonhazardous liquids containing greater than or equal to (≥) [( )] 500 ppm PCBs
299 Nonhazardous photographic chemical waste (organic)
SOLIDS
INORGANIC SOLIDS - Waste that is primarily inorganic and solid, with low organic content and low-to-moderate water content; not pumpable
301 Soil Contaminated with organics
302 Soil contaminated with inorganics only
303 Ash, slag, or other residue from incineration of wastes
304 Other "dry" ash, slag, or thermal residue
305 "Dry" lime or metal hydroxide solids chemically "fixed"

306 "Dry" lime or metal hydroxide solids not "fixed"
307 Metal scale, filings, or scrap
308 Empty or crushed metal drums or containers
309 Batteries or battery parts, casings, cores
310 Spent solid filters or adsorbents
311 Asbestos solids and debris
312 Metal-cyanide salts/chemicals
313 Reactive cyanide salts/chemicals
314 Reactive sulfide salts/chemicals
315 Other reactive salts/chemicals
316 Other metal salts/chemicals
319 Other waste inorganic solids (Specify in Comments)
388 Empty or crushed glass containers
389 Nonhazardous sandblasting waste
390 Nonhazardous concrete/cement/construction debris
391 Nonhazardous dewatered wastewater treatment sludge
392 Nonhazardous dewatered air pollution control device sludge
393 Catalyst waste
394 Nonhazardous solids containing greater than or equal to (≥) [( )] 50 ppm and less than (<) 500 ppm PCBs
395 Nonhazardous solids containing greater than or equal to (≥) [( )] 500 ppm PCBs
396 Nonhazardous electrical equipment/devices containing greater than or equal to (≥) [( )] 50 ppm and less than (<) 500 ppm PCBs.
397 Nonhazardous electrical equipment/devices containing greater than or equal to (≥) [( )] 500 ppm PCBs
398 Nonhazardous soils containing greater than or equal to (≥) [( )] 50 ppm and less than (<) 500 ppm PCBs
399 Nonhazardous soils containing greater than or equal to (≥) [( )] 500 ppm PCBs
ORGANIC SOLIDS - Waste that is primarily organic and solid, with low-to-moderate inorganic content and water content; not pumpable
401 Halogenated pesticide solid
402 Non-halogenated pesticide solid
403 Solids resins or polymerized organics
404 Spent carbon
405 Reactive organic solid
406 Empty fiber or plastic containers
407 Other halogenated organic solids (Specify in Comments)
409 Other non-halogenated organic solids (Specify in Comments)
488 Wood debris

489 Petroleum contaminated solids
490 Sand blasting waste
491 Dewatered biological treatment sludge
492 Dewatered sewage or other untreated biological sludge
493 Catalyst waste
494 Solids containing greater than or equal to (≥) [( )] 50 ppm and less than (<) 500 ppm PCBs
495 Solids containing greater than or equal to (≥) [( )] 500 ppm PCBs
496 Electrical equipment/devices containing greater than or equal to (≥) [( )] 50 ppm and less than (<) 500 ppm PCBs.
497 Electrical equipment/devices containing greater than or equal to (≥) [( )] 500 ppm PCBs
498 Soils containing greater than or equal to (≥) [( )] 50 ppm and less than (<) 500 ppm PCBs
499 Soils containing greater than or equal to (≥) [( )] 500 ppm PCBs
SLUDGES
INORGANIC SLUDGES - Waste that is primarily inorganic, with moderate-to-high water content and low organic content, and pumpable
501 Lime sludge without metals
502 Lime sludge with metals/metal hydroxide sludge
503 Wastewater treatment sludge with toxic organics
504 Other wastewater treatment sludge
505 Untreated plating sludge without cyanides
506 Untreated plating sludge with cyanides
507 Other sludge with cyanides
508 Sludge with reactive sulfides
509 Sludge with other reactives
510 Degreasing sludge with metal scale or filings
511 Air pollution control device sludge (e.g., fly ash, wet scrubber sludge)
512 Sediment or lagoon dragout contaminated with organics
513 Sediment or lagoon dragout contaminated with inorganics only
514 Drilling mud
515 Asbestos slurry or sludge
516 Chloride or other brine sludge
519 Other inorganic sludges (Specify in Comments)
597 Catalyst waste
598 Nonhazardous sludges containing greater than or equal to (≥) [( )] 50 ppm and less than (<) 500 ppm PCBs
599 Nonhazardous sludges containing greater than or equal to (≥) [( )] 500 ppm PCBs

ORGANIC SLUDGES - Waste that is primarily organic with low-to-
moderate inorganic solids content and water content, and pumpable
601 Still bottoms of halogenated (e.g., chlorinated) solvents or other organic liquids
602 Still bottoms of non-halogenated solvents or other organic liquids
603 Oily sludge
604 Organic paint or ink sludge
605 Reactive or polymerizable organics
606 Resins, tars, or tarry sludge
607 Biological treatment sludge
608 Sewage or other untreated biological sludge
609 Other organic sludges (Specify in Comments)
695 Petroleum contaminated sludges other than still bottoms and oily sludges
696 Grease
697 Catalyst waste
698 Nonhazardous sludges containing greater than or equal to (≥) [( )] 50 ppm and less than (<) 500 ppm PCBs
699 Nonhazardous sludges containing greater than or equal to (≥) [( )] 500 ppm PCBs
GASES
INORGANIC GASES - Waste that is primarily inorganic with a low organic content and is a gas at atmospheric pressure
701 Inorganic gases
ORGANIC GASES - Waste that is primarily organic with low-to-moderate inorganic content and is a gas at atmospheric pressure
801 Organic gases
PLANT TRASH
902 Supplemental plant production refuse - Class 2 waste from production, manufacturing, or laboratory operations. The total amount of the supplemental plant production refuse shall not exceed 20% of the annual average of the total plant refuse (form code 999) volume or weight, whichever is less.

999 Plant Trash - Class 2 waste originating in the facility offices or plant production area that is composed of paper, cardboard, linings, wrappings, paper and/or wooden packaging materials, food wastes, cafeteria waste, glass, aluminum foil, aluminum cans, aluminum scrap, stainless steel, steel, iron scrap, plastics, styrofoam, rope, twine, uncontaminated rubber, uncontaminated wooden materials, equipment belts, wirings, uncontaminated cloth, metal bindings, empty containers with a holding capacity of five gallons or less, uncontaminated floor sweepings, and/or food packaging, that are produced as a result of plant production, manufacturing, laboratory, general office, cafeteria, or food services operations. Personal cosmetics generated by facility personnel, excluding those cosmetics generated as a result of manufacturing or plant production operations.

IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Office of the Attorney General

Texas Health and Safety Code and Texas Water Code
Settlement Notice

The State of Texas gives notice of the following proposed resolution of an environmental enforcement action under the Texas Health and Safety Code and the Texas Water Code. Before the State may enter into a voluntary settlement agreement, pursuant to section 7.110 of the Texas Water Code, the State shall permit the public to comment in writing. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreement if the comments disclose facts or considerations indicating that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the law.

Case Title and Court: *Harris County, Texas and State of Texas v. Texas Materials Group, Inc.*; Cause No. 2024-33239; in the 113th District Court of Harris County, Texas

Background: Texas Materials Group, Inc. ("TMG") owns and operates a concrete crushing facility in Houston, Texas ("Facility"). TMG is permitted by New Source Review ("NSR") Permit No. 136386. Over the course of two site visits conducted from March 2, 2022, to December 8, 2022, Harris County Pollution Control Services documented violations at the Facility including failure to control visible particulate matter emissions from the crushers and stacker using a functioning spray bar system; exceedance of authorized stockpile height; failure to clean or water paved surfaces to abate dust; and failure to maintain or produce records related to plant maintenance and monitoring. On May 24, 2024, Harris County filed suit against TMG for violations of the Texas Health and Safety Code, Texas Water Code, TCEQ rules, and NSR Permit No. 136836, naming the State as a necessary and indispensable party pursuant to Texas Water Code § 7.353.

Proposed Settlement: The State, Harris County, and TMG, propose an Agreed Final Judgment that awards the State and Harris County the following monetary judgments against TMG: $85,000.00 in civil penalties, with the penalties to be split evenly between Harris County and the State. The Agreed Judgment would also award $15,000.00 in attorney fees, to be split evenly between Harris County and the State, and $358.00 in court costs to Harris County.

For a complete description of the proposed settlement, the Agreed Final Judgment should be reviewed in its entirety. Requests for copies of the proposed judgment and settlement, and written comments on the same, should be directed to Ross Potter, Assistant Attorney General, Office of the Texas Attorney General, P.O. Box 12548, MC-066, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0911, email: Ross.Potter@oag.texas.gov. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-202603645
Justin Gordon
General Counsel
Office of the Attorney General
Filed: August 19, 2026

♦ ♦ ♦

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003, §303.009, and §304.003 Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 08/24/26 - 08/30/26 is 18.00% for consumer[1] credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 08/24/26 - 08/30/26 is 18.00% for commercial[2] credit.

The postjudgment interest rate as prescribed by §304.003 for the period of 09/01/26 - 09/30/26 is 6.75%.

[1] Credit for personal, family, or household use.

[2] Credit for business, commercial, investment, or other similar purpose.

TRD-202603642
Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner
Filed: August 19, 2026

♦ ♦ ♦

Credit Union Department

Application for a Merger or Consolidation (August)

Notice is given that the following application has been filed with the Credit Union Department (Department) and is under consideration:

An application was received from Southern Star Credit Union (Houston) seeking approval to merge with BP Federal Credit Union (Houston), with the latter being the surviving credit union.

Comments or a request for a meeting by any interested party relating to an application must be submitted in writing within 30 days of the date of this publication. Any written comments must provide all information that the interested party wishes the Department to consider in evaluating the application. All information received will be weighed during consideration of the merits of an application. Comments or a request for a meeting should be addressed to the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699.

TRD-202603638
Robert W. Etheridge
Commissioner
Credit Union Department
Filed: August 19, 2026

♦ ♦ ♦

Application to Expand Field of Membership (August)

Notice is given that the following applications have been filed with the Credit Union Department (Department) and are under consideration.

An application was received from First Community Credit Union, Houston, Texas, to expand its field of membership. The proposal

would permit employees of Oliver Inc. to be eligible for membership of the credit union.

An application was received from Amplify Credit Union, Austin, Texas, to expand its field of membership. The proposal would permit employees and other persons who utilize the services of Saint Louise House to be eligible for membership of the credit union.

An application was received from Amplify Credit Union, Austin, Texas, to expand its field of membership. The proposal would permit employees and other persons who utilize the services of Jail to Jobs to be eligible for membership of the credit union.

Comments or a request for a meeting by any interested party relating to an application must be submitted in writing within 30 days of the date of this publication. Credit unions that wish to comment on any application must also complete a Notice of Protest form. The form may be obtained by contacting the Department at (512) 837-9236 or downloading the form at http://www.cud.texas.gov/page/bylaw-charter-applications. Any written comments must provide all the information that the interested party wishes the Department to consider in evaluating the application. All information received will be weighed during consideration of the merits of an application. Comments or a request for a meeting should be addressed to the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699.

TRD-202603637
Robert W. Etheridge
Commissioner
Credit Union Department
Filed: August 19, 2026

♦ ♦ ♦

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **September 29, 2026**. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at Enforcement Division, MC 128, P.O. Box 13087, Austin, Texas 78711-3087 and must be postmarked by 5:00 p.m. on **September 29, 2026**. Written comments may also be sent to the enforcement coordinator by email to ENFCOMNT@tceq.texas.gov or by facsimile machine at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed contact information; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: AMC Bus, Inc.; DOCKET NUMBER: 2025-1355-PST-E; IDENTIFIER: RN101655306; LOCATION: El Paso, El Paso County; TYPE OF FACILITY: bus terminal; PENALTY: $10,476; ENFORCEMENT COORDINATOR: Celicia Garza, (210) 657-8422; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(2) COMPANY: Aqua Texas, Inc.; DOCKET NUMBER: 2026-0116-MWD-E; IDENTIFIER: RN102343662; LOCATION: Rhome, Denton County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $12,500; ENFORCEMENT COORDINATOR: Alejandra Basave, (713) 767-3751; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(3) COMPANY: Arcanum Infrastructure, LLC; DOCKET NUMBER: 2025-0591-AIR-E; IDENTIFIER: RN110461415; LOCATION: Baytown, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $84,220; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $33,688; ENFORCEMENT COORDINATOR: Raven Daigle, (713) 767-3634; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(4) COMPANY: Azin Enterprises Inc.; DOCKET NUMBER: 2021-1175-PST-E; IDENTIFIER: RN101540219; LOCATION: Rowlett, Dallas County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: $35,140; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(5) COMPANY: BASF Corporation; DOCKET NUMBER: 2021-0761-AIR-E; IDENTIFIER: RN100218049; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $186,250; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $93,125; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(6) COMPANY: Badman RE LLC; DOCKET NUMBER: 2025-0551-PST-E; IDENTIFIER: RN104028758; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: temporarily out-of-service underground storage tank; PENALTY: $10,627; ENFORCEMENT COORDINATOR: Bryce Huck, (512) 239-4655; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(7) COMPANY: Braskem America, Inc.; DOCKET NUMBER: 2023-0304-AIR-E; IDENTIFIER: RN102888328; LOCATION: La Porte, Harris County; TYPE OF FACILITY: polypropylene production facility; PENALTY: $176,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $88,000; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(8) COMPANY: City of Alice; DOCKET NUMBER: 2025-1431-MWD-E; IDENTIFIER: RN102096948; LOCATION: Alice, Jim Wells County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $35,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $28,600; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(9) COMPANY: City of Arlington; DOCKET NUMBER: 2025-0675-WQ-E; IDENTIFIER: RN104950134; LOCATION: Arlington, Tarrant County; TYPE OF FACILITY: collection system; PENALTY: $8,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $8,125; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(10) COMPANY: City of Bandera; DOCKET NUMBER: 2024-0396-MWD-E; IDENTIFIER: RN102079811; LOCATION: Bandera, Bandera County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $19,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $15,600; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(11) COMPANY: City of Brownfield; DOCKET NUMBER: 2023-1269-PWS-E; IDENTIFIER: RN101210771; LOCATION: Brownfield, Terry County; TYPE OF FACILITY: public water supply; PENALTY: $28,850; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $23,080; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(12) COMPANY: City of Bryan; DOCKET NUMBER: 2026-0397-IWD-E; IDENTIFIER: RN101611556; LOCATION: Bryan, Brazos County; TYPE OF FACILITY: natural gas fired power plant; PENALTY: $6,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $5,400; ENFORCEMENT COORDINATOR: Madison Crawford, (512) 239-4603; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(13) COMPANY: City of Dilley; DOCKET NUMBER: 2022-0919-MWD-E; IDENTIFIER: RN103124137; LOCATION: Dilley, Frio County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $21,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $16,800; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(14) COMPANY: City of Dilley; DOCKET NUMBER: 2024-1161-MWD-E; IDENTIFIER: RN103124137; LOCATION: Dilley, Frio County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $71,400; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $57,120; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(15) COMPANY: City of Garrison; DOCKET NUMBER: 2023-0149-MWD-E; IDENTIFIER: RN101607075; LOCATION: Garrison, Nacogdoches County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $100,941; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $80,753; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(16) COMPANY: City of Gladewater; DOCKET NUMBER: 2024-0766-MWD-E; IDENTIFIER: RN101916526; LOCATION: Gladewater, Upshur County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $30,625; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $24,500; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(17) COMPANY: City of Grandview; DOCKET NUMBER: 2023-0118-MWD-E; IDENTIFIER: RN101918753; LOCATION: Grandview, Johnson County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $16,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $13,200; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(18) COMPANY: City of Lufkin; DOCKET NUMBER: 2024-0119-MWD-E; IDENTIFIER: RN101609964; LOCATION: Lufkin, Angelina County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $193,813; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $155,051; ENFORCEMENT COORDINATOR: Jennifer Graves, (956) 430-6023; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(19) COMPANY: City of Pearland; DOCKET NUMBER: 2025-1375-MWD-E; IDENTIFIER: RN101700235; LOCATION: Pearland, Brazoria County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $42,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $42,000; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(20) COMPANY: City of Runaway Bay; DOCKET NUMBER: 2023-1113-MWD-E; IDENTIFIER: RN102181385; LOCATION: Runaway Bay, Wise County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $61,187; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $48,950; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(21) COMPANY: City of South Houston; DOCKET NUMBER: 2025-0583-MWD-E; IDENTIFIER: RN102986312; LOCATION: South Houston, Harris County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $18,900; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $15,120; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(22) COMPANY: City of Whitney; DOCKET NUMBER: 2024-0349-MWD-E; IDENTIFIER: RN101919421; LOCATION: Whitney, Hill County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $22,750; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $18,200; ENFORCEMENT COORDINATOR: Jennifer Graves, (956) 430-6023; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(23) COMPANY: DARWISH, SUHEIL; DOCKET NUMBER: 2025-0580-PST-E; IDENTIFIER: RN101630572; LOCATION: Nederland,

Jefferson County; TYPE OF FACILITY: temporarily out-out-service underground storage tank; PENALTY: $5,654; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(24) COMPANY: Delta Om Shanti Om LLC; DOCKET NUMBER: 2024-1107-PST-E; IDENTIFIER: RN101546026; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: operator; PENALTY: $2,625; ENFORCEMENT COORDINATOR: Celicia Garza, (210) 657-8422; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(25) COMPANY: Diamond Shamrock Refining Company, L.P.; DOCKET NUMBER: 2024-0690-AIR-E; IDENTIFIER: RN100542802; LOCATION: Three Rivers, Live Oak County; TYPE OF FACILITY: oil refinery; PENALTY: $119,700; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $47,880; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(26) COMPANY: EZ Storage Services LLC; DOCKET NUMBER: 2023-0743-MLM-E; IDENTIFIER: RN111624565; LOCATION: Georgetown, Williamson County; TYPE OF FACILITY: construction site; PENALTY: $54,950; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(27) COMPANY: Federal Heath Sign Company, LLC; DOCKET NUMBER: 2025-0433-AIR-E; IDENTIFIER: RN102570645; LOCATION: Jacksonville, Cherokee County; TYPE OF FACILITY: sign manufacturing and coating plant; PENALTY: $21,900; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(28) COMPANY: HUGHES, RICHARD; DOCKET NUMBER: 2022-0918-AIR-E; IDENTIFIER: RN110876026; LOCATION: Anderson, Grimes County; TYPE OF FACILITY: surface coating and dry abrasive cleaning facility; PENALTY: $6,750; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(29) COMPANY: Hartree Channelview LLC; DOCKET NUMBER: 2026-0370-IWD-E; IDENTIFIER: RN100542489; LOCATION: Channelview, Harris County; TYPE OF FACILITY: petroleum refinery and special warehousing and storage facility; PENALTY: $37,812; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $15,125; ENFORCEMENT COORDINATOR: Madison Crawford, (512) 239-4603; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(30) COMPANY: Hudspeth County and LaSalle Corrections V, LLC; DOCKET NUMBER: 2026-0713-PWS-E; IDENTIFIER: RN111241832; LOCATION: Sierra Blanca, Hudspeth County; TYPE OF FACILITY: public water supply; PENALTY: $1,737; ENFORCEMENT COORDINATOR: Ilia Perez Ramirez, (512) 239-2556; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(31) COMPANY: Jean Harget; DOCKET NUMBER: 2024-1055-SLG-E; IDENTIFIER: RN103017554; LOCATION: Conroe, Montgomery County; TYPE OF FACILITY: unregistered sludge transporter business; PENALTY: $12,544; ENFORCEMENT COORDINATOR: Jennifer Graves, (956) 430-6023; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(32) COMPANY: KB FOUNDATION OF TEXAS; DOCKET NUMBER: 2025-1515-MWD-E; IDENTIFIER: RN102179124; LOCATION: Driscoll, Nueces County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $60,821; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(33) COMPANY: Legacy Reserves Operating LP; DOCKET NUMBER: 2023-1348-AIR-E; IDENTIFIER: RN100222223; LOCATION: Hamshire, Anderson County; TYPE OF FACILITY: natural gas processing plant; PENALTY: $13,910; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(34) COMPANY: MCWANE, INC.; DOCKET NUMBER: 2024-1934-AIR-E; IDENTIFIER: RN102679867; LOCATION: Tyler, Smith County; TYPE OF FACILITY: iron foundry; PENALTY: $18,000; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(35) COMPANY: MACHEDI LLC dba Shade Tree and dba Pop's Quick Stop; DOCKET NUMBER: 2024-1439-PST-E; IDENTIFIERS: RN101844611 and RN102761608; LOCATION: Comanche, Comanche County; TYPE OF FACILITIES: convenience stores with retail sales of gasoline; PENALTY: $31,178; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(36) COMPANY: Nippon Chemical Texas Inc.; DOCKET NUMBER: 2022-0199-AIR-E; IDENTIFIER: RN102887270; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $9,182; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $3,673; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(37) COMPANY: ONEOK Hydrocarbon, L.P.; DOCKET NUMBER: 2023-0311-AIR-E; IDENTIFIER: RN100222207; LOCATION: Mont Belvieu, Chambers County; TYPE OF FACILITY: natural gas liquids fractionation plant; PENALTY: $132,922; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $53,169; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(38) COMPANY: Pettus Municipal Utility District; DOCKET NUMBER: 2024-1296-MWD-E; IDENTIFIER: RN102079100; LOCATION: Pettus, Bee County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $38,463; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $30,771; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(39) COMPANY: Pioneer Natural Resources USA, Inc.; DOCKET NUMBER: 2026-0579-AIR-E; IDENTIFIER: RN109919084; LOCATION: Odessa, Midland County; TYPE OF FACILITY: oil and gas production facility; PENALTY: $6,250; ENFORCEMENT COORDINATOR: Michael Wilkins, (325) 698-6134; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, REGION 3 - ABILENE.

(40) COMPANY: Polk Health Holdings LLC and Livingston Care Associates, Inc.; DOCKET NUMBER: 2024-0767-MWD-E; IDENTIFIER: RN101718765; LOCATION: Livingston, Polk County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $17,350; ENFORCEMENT COORDINATOR: Jennifer Graves, (956) 430-6023; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(41) COMPANY: Primal Materials, LLC; DOCKET NUMBER: 2026-0152-MLM-E; IDENTIFIER: RN112348214; LOCATION: Abilene, Taylor County; TYPE OF FACILITY: aggregate production operation; PENALTY: $6,875; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(42) COMPANY: SA MARKET, INC.; DOCKET NUMBER: 2025-1117-PST-E; IDENTIFIER: RN109581611; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: $9,301; ENFORCEMENT COORDINATOR: Bryce Huck, (512) 239-4655; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(43) COMPANY: Seatex, LLC; DOCKET NUMBER: 2024-1542-MLM-E; IDENTIFIER: RN100599000; LOCATION: Rosenberg, Fort Bend County; TYPE OF FACILITY: chemical blending and manufacturing plant; PENALTY: $12,254; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(44) COMPANY: Shaya Rehman, Inc.; DOCKET NUMBER: 2021-0872-PST-E; IDENTIFIER: RN101731719; LOCATION: Orange, Orange County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: $45,454; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(45) COMPANY: Taborca Properties, LLC; DOCKET NUMBER: 2025-0642-PWS-E; IDENTIFIER: RN105596860; LOCATION: Weatherford, Parker County; TYPE OF FACILITY: public water supply; PENALTY: $8,695; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(46) COMPANY: Targa Pipeline Mid-Continent WestTex LLC; DOCKET NUMBER: 2025-1260-AIR-E; IDENTIFIER: RN100217314; LOCATION: Midkiff, Upton County; TYPE OF FACILITY: natural gas compressor station; PENALTY: $71,250; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(47) COMPANY: Texas Department of Criminal Justice; DOCKET NUMBER: 2025-1362-MWD-E; IDENTIFIER: RN102314432; LOCATION: Huntsville, Walker County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $47,275; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $47,275; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(48) COMPANY: The San Antonio Refinery LLC; DOCKET NUMBER: 2019-0516-AIR-E; IDENTIFIER: RN101485183; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: petroleum refinery; PENALTY: $457,498; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(49) COMPANY: Tige Boats, Inc.; DOCKET NUMBER: 2025-1026-AIR-E; IDENTIFIER: RN104316500; LOCATION: Abilene, Taylor County; TYPE OF FACILITY: boat manufacturing plant; PENALTY: $6,885; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(50) COMPANY: TotalEnergies Petrochemicals & Refining USA, Inc.; DOCKET NUMBER: 2024-1411-AIR-E; IDENTIFIER: RN102457520; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: petroleum refinery; PENALTY: $33,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $13,200; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(51) COMPANY: TotalEnergies Petrochemicals & Refining USA, Inc.; DOCKET NUMBER: 2025-1241-AIR-E; IDENTIFIER: RN100212109; LOCATION: La Porte, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $189,150; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $94,575; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(52) COMPANY: Valero Refining-Texas, L.P.; DOCKET NUMBER: 2024-1087-AIR-E; IDENTIFIER: RN100214386; LOCATION: Corpus Christi, Nueces County; TYPE OF FACILITY: petroleum refinery; PENALTY: $15,875; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $7,937; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4 - DALLAS-FORT WORTH.

(53) COMPANY: Valero Refining-Texas, L.P.; DOCKET NUMBER: 2025-1268-AIR-E; IDENTIFIER: RN100211663; LOCATION: Corpus Christi, Nueces County; TYPE OF FACILITY: petroleum refinery; PENALTY: $160,875; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $64,350; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(54) COMPANY: West Jefferson County Municipal Water District; DOCKET NUMBER: 2024-0831-MWD-E; IDENTIFIER: RN102335619; LOCATION: Hamshire, Jefferson County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $23,625; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $18,900; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(55) COMPANY: West Wise Special Utility District; DOCKET NUMBER: 2026-0305-PWS-E; IDENTIFIER: RN101190270; LOCATION: Bridgeport, Wise County; TYPE OF FACILITY: public water supply; PENALTY: $10,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $10,500; ENFORCEMENT COORDINATOR: Katherine Argueta, (512) 239-4131; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

TRD-202603577

Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: August 18, 2026

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Enforcement Orders

An agreed order was adopted regarding East Texas Commercial Properties, LLC dba University Chevron, Docket No. 2023-0819-PST-E on August 18, 2026 assessing $5,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting William Hogan, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TAS Environmental Services L.P., Docket No. 2024-0449-MSW-E on August 18, 2026 assessing $10,563 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pearson, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding NRS Ventures LLC dba Casstevens Cash and Carry, Docket No. 2025-0531-PST-E on August 18, 2026 assessing $3,375 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Milton Cousins, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202603632
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: August 18, 2026

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Notice of Application and Public Hearing for an Air Quality Standard Permit for a Concrete Batch Plant With Enhanced Controls Proposed Air Quality Registration Number 184310

APPLICATION. Tex Mix Partners LLC, P.O. Box 830, Leander, Texas 78646-0830, has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls, Registration Number 184310, to authorize the operation of a concrete batch plant. The facility is proposed to be located at 9200 Ranch To Market Road 2243, Leander, Williamson County, Texas 78641. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.828317,30.58567&level=13. This application was submitted to the TCEQ on June 5, 2026. The primary function of this plant is to manufacture concrete by mixing materials including (but not limited to) sand, aggregate, cement and water. The executive director has determined the application was technically complete on July 28, 2026.

PUBLIC COMMENT/PUBLIC HEARING. Public written comments about this application may be submitted at any time during the public comment period. The public comment period begins on the first date notice is published and extends to the close of the public hearing. Public comments may be submitted either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087, or electronically at www14.tceq.texas.gov/epic/eComment/. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record.

A public hearing has been scheduled, that will consist of two parts, an informal discussion period and a formal comment period. During the informal discussion period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application, but comments made during the informal period will not be considered by the executive director before reaching a decision on the permit, and no formal response will be made to the informal comments. During the formal comment period, members of the public may state their comments into the official record. **Written comments about this application may also be submitted at any time during the hearing.** The purpose of a public hearing is to provide the opportunity to submit written comments or an oral statement about the application. **The public hearing is not an evidentiary proceeding.**

The Public Hearing is to be held:

Tuesday, September 29, 2026, at 6:00 p.m.

Hampton Inn & Suites by Hilton Cedar Park, Texas

700 Central Park Drive

Cedar Park, Texas 78613

RESPONSE TO COMMENTS. A written response to all formal comments will be prepared by the executive director after the comment period closes. The response, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments and the response to comments will be posted in the permit file for viewing.

The executive director shall approve or deny the application not later than 35 days after the date of the public hearing, considering all comments received within the comment period, and base this decision on whether the application meets the requirements of the standard permit.

CENTRAL/REGIONAL OFFICE. The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Austin Regional Office, located at 12100 Park 35 Circle, Building A, Room 179, Austin, Texas 78753-1808, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, beginning the first day of publication of this notice. The application, including any updates, is available electronically at the following webpage: https://www.tceq.texas.gov/permitting/air/airpermit-applications-notices.

INFORMATION. For more information about the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al (800) 687-4040. You can also view our website for public participation opportunities at www.tceq.texas.gov/goto/participation.

Further information may also be obtained from Tex Mix Partners, LLC, P.O. Box 830, Leander, Texas 78646-0830, or by calling Mr. Josh Butler, Environmental Services Manager, Elm Creek Environmental, LLC, at (469) 946-8195.

Notice Issuance Date: August 12, 2026

TRD-202603633
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: August 18, 2026

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Notice of Correction to Shutdown Default Order Number 1

In the May 15, 2026, issue of the *Texas Register* (51 TexReg 3448), the Texas Commission on Environmental Quality (commission) published notice of a Shutdown Default Order, specifically Item Number 1, for SETX PUBLIC TELEVISION CORPORATION Docket Number 2021-0128-PST-E. The error is as submitted by the commission.

The type of Order should be corrected to a Default Order.

For questions concerning the error, please contact Ben Pence at (512) 239-2157.

TRD-202603581
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: August 18, 2026

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Notice of Costs to Administer the Voluntary Cleanup Program and the Innocent Owner/Operator Program

In accordance with Texas Health and Safety Code, §361.613 (pertaining to the Voluntary Cleanup Program (VCP)) and 30 Texas Administrative Code §333.43 (pertaining to the Innocent Owner/Operator Program (IOP)), the executive director of the Texas Commission on Environmental Quality (TCEQ or commission) annually calculates the commission's costs to administer the VCP and the IOP, and publishes in the *Texas Register* the rates established for the purpose of identifying the costs recoverable by the commission. The TCEQ has calculated, and is hereby publishing, the bill rate for both the VCP and the IOP as $138 per hour for the commission's Fiscal Year 2027.

The VCP and the IOP are implemented by the same TCEQ staff. Therefore, a single hourly bill rate for both programs is appropriate. The hourly bill rate is determined based upon current projections for staff salaries for Fiscal Year 2027, including the fringe benefit rate and the indirect cost rate, minus anticipated federal funding that the commission will receive, and then divided by the estimated number of staff hours necessary to complete the program tasks. Fringe benefits include retirement, social security, and insurance expenses and are calculated at a set rate for the entire agency. The current fringe benefit rate is 33.78% of the budgeted salaries. Indirect costs include allowable overhead expenses and are calculated at a set rate for the entire agency. The current indirect cost rate is 34.30% of the budgeted salary. The hourly bill rate was calculated and then rounded to the nearest whole dollar amount. After an applicant's initial $1,000 application fee has been depleted for the VCP or the IOP review and oversight costs, invoices will be sent monthly to the applicant, or designee, for payment.

The commission anticipates receiving federal funding during Fiscal Year 2027 for the continued development and enhancement of the VCP and the IOP. If the federal funding anticipated for Fiscal Year 2027 does not become available, the commission may calculate and publish a new hourly bill rate. Federal funding of the VCP and the IOP should occur prior to October 1, 2026.

For more information, please contact Mr. Eric White, VCP-CA Section, Remediation Division, Texas Commission on Environmental Quality, MC 221, 12100 Park 35 Circle, Austin, Texas 78753, or call (512) 239-5051, or email eric.white@tceq.texas.gov.

TRD-202603578
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: August 18, 2026

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Notice of Declaration of Administrative Completeness Radioactive Material License Number R01811

APPLICATION. Triumvirate Environmental LLC, 200 Inner Belt Rd, Somerville, Massachusetts 02143, has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment of a radioactive material license which authorizes the storage and processing of radioactive waste. The amendment application is for a change of ownership. The application was received by the TCEQ on March 5, 2026.

The facility is located at 5711 Etheridge St., Houston, Texas 77087, in Harris County, Texas. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice: https://arcg.is/0zbXOW3. For exact location, refer to application. The license application is available for viewing and copying at the TCEQ's central office in Austin, Texas and at Mancuso Neighborhood Library, 6767 Bellfort Ave, Houston, Texas 77087. The application, including updates, is available electronically at the following webpage: www.tceq.texas.gov/goto/radmatapps.

ALTERNATIVE LANGUAGE NOTICE. Alternative language notice in Spanish is available at www.tceq.texas.gov/goto/radmatapps.

AVISO DE IDIOMA ALTERNATIVO. La notificación en idioma alternativo en español está disponible en www.tceq.texas.gov/goto/radmatapps.

ADDITIONAL NOTICE. The TCEQ Executive Director has determined that the application is administratively complete and will conduct a technical review of the application. After completion of the technical review, the Executive Director may prepare a draft license, technical summary, compliance summary, and if applicable, an environmental analysis and submit them to the chief clerk of the TCEQ for issuance of additional public notice. **Notice of the Completion of Technical Review will be published and mailed to adjacent landowners, those who are on the county-wide mailing list, and to those who are on the mailing list for this application. That notice will contain the deadline for submitting public comments and requests for a contested case hearing.**

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting on this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant material, or significant public comments.

OPPORTUNITY FOR A CONTESTED CASE HEARING. A contested case hearing is a legal proceeding similar to a civil trial in state district court. The TCEQ may grant a contested case hearing on this application if a written hearing request is timely submitted.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING

ITEMS IN YOUR REQUEST: your name, mailing address, phone number; applicant's name and license number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association,

the request must designate the group's representative for receiving future correspondence; identify by name and physical address an individual member of the group who would be adversely affected by the facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the license and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and license number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

INFORMATION AVAILABLE ONLINE. For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Once you have access to the CID using the above link, enter the license number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. All public comments and requests must be submitted either electronically at https://www.tceq.texas.gov/agency/decisions/cc/comments.html, **or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087.** Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this license application or the licensing process, please call the TCEQ's Public Education Program, Toll Free, at (800) 687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from Triumvirate Environmental LLC, at the address stated above or by calling Mr. David LaBelle at (617) 715-8976.

Issued: July 20, 2026

TRD-202603634
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: August 18, 2026

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Notice of Deletion of the Voda Petroleum, Inc. State Superfund Site from the State Superfund Registry

The Texas Commission on Environmental Quality (TCEQ) executive director (ED) is issuing this notice concerning the Voda Petroleum, Inc. state Superfund Site's (the site) deletion from the state Superfund registry (registry). The registry lists the contaminated sites which may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment.

About the Site

The site, including all land, structures, appurtenances, and other improvements, is approximately 6.12 acres located at 711 Duncan Road, White Oak, Gregg County, about 1.25 miles west of the intersection of Farm-to-Market (FM) 2275 (George Richey Road) and FM 3272 (North White Oak Road), and approximately 500 feet north of the intersection of Duncan Road and Charise Drive, 2.6 miles north/northeast of the city of Clarksville City, Gregg County, Texas. The site also includes any areas where hazardous substances had come to be located as a result, either directly or indirectly, of releases of hazardous substances from the site.

Voda Petroleum operated as a waste-oil recycling facility from 1981 until its abandonment in 1991.

Remediation Activities and Public Meetings

This site had soil and groundwater contamination, which led to its proposed listing on the registry. The notice for the proposed listing appeared in the November 17, 2000, issue of the *Texas Register* (25 TexReg 11594), announcing the public meeting held on January 11, 2001, to receive comments.

The public notice concerning the proposed remedial action selection, appeared in the September 19, 2008, issue of the *Texas Register* (33 TexReg 8055). A public meeting was held on October 23, 2008, to receive comments on the proposed remedial action.

The remedial action consisted of excavation and off-site disposal of contaminated soil and the operation of an enhanced in-situ bioremediation system using reactive bio-barrier wells for on-site and off-site shallow groundwater. TCEQ soil excavation and groundwater data shows no contamination remains on site above Texas Risk Reduction Program rule Tier 1 residential protective concentration levels. Therefore, the site is protective of residential land use.

30 Texas Administrative Code §335.344(b) Delisting Public Meeting

The notice for the proposed delisting appeared in the *Texas Register* February 6, 2026, issue (51 TexReg 770), and in the *Longview News Journal* newspaper announcing the public meeting on March 12, 2026, to receive comments. The ED received and addressed all comments during the public meeting.

30 Texas Administrative Code (TAC) §335.344(c) Deletion Reason

TCEQ has performed remedial actions at the site and removed all equipment associated with the former waste oil recycling operations. The ED has determined that the site no longer presents an imminent and substantial endangerment to public health and safety and the environment. Therefore, the site is eligible for deletion from the registry.

Texas Health and Safety Code §361.188(d) Delisting Notice

TCEQ will file a notice in the Gregg County, Texas real property records about the site's deletion from the state registry.

Records

A portion of the record for the site, including documents pertinent to the ED's proposed deletion, is available for review during regular business

hours at the Longview Public Library, 222 W Cotton Street, Longview, Texas 75601, phone number (903) 237-1350.

Agency records for this site may be accessible online or through the TCEQ Central File Room (CFR) at *https://www.tceq.texas.gov/agency/data/records-services.* Information about the state Superfund program is available at *https://www.tceq.texas.gov/remediation/superfund/sites.*

For further information concerning the deletion of the site from the registry, please call Crystal Taylor, Community Relations Liaison, at (800) 633-9363.

TRD-202603586
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: August 18, 2026

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Notice of District Petition - D-07222026-064

Notice issued August 14, 2026

TCEQ Internal Control No. D-07222026-064: WBW Single Land Investment, LLC - Series 150, (Petitioner), filed a petition for creation of Brazos County Municipal Utility District No. 7 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 96.87 acres located within Brazos County, Texas; and (4) the District is located entirely outside the corporate limits or extraterritorial jurisdiction of any city or town. The petition further states that the proposed District will: (1) design, construct, acquire, maintain, and operate a waterworks and sanitary sewer system for domestic and commercial purposes; (2) design, construct, acquire, improve, extend, maintain, and operate works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide adequate drainage for the District; (3) control, abate, and amend local storm waters or other harmful excesses of waters; (4) acquire, own, develop, construct, improve, manage, maintain, and operate roads or any improvement in aid of roads; and (5) design, construct, acquire, improve, maintain, and operate such additional facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and the Petitioner estimates the cost of said project will be approximately $17,170,000 ($12,520,000 for water, wastewater, and drainage plus $4,650,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202603631
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: August 18, 2026

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Notice of Opportunity to Comment on a Default Order of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Order (DO). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **September 29, 2026**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the DO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and

searching either of those databases with the proposed DO's identifying information, such as its docket number. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on September 29, 2026**. The commission's attorneys are available to discuss the DO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: TOCOR ENTERPRISES LLC; DOCKET NUMBER: 2023-1538-PST-E; TCEQ ID NUMBER: RN102467131; LOCATION: 2975 Southmost Road, Brownsville, Cameron County; TYPE OF FACILITY: an underground storage tank system and a former convenience store with retail sales of gasoline; PENALTY: $5,763; STAFF ATTORNEY: A'twar Wilkins, Litigation, MC 175, (512) 239-6515; REGIONAL OFFICE: Harlingen Regional Office, 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

TRD-202603580
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: August 18, 2026

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Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **September 29, 2026**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of the proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on September 29, 2026**. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: City of Big Spring; DOCKET NUMBER: 2025-0563-PWS-E; TCEQ ID NUMBER: RN101389492; LOCATION: 1601 Virginia Avenue, Big Spring, Howard County; TYPE OF FACILITY: a public water system; PENALTY: $7,100; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: Midland Regional Office, Claydesta Plaza, 10 Desta Drive, Suite 350E, Midland, Texas 79705-4530

(2) COMPANY: City of Santa Rosa; DOCKET NUMBER: 2024-0599-MLM-E; TCEQ ID NUMBER: RN101242170; LOCATION: 601 Ladona Street, Santa Rosa, Cameron County; TYPE OF FACILITY: a public water system; PENALTY: $41,400; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: Harlingen Regional Office, 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(3) COMPANY: City of Santa Rosa; DOCKET NUMBER: 2021-1640-MWD-E; TCEQ ID NUMBER: RN101918696; LOCATION: east side of Parker Road, approximately 0.5 miles northeast of the intersection of Farm-to-Market Road 506 and State Highway 107, Santa Rosa, Cameron County; TYPE OF FACILITY: a wastewater treatment facility; PENALTY: $59,500; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: Harlingen Regional Office, 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

TRD-202603579
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: August 18, 2026

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Notice of Public Hearing on Proposed Amendments to 30 TAC Chapter 205

The Texas Commission on Environmental Quality (commission) will conduct a public hearing to receive testimony regarding proposed amendments to 30 Texas Administrative Code (TAC) Chapter 205, General Permits for Waste Discharges, §205.4 under the requirements of Texas Government Code, Chapter 2001, Subchapter B.

The rulemaking would amend 30 Texas Administrative Code (TAC) Chapter 205, General Permits for Waste Discharges. Specifically, it would revise §205.4 to clarify that: (1) the executive director shall deny authorization to discharge under an existing general permit if the discharger has an unsatisfactory compliance history rating; (2) once a discharger authorized under a general permit has been denied an authorization, the discharger is not eligible for a general permit again until the ED actively authorizes the discharger to use the general permit; and (3) an automated process cannot be used to approve an application under a general permit following the denial or suspension of an authorization.

The commission will hold a hybrid virtual and in-person public hearing on this proposal in Austin on September 28, 2026, at 10:00 a.m. in building E, Room 201S at the commission's central office located at 12100 Park 35 Circle. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing at 9:30 a.m.

Individuals who plan to attend the hearing virtually and want to provide oral comments and/or want their attendance on record must register by Thursday, September 24, 2026. To register for the hearing, please email *Rules@tceq.texas.gov* and provide the following information: your name, your affiliation, your email address, your phone number, and whether or not you plan to provide oral comments during the hearing. Instructions for participating in the hearing will be sent on Friday, September 25, 2026, to those who register for the hearing.

For the public who do not wish to provide oral comments but would like to view the hearing may do so at no cost at:

https://events.teams.microsoft.com/event/2a383d9c-6ec5-4e8b-8b09-8e5909e50ddb@871a83a4-a1ce-4b7a-8156-3bcd93a08fba

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services at (512) 239-1802 or (800) RELAY-TX (TDD). Requests should be made as far in advance as possible.

If you need translation services, please contact TCEQ at (800) 687-4040. Si desea información general en español, puede llamar al (800) 687-4040.

Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to *fax4808@tceq.texas.gov*. Electronic comments may be submitted at: https://tceq.commentinput.com/comment/search. File size restrictions may apply to comments being submitted via the TCEQ Public Comments system. All comments should reference Rule Project Number 2026-016-205-OW. The comment period closes at 11:59 p.m. on September 29, 2026. Please choose one of the methods provided to submit your written comments.

Copies of the proposed rulemaking can be obtained from the commission's website at *https://www.tceq.texas.gov/rules/propose_adopt.html*. For further information, please contact Shannon Gibson, TCEQ's Water Quality Division, (512) 239-4284.

TRD-202603461
Amy L. Browning
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: August 14, 2026

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Notice of Public Hearing on Proposed Revisions to 30 TAC Chapters 305 and 335

The Texas Commission on Environmental Quality (commission) will conduct a public hearing to receive testimony regarding proposed revisions to 30 Texas Administrative Code (TAC) Chapter 305, Consolidated Permits, §§305.1, 305.3, 305.50, 305.69, 305.150, 305.171, 305.172, 305.176, 305.401, 305.533, 305.572, 305.650 and 30 TAC Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste, §§335.10, 335.29, 335.31, 335.41, 335.45, 335.53, 335.58, 335.112, 335.152, 335.177, 335.181, 335.202, 335.211, 335.221, 335.251, 335.303, 335.328, 335.504, 335.509, and 335.521 under the requirements of Texas Government Code, Chapter 2001, Subchapter B.

The proposed rulemaking would add revisions made to federal regulations into state regulations and implement program-initiated financial capability requirement revisions, updates, corrections, and repeals within state rules.

The commission will hold a hybrid virtual and in-person public hearing on this proposal in Austin on September 22, 2026, at 10:00 a.m. in Building E, Conference Room E201S, at the commission's central office located at 12100 Park 35 Circle. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the proposal 30 minutes prior to the hearing at 9:30 a.m.

Individuals who plan to attend the hearing virtually and want to provide oral comments and/or want their attendance on record must register by September 18, 2026. To register for the hearing, please email Rules@tceq.texas.gov and provide the following information: your name, your affiliation, your email address, your phone number, and whether or not you plan to provide oral comments during the hearing. Instructions for participating in the hearing will be sent on September 21, 2026, to those who register for the hearing.

For the public who do not wish to provide oral comments but would like to view the hearing may do so at no cost at:

https://events.teams.microsoft.com/event/53edb30d-abc0-4b50-8f31-c42454893872@871a83a4-a1ce-4b7a-8156-3bcd93a08fba

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact Sandy Wong, Office of Legal Services at (512) 239-1802 or (800) RELAY-TX (TDD). Requests should be made as far in advance as possible.

If you need translation services, please contact TCEQ at (800) 687-4040. Si desea información general en español, puede llamar al (800) 687-4040.

Written comments may be submitted to Vanessa Onyskow-Lang, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to *fax4808@tceq.texas.gov*. Electronic comments may be submitted at: *https://tceq.commentinput.com/*. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Rule Project Number 2026-011-335-WS. The comment period closes at 11:59 p.m. on September 29, 2026. Copies of the proposed rulemaking can be obtained from the commission's website at: *https://www.tceq.texas.gov/rules/propose_adopt.html*. For further information, please contact Jarita Sepulvado, Waste Permits Division, (512) 239-4413.

TRD-202603456
Amy L. Browning
Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: August 14, 2026

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Notice of Public Meeting for TPDES Permit for Municipal Wastewater New Permit No. WQ0016866001

The following notice was issued on August 13, 2026:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN (30) DAYS FROM THE DATE OF THIS NOTICE

INFORMATION SECTION MAILED.

Consideration of the application by 3T Martins Farm Hico, LLC and TMC Dairies LLC for a minor amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0003190000, for a Concentrated Animal Feeding Operation (CAFO), to authorize the applicant to reconfigure land management units (LMUs) #1A, #2 and

#7A which will change the acreage of LMU #1A from 93 to 99 acres, LMU #2 from 39 to 32 acres, and LMU #7A from 33 to 24 acres; and remove LMU #8A - 18 acres and part of LMU #8 from land application and repurpose the area as the new location for the digester and renewable natural gas equipment along with an access road. The former location of the digester will be used as the digester solids processing location, which will decrease the acreage of LMU #8 from 26 to 15 acres and the total land application area from 1,028 to 989 acres. Ten new water wells with 150 foot buffers will be added to the site: TD14, TD15, TD16, TS11, TS12, TS13, TS14, TS15, TS16 and TS17. The calculations for the retention control structures (RCSs) have been revised, which will change the RCSs required capacities as follows: Phase 1: RCS TS1 - from 103.3 to 101.85 acre-feet (digester operational), RCS TD1 from 66.71 to 63.66 acre-feet, and RCS TS1 (digester on bypass) from 39.71 to 38.26 acre-feet; and Phase 2: RCS TS1 - from 148.14 to 146.69 acre-feet (digester operational), RCS TD1 from 63.31 to 44.71 acre-feet, and RCS TS1 (digester on bypass) from 39.71 to 38.26 acre-feet. The facility is located at 3618 County Road 540, Hico, Erath County, Texas 76457.

TRD-202603635
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: August 18, 2026

♦ ♦ ♦

Notice of Water Quality Application - WQ0003190000 Minor Amendment

The following notice was issued on August 13, 2026:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN (30) DAYS FROM THE DATE OF THIS NOTICE

INFORMATION SECTION MAILED.

Consideration of the application by 3T Martins Farm Hico, LLC and TMC Dairies LLC for a minor amendment of Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0003190000, for a Concentrated Animal Feeding Operation (CAFO), to authorize the applicant to reconfigure land management units (LMUs) #1A, #2 and #7A which will change the acreage of LMU #1A from 93 to 99 acres, LMU #2 from 39 to 32 acres, and LMU #7A from 33 to 24 acres; and remove LMU #8A - 18 acres and part of LMU #8 from land application and repurpose the area as the new location for the digester and renewable natural gas equipment along with an access road. The former location of the digester will be used as the digester solids processing location, which will decrease the acreage of LMU #8 from 26 to 15 acres and the total land application area from 1,028 to 989 acres. Ten new water wells with 150 foot buffers will be added to the site: TD14, TD15, TD16, TS11, TS12, TS13, TS14, TS15, TS16 and TS17. The calculations for the retention control structures (RCSs) have been revised, which will change the RCSs required capacities as follows: Phase 1: RCS TS1 - from 103.3 to 101.85 acre-feet (digester operational), RCS TD1 from 66.71 to 63.66 acre-feet, and RCS TS1 (digester on bypass) from 39.71 to 38.26 acre-feet; and Phase 2: RCS TS1 - from 148.14 to 146.69 acre-feet (digester operational), RCS TD1 from 63.31 to 44.71 acre-feet, and RCS TS1 (digester on bypass) from 39.71 to 38.26 acre-feet. The facility is located at 3618 County Road 540, Hico, Erath County, Texas 76457.

TRD-202603630
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: August 18, 2026

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General Land Office

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) on August 17, 2026. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.20(f), 30.30(h), and 30.40(e), the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, August 21, 2026. The public comment period for this project will close at 5:00 p.m. on Sunday, September 20, 2026.

Federal License and Permit Activities:

Applicant: ST LNG

Location: The Proposed Action would be located in the U.S. Exclusive Economic Zone of the Gulf of America (GoA) approximately 10.4 nautical miles (19.2 kilometers) off the coast of Matagorda County, Texas in water depths between 65 and 72 feet. It would consist of fixed and floating components in Brazos Area Block (BA) 476 and a proposed 5.6-mile lateral pipeline in lease blocks BA-476, BA-449, and BA-450. The Proposed Action would not involve any new structures or improvements located onshore or "upstream" of the pipeline lateral interconnect with the existing Transco pipeline.

Project Description: The purpose of the Proposed Action is to construct, own, operate, and eventually decommission the ST LNG deepwater port terminal using domestic natural gas from multiple supply hubs in Texas (including, but not limited to, the Tres Palacios Gas Storage and Trading Hub and the Williams Markham Gas Processing Plant), utilize existing natural gas infrastructure to transport the gas offshore, liquefy the gas, and export up to 8.4 Million Metric Tons Per Annum as Liquefied Natural Gas (LNG) via an offshore Deepwater Port (DWP) to Free-Trade Agreement (FTA) and non-FTA nations.

The Proposed Action would consist of four phases. Each phase would include five fixed offshore platforms (Gas Treatment, Liquefaction, Bridge Support Trestle, LNG Transfer, and Accommodation and Utilities), bridges linking each platform, a dolphin mooring system composed of three berthing dolphins and six mooring dolphins, and a moored LNG Floating Storage Unit (FSU). At full build-out, the Proposed Action would include 20 platforms, 4 FSUs, 4 mooring systems, and 7.7 miles of pipeline (a 5.6-mile lateral pipeline, and 2.1 miles of interconnecting pipelines between each phase. The platforms of each individual phase would be connected via a series of linking bridges; however, the four phases of the Proposed Action would stand independently of one another, separated by approximately 2,260 feet, and would be capable of functioning independently.

To facilitate the necessary feed gas for the Project, ST LNG anticipates obtaining natural gas from the Tres Palacios Natural Gas Storage and Trading Hub and the Williams Markham Gas Processing Plant through

an existing Transco 36-inch-diameter pipeline that is approximately 5.6 miles northeast of the DWP site. Once the natural gas has been transported to the DWP, the gas would be processed, liquefied, and stored in the FSUs. From the FSUs, the LNG would be loaded onto LNG carriers (LNGCs) with cargo capacities between 125,000 and 180,000 cubic meters (m3). A maximum of 25 LNGCs would be loaded per year for each phase of the Project, totaling 100 LNGCs annually for the DWP. The LNGCs would export the LNG to FTA and non-FTA nations. While associated with the Project, the Applicant would not have control over the visiting LNGCs, except for contracting them to transport the LNG.

The Proposed Action would not involve any new structures or improvements located onshore or "upstream" of the pipeline lateral interconnect with the existing Transco pipeline. While exact locations of fabrication yards are not currently identified by ST LNG, fabrication activities would occur at existing facilities in Texas and/or Louisiana. The ST LNG team office would be located on site at the fabrication yards. During operation, the onshore ST LNG team would be based near the Calhoun Port Authority site in Point Comfort, Texas, using existing buildings and vessel berths. No new or modified onshore facilities are included in the Proposed Action.

If approved, construction of each phase of the Proposed Action would be staggered by 18 months for ease of constructability: Phase 2 on-site construction would start 18 months after the start of Phase 1 on-site construction, Phase 3 on-site construction would start 18 months after the start of Phase 2 on-site construction, and Phase 4 on-site construction would start 18 months after the start of Phase 3 on-site construction. The Project is proposed to have a 25-year life span for each phase (approximately 30 years in operation), and each phase would be decommissioned independently. The Applicant would comply with the environmental regulations applicable at the time of decommissioning to minimize impacts on the natural and social environment. The type and severity of impacts may need to be reevaluated at the time of decommissioning to account for changes between the time the final Environmental Impact Statement (EIS) is published and the time the Project is decommissioned that would affect the natural or social environment.

Type of Application: Deepwater Port License Docket No. MARAD-2025-0096 Draft EIS.

CMP Project No: 26-1195-F1

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection, may be obtained from the Texas General Land Office Public Information Officer at 1700 N. Congress Avenue, Austin, Texas 78701, or via email at pialegal@glo.texas.gov. Comments should be sent to the Texas General Land Office Coastal Management Program Coordinator at the above address or via email at federal.consistency@glo.texas.gov.

TRD-202603587
Jennifer Jones
Chief Clerk and Deputy Land Commissioner
General Land Office
Filed: August 18, 2026

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Texas Health and Human Services Commission

Correction of Error

The Texas Health and Human Services Commission proposed amendments to 1 TAC §353.1502 and 1 TAC §353.1503 in the August 14, 2026, issue of the *Texas Register* (51 TexReg 5313). Due to an error by the Texas Register, the proposed amendments were published with an incorrect rule number listed. The rule number was incorrectly shown as 1 TAC §353.1053 at the beginning of the proposed amendments. The correct text should be shown as follows:

1 TAC §353.1502, §353.1503

TRD-202603558

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Department of State Health Services

Licensing Actions for Radioactive Materials

During the first half of July 2026, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Section has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radioactive Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: (512) 206-3760, or by e-mail to: RAMlicensing@dshs.texas.gov.

NEW LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
ARLINGTON	UROLOGY PARTNERS OF NORTH TEXAS PLLC DBA UPNT ADVANCED IMAGING AND THERAPY CENTER	L07324	ARLINGTON	00	07/14/26
SAN ANTONIO	HUEBNER AMBULATORY SURGERY CENTER LLC	L07322	SAN ANTONIO	00	07/02/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
AUSTIN	AUSTIN RADIOLOGICAL ASSOCIATION	L00545	AUSTIN	261	07/14/26
BAY CITY	TENARIS BAY CITY INC	L06879	HOUSTON	02	07/08/26
DALLAS	HEARTPLACE PLLC	L04607	DALLAS	91	07/02/26
FORT WORTH	UPNT CANCER LLC DBA TEXAS CANCER SPECIALISTS	L07068	FORT WORTH	09	07/14/26
HOUSTON	CPF CARDIOLOGY ASSOCIATES PA	L05714	HOUSTON	11	07/10/26
HOUSTON	JUBILANT DRAXIMAGE INC DBA JUBILANT RADIOPHARMA	L06944	HOUSTON	17	07/03/26
IRVING	HEALTHTEXAS PROVIDER NETWORK DBA BAYLOR SCOTT & WHITE COTTONWOOD CARDIOLOGY	L06414	IRVING	07	07/14/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
MCKINNEY	BAYLOR SCOTT & WHITE MEDICAL CETNERS – GREATER NORTH TEXAS DBA BAYLOR SCOTT & WHITE MCKINNEY	L06470	MCKINNEY	22	07/10/26
SAN ANGELO	CENTURION PLANNING AND DESIGN LLC DBA CONSTRUCTION SERVICES	L05625	SAN ANGELO	18	07/09/26
SAN ANTONIO	UROLOGY PARTNERS OF NORTH TEXAS PLLC	L06047	SAN ANTONIO	15	07/09/26
SAN ANTONIO	PETNET SOLUTIONS INC	L05569	SAN ANTONIO	42	07/10/26
SAN ANTONIO	VHS SAN ANTONIO PARTNERS LLC DBA BAPTIST HEALTH SYSTEM	L00455	SAN ANTONIO	281	07/03/26
SEGUIN	GUADALUPE REGIONAL MEDICAL CENTER	L02292	SEGUIN	61	07/14/26
THE WOODLANDS	THE METHODIST HOSPITAL DBA METHODIST DEBAKEY HEART & VASCULAR CENTER	L07075	THE WOODLANDS	08	07/10/26
THROUGHOUT TX	THE UNIVERSITY OF TEXAS AT AUSTIN	L00485	AUSTIN	104	07/14/26
THROUGHOUT TX	GESSNER ENGINEERING LLC	L03733	BRYAN	37	07/09/26
THROUGHOUT TX	METALOGIC INSPECTION SERVICES (SOUTHWEST) LLC	L06772	HOUSTON	23	07/02/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
THROUGHOUT TX	BAKER HUGHES OILFIELD OPERATIONS LLC	L00446	HOUSTON	207	07/07/26
THROUGHOUT TX	ADVANCED CORROSION TECHNOLOGIES & TRAINING LLC DBA ACTT – ADVANCED CORROSION TECHNOLOGIES & TRAINING LLC	L06508	LA PORTE	35	07/08/26
THROUGHOUT TX	ACUREN INSPECTION INC	L01774	LA PORTE	327	07/01/26
THROUGHOUT TX	XCEL NDT LLC	L07039	LONGVIEW	12	07/14/26
THROUGHOUT TX	SHARED MEDICAL SERVICES INC	L06142	NACAGDOCHES	53	07/03/26
THROUGHOUT TX	GENESIS INSPECTION TECHNOLOGY INC	L07227	NEW CANEY	01	07/02/26
THROUGHOUT TX	INTEGRATED TESTING AND ENGINEERING COMPANY OF SAN ANTONIO LP	L05150	SAN ANTONIO	25	07/14/26
THROUGHOUT TX	SQS NDT LP	L06896	SANGER	14	07/06/26
UVALDE	UVALDE COUNTY HOSPITAL AUTHORITY DBA UVALDE MEMORIAL HOSPITAL	L03327	UVALDE	30	07/10/26

RENEWAL OF LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
FLORESVILLE	WILSON COUNTY MEMORIAL HOSPITAL DISTRICT DBA CONNALLY MEMORIAL MEDICAL CENTER	L03471	FLORESVILLE	24	07/02/26

RENEWAL OF LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
HOUSTON	W D VON GONTEN ENGINEERING LLC	L06789	HOUSTON	06	07/06/26
THROUGHOUT TX	GSS LABORATORIES AND SPECIALTY TESTING LLC	L05994	ALEDO	06	07/06/26
THROUGHOUT TX	ARIAS & ASSOCIATES INC DBA ARIAS GEOPROFESSIONALS	L04964	SAN ANTONIO	70	07/06/26

TERMINATIONS OF LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
THROUGHOUT TX	POSITRON CORP	L06770	HOUSTON	01	07/14/26
THROUGHOUT TX	APPLUS TECHNICAL SERVICES USA INC	L07267	HOUSTON	02	07/14/26
THROUGHOUT TX	SWEENY EARTH SCIENCES LLC	L07027	PLANO	01	07/06/26

TRD-202603501
Molly Fudell
Deputy General Counsel
Department of State Health Services
Filed: August 14, 2026

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Licensing Actions for Radioactive Materials

During the second half of July 2026 the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Section has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radioactive Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: (512) 206-3760, or by e-mail to: RAMlicensing@dshs.texas.gov.

NEW LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
DUNCANVILLE	CARDIAC CARE IMAGING WHEATLAND LLC	L07326	DUNCANVILLE	00	07/24/26
THROUGHOUT TX	LOC INTERNATIONAL LLC	L07325	MIDLAND	00	07/15/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
AMARILLO	BSA HOSPITAL LLC DBA BSA HOSPITAL	L06573	AMARILLO	25	07/31/26
AUSTIN	OTSUKA ICU MEDICAL LLC	L06846	AUSTIN	05	07/27/26
AUSTIN	ST DAVIDS HEALTHCARE PARTNERSHIP LP LLP ST DAVIDS MEDICAL CENTER	L06335	AUSTIN	53	07/22/26
AUSTIN	ST DAVIDS HEART & VASCULAR PLLC DBA AUSTIN HEART	L04623	AUSTIN	116	07/15/26
AUSTIN	ST DAVIDS HEART & VASCULAR PLLC DBA AUSTIN HEART	L04623	AUSTIN	117	07/17/26
AUSTIN	ARA ST DAVIDS IMAGING LP	L05862	AUSTIN	131	07/24/26
CARROLLTON	JUBILANT DRAXIMAGE INC DBA JUBILANT RADIOPHARMA	L06943	CARROLLTON	23	07/24/26
DALLAS	CARDINAL HEALTH 414 LLC DBA CARDINAL NUCLEAR PHARMACY SERVICES	L02048	DALLAS	166	07/17/26
DENTON	COLUMBIA MEDICAL CENTER OF DENTON SUBSIDIARY LP DBA MEDICAL CITY DENTON	L02764	DENTON	83	07/20/26
FORT WORTH	XS SIGHT SYSTEMS INC	L06946	FORT WORTH	05	07/20/26
FORT WORTH	XS SIGHT SYSTEMS INC	L06946	FORT WORTH	06	07/23/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
FORT WORTH	UPNT CANCER LLC DBA TEXAS CANCER SPECIALISTS	L07068	FORT WORTH	10	07/23/26
FORT WORTH	ONCOLOGY HEMATOLOGY CONSULTANTS PA DBA THE CENTER FOR CANCER AND BLOOD DISORDERS	L05919	FORT WORTH	44	07/17/26
FREEPORT	DSM NUTRITIONAL PRODUCTS LLC	L07266	FREEPORT	01	07/15/26
FREEPORT	BASF CORPORATION	L01021	FREEPORT	75	07/21/26
GRANBURY	GRANBURY HOSPITAL CORPORATION DBA LAKE GRANBURY MEDICAL CENTER	L02903	GRANBURY	41	07/20/26
GREENVILLE	HUNT MEMORIAL HOSPITAL DISTRICT	L01695	GREENVILLE	63	07/20/26
HOUSTON	BAYTOWN MEDICAL CENTER LP DBA BMC-NORTH	L07245	HOUSTON	02	07/24/26
HOUSTON	HEART CARE CENTER OF NORTHWEST HOUSTON PA	L05539	HOUSTON	26	07/16/26
HOUSTON	HEART CARE CENTER OF NORTHWEST HOUSTON PA	L05539	HOUSTON	26	07/16/26
HOUSTON	THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON	L02774	HOUSTON	91	07/21/26
HOUSTON	AMERICAN DIAGNOSTIC TECH LLC	L05514	HOUSTON	182	07/21/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
LAKEWAY	SCOTT & WHITE HOSPITAL – ROUND ROCK DBA BAYLOR SCOTT & WHITE MEDICAL CENTER – LAKEWAY	L06849	LAKEWAY	14	07/30/26
MIDLOTHIAN	CONTINENTAL CEMENT COMPANY LLC	L01421	MIDLOTHIAN	70	07/21/26
MOUNT PLEASANT	MOTHER FRANCES HOSPITAL WINNSBORO DBA CHRISTUS HEALTH MOUNT PLEASANT	L02921	MOUNT PLEASANT	58	07/30/26
PLANO	HEATHTEXAS PROVIDER NETWORK DBA BAYLOR SCOTT & WHITE LEGACY HEART CENTER	L06582	PLANO	20	07/24/26
RICHARDSON	METHODIST HOSPITALS OF DALLAS	L06475	RICHARDSON	17	07/17/26
ROUND ROCK	SCOTT & WHITE HOSPITAL – ROUND ROCK DBA BAYLOR SCOTT & WHITE MEDICAL CENTER – ROUND ROCK	L06085	ROUND ROCK	45	07/24/26
SAN ANTONIO	METHODIST PHYSICIAN PRACTICES PLLC	L05675	SAN ANTONIO	31	07/21/26
SAN ANTONIO	BHS PHYSICIANS NETWORK INC DBA BAPTIST HEART & VASCULAR	L06750	SAN ANTONIO	34	07/20/26
SAN ANTONIO	THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO	L01279	SAN ANTONIO	188	07/15/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
SAN ANTONIO	SOUTH TEXAS RADIOLOGY IMAGING CENTERS	L00325	SAN ANTONIO	275	07/21/26
SAN ANTONIO	METHODIST HEALTHCARE SYSTEM OF SAN ANTONIO LTD LLP	L00594	SAN ANTONIO	400	07/16/26
SEGUIN	GUADALUPE REGIONAL MEDICAL CENTER	L02292	SEGUIN	62	07/20/26
SUGAR LAND	METHODIST HEALTH CENTERS DBA HOUSTON METHODIST SUGAR LAND HOSPITAL	L05788	SUGAR LAND	67	07/28/26
THROUGHOUT TX	IIA FIELD SERVICES LLC	L06933	ABILENE	12	07/23/26
THROUGHOUT TX	CITY OF AMARILLO DEPARTMENT OF CAPITAL PROJECTS & DEVELOPMENT ENGINEERING	L02320	AMARILLO	35	07/15/26
THROUGHOUT TX	ASCEND OILFIELD SERVICES LP	L07304	BRIDGEPORT	01	07/27/25
THROUGHOUT TX	ECS SOUTHWEST LLP	L05384	CARROLLTON	27	07/20/26
THROUGHOUT TX	CORSAIR CONSULTING LLC	L07321	CEDAR PARK	01	07/16/26
THROUGHOUT TX	BERRY GP INC	L01575	CORPUS CHRISTI	66	07/23/26
THROUGHOUT TX	FARGO CONSULTANTS LLC	L05300	DALLAS	22	07/28/26
THROUGHOUT TX	METHODIST HOSPITALS OF DALLAS	L00659	DALLAS	161	07/15/26
THROUGHOUT TX	GEOTEX ENGINEERING LLC	L06677	DENTON	32	07/22/26
THROUGHOUT TX	WSP USA INC	L03622	EL PASO	47	07/22/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
THROUGHOUT TX	CDL NUCLEAR TECHNOLOGIES LLC	L07228	HOUSTON	03	07/31/26
THROUGHOUT TX	VETERINARY SPECIALISTS OF TEXAS PC DBA GULF COAST VETERINARY SPECIALISTS	L06978	HOUSTON	06	07/17/26
THROUGHOUT TX	CARDIONAVIX LLC	L06984	HOUSTON	07	07/31/26
THROUGHOUT TX	TERRACON CONSULTANTS INC	L05268	HOUSTON	86	07/20/26
THROUGHOUT TX	AMERICAN DIAGNOSTIC TECH LLC	L05514	HOUSTON	183	07/30/26
THROUGHOUT TX	PRIME INSPECTIONS INC	L07122	KATY	9	07/23/26
THROUGHOUT TX	URI INC	L06158	KINGSVILLE	08	07/27/26
THROUGHOUT TX	BONDED INSPECTIONS INC	L00693	KRUM	103	07/24/26
THROUGHOUT TX	ADVANCED CORROSION TECHNOLOGIES & TRAINING LLC DBA ACTT – ADVANCED CORROSION TECHNOLOGIES & TRAINING LLC	L06508	LA PORTE	36	07/24/26
THROUGHOUT TX	XCEL NDT LLC	L07039	LONGVIEW	13	07/16/26
THROUGHOUT TX	X-TECH NDT LLC	L07252	MIDLAND	03	07/21/26
THROUGHOUT TX	MID-TEX TESTING LLC	L06674	WACO	09	07/29/26
TYLER	TYLER INTERNAL MEDICINE ASSOCIATES PA DBA TIMA	L05597	TYLER	15	07/15/26
UVALDE	UVALDE COUNTY HOSPITAL AUTHORITY DBA UVALDE MEMORIAL HOSPITAL	L03327	UVALDE	31	07/24/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
VICTORIA	CITIZENS MEDICAL CENTER	L00283	VICTORIA	114	07/24/26
WACO	ASCENSION PROVIDENCE	L01638	WACO	81	07/24/26
WACO	HILLCREST BAPTIST MEDICAL CENTER DBA BAYLOR SCOTT & WHITE MEDICAL CENTER HILLCREST	L00845	WACO	135	07/30/26

RENEWAL OF LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
CONROE	HEALTHY LIVING HEART AND VASCULAR PLLC	L07241	CONROE	02	07/29/26
TEXAS CITY	INEOS STYROLUTION AMERICA LLC	L00354	TEXAS CITY	49	07/23/26
THROUGHOUT TX	DYNAMIC EARTH LLC	L06779	ALLEN	08	07/21/26
THROUGHOUT TX	ENCORE ALTA MESA LLC	L05939	ENCINO	15	07/28/26
THROUGHOUT TX	TARRANT COUNTY HOSPITAL DBA DISTRICT JPS HEALTH NETWORK	L02208	FORT WORTH	102	07/17/26
THROUGHOUT TX	IKON ENVIRONMENTAL SOLUTIONS LLC	L07233	HOUSTON	01	07/29/26
THROUGHOUT TX	ETECH ENVIRONMENTAL & SAFETY SOLUTIONS INC	L05957	MIDLAND	05	07/20/26
THROUGHOUT TX	DIAMOND SHAMROCK REFINING COMPANY LP	L04398	SUNRAY	28	07/15/26
THROUGHOUT TX	DUNN HEAT EXCHANGERS	L07233	TEXAS CITY	01	07/29/26

TERMINATIONS OF LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
HUMBLE	EMERGENCY HOSPITAL SYSTEMS LLC	L06886	HUMBLE	10	07/17/26
LUBBOCK	AURELIO R CERVERA MD PA DBA CASL HEALTH DBA CARDIOLOGY ARRHYTHMIAS SERVICES OF LUBBOCK	L07221	LUBBOCK	04	07/20/26
THROUGHOUT TX	KIEWIT INFRASTRUCTURE CO	L04569	FORT WORTH	32	07/16/26
THROUGHOUT TX	STEP ENERGY SERVICES HOLDINGS LTD	L07095	SPRING	02	07/21/26
WICHITA FALLS	WICHITA FALLS CARDIAC CARE PA	L06088	WICHITA FALLS	03	07/30/26

TRD-202603571
Cynthia Hernandez
General Counsel
Department of State Health Services
Filed: August 17, 2026

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Texas Higher Education Coordinating Board

Correction of Error

The Texas Higher Education Coordinating Board (THECB) published proposed amendments to 19 TAC §§4.81 - 4.87, and new §4.88 in the August 7, 2026, issue of the *Texas Register* (51 TexReg 5059). Due to an error by the agency, the proposed amendments for §4.85(b)(1) and (b)(2) were published incorrectly. The correct proposed amended text should read as follows:

(1) To enroll in a dual credit course, a student shall be a high school student who attends a public school, private school, parochial school, or a home school; and

[~~(1) A high school student who attends a public school, private school, parochial school, or a home school so long as the student is at least 16 years of age, is eligible to enroll in dual credit courses if the student:~~]

(2) If the dual credit course does not require demonstration of Texas Success Initiative college readiness (i.e. is not TSI-liable), or the course is part of a Level 1 workforce education certificate, a student shall not be required to meet eligibility requirements prescribed in paragraph (3) of this subsection.

[~~(2) In admitting or enrolling students in a dual credit course, an institution shall apply the same enrollment and admission criteria and conditions for a high school student who attends a public, private, parochial, or home school, in accordance with Texas Education Code, §51.9675.~~]

TRD-202603503
Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Filed: August 14, 2026

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Texas Department of Insurance

Company Licensing

Application for incorporation in the state of Texas for Hippo Insurance Company, a domestic fire and/or casualty company. The home office is in Austin, Texas.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of Andrew Guerrero, 1601 Congress Ave., Suite 6.900, Austin, Texas 78701.

TRD-202603643
Justin Beam
Chief Clerk
Texas Department of Insurance
Filed: August 19, 2026

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Texas Department of Insurance, Division of Workers' Compensation

Proposed Fiscal Year 2027 Research Agenda

Workers' Compensation Research and Evaluation Group

Introduction

Texas Labor Code §405.0026 requires the Workers' Compensation Research and Evaluation Group (REG) to prepare a research agenda each year for the commissioner to review, approve, and publish in the *Texas Register*.

Texas Labor Code §405.0025 requires the REG to conduct professional studies and research related to how effectively the workers' compensation system operates.

Texas Insurance Code §1305.502 requires the REG to develop and issue an informational report card each even-numbered year that objectively identifies and compares certified health care networks with each other and with claims outside of those networks.

Proposed Fiscal Year 2027 Research Agenda

The REG proposes the following research projects:

1. An update of the study to estimate employer participation in the Texas workers' compensation system.

2. An update of injured employee access to medical care provided under the workers' compensation system, including an analysis of access to medical care through TDI-certified workers' compensation health care networks.

The REG will consider expanding the scope of the research projects or conducting more projects to accommodate stakeholder suggestions, subject to the resources and data available.

Request for Comments or Public Hearing

You may submit comments on the Proposed Fiscal Year 2027 Research Agenda or request a public hearing in writing no later than 5:00 p.m., central time, on September 28, 2026. A hearing request must be on a separate page from any written comments.

Email your comments or hearing request to RuleComments@tdi.texas.gov or mail them to DWC Legal and Communications Services, MC-LS, Texas Department of Insurance, Division of Workers' Compensation, P.O. Box 12050, Austin, Texas 78711-2050.

Copies of the proposed research agenda are on the TDI website. Please email any questions about this agenda to Botao Shi at wcresearch@tdi.texas.gov.

TRD-202603436
Kara Mace
General Counsel
Texas Department of Insurance, Division of Workers' Compensation
Filed: August 12, 2026

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Panhandle Regional Planning Commission

Public Notice - Region A Panhandle Water Planning Group Pre-Planning Public Meeting for the 2031 Regional Water Plan

The Region A Panhandle Water Planning Group (PWPG) will hold a public pre-planning meeting to receive suggestions and recommendations from the public concerning issues and provisions that deserve consideration during development of the 2031 Region A Regional Water Plan and the 2032 State Water Plan. The PWPG will also discuss its process for interregional coordination and collaboration regarding water management strategies during development of the 2031 Regional Water Plan.

The pre-planning meeting will be held as part of the regularly scheduled Region A PWPG meeting.

DATE AND TIME: Wednesday, September 23, 2026, at 1:30 p.m.

PHYSICAL LOCATION: Panhandle Regional Planning Commission, 415 SW 8th Avenue, Amarillo, Texas 79101

ONLINE ACCESS: GoTo Meeting: https://meet.goto.com/817393101

PUBLIC COMMENT. Members of the public may provide oral comments during the meeting, either in person or through the online meeting. Written comments will be accepted beginning upon publication of this notice and through the conclusion of the meeting. Written comments may be mailed to Jarian Fred, Region A PWPG Administrator, Panhandle Regional Planning Commission, P.O. Box 9257, Amarillo, Texas 79105, or emailed to jfred@theprpc.org. The PWPG will continue to accept public input throughout preparation of the regional water plan.

CONTACT AND ADDITIONAL INFORMATION. Questions or requests for additional information may be directed to Jarian Fred, Region A PWPG Administrator, at (806) 372-3381 or jfred@theprpc.org. The physical contact address is Panhandle Regional Planning Commission, 415 SW 8th Avenue, Amarillo, Texas 79101. Additional information is available at www.panhandlewater.org.

Persons needing special accommodations or language assistance to participate should contact Jarian Fred as early as possible before the meeting.

This notice is provided pursuant to Texas Water Code §16.053(h) and 31 Texas Administrative Code §357.12(a)(1) and §357.21.

TRD-202603469
Jarian Fred
Local Government Services Program Manager
Panhandle Regional Planning Commission
Filed: August 14, 2026

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Public Utility Commission of Texas

Notice of Application to Amend Eligible Telecommunications Carrier and Eligible Telecommunications Provider Designations

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on August 12, 2026, for designation as an eligible telecommunications carrier (ETC) and eligible telecommunications provider (ETP) in the state of Texas under 47 U.S.C. §214(e) and 16 Texas Administrative Code §26.417 and §26.418.

Docket Title and Number: Application of Kinetic ABS TX LLC to Amend Its Designations as an Eligible Telecommunications Carrier and Eligible Telecommunications Provider, Docket Number 60107.

The Application: Kinetic ABS TX LLC seeks eligible telecommunications carrier and eligible telecommunications provider designations in Texas.

Persons who wish to comment on this application should notify the Public Utility Commission by September 1, 2026. Requests for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326, or you may call the PUCT Consumer Protection Division at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals may contact the

commission through Relay Texas at (800) 735-2989. All comments should reference Docket Number 60107.

TRD-202603483
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: August 14, 2026

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How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 51 (2026) is cited as follows: 51 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "51 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 51 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: https://www.sos.texas.gov. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC*) is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete *TAC* is available through the Secretary of State's website at http://www.sos.state.tx.us/tac.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION
Part 4. Office of the Secretary of State
Chapter 91. Texas Register
1 TAC §91.1…….....950 *(P)*

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