PROPOSED RULES

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 351. COORDINATED PLANNING AND DELIVERY OF HEALTH AND HUMAN SERVICES

SUBCHAPTER B. ADVISORY COMMITTEES

DIVISION 1. COMMITTEES

1 TAC §351.817, §351.833

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes the repeal of §351.817, concerning Texas Council on Consumer Direction; and §351.833, concerning STAR Kids Managed Care Advisory Committee.

BACKGROUND AND PURPOSE

The proposed repeals remove rules in the Texas Administrative Code (TAC) that established the Texas Council on Consumer Direction (TCCD) and the STAR Kids Managed Care Advisory Committee (SKMCAC). In accordance with program rules, TCCD was abolished on July 31, 2024, and SKMCAC was abolished on December 31, 2023.

SECTION-BY-SECTION SUMMARY

The proposed repeal of §351.817 removes an obsolete rule as the content of the rule expired July 31, 2024.

The proposed repeal of §351.833 removes an obsolete rule as the content of the rule expired on December 31, 2023.

FISCAL NOTE

Victoria Grady, Deputy Chief, Finance, has determined that for each year of the first five years the rules are repealed, enforcing or administering the repeals does not have foreseeable implications relating to costs or revenues of state or local governments.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 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

Victoria Grady has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The proposed repeals do not impose any costs on small businesses, micro-businesses, or rural communities because the committees have been discontinued.

LOCAL EMPLOYMENT IMPACT

The proposed repeals will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these proposed repeals because the proposed repeals do not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Emily Zalkovsky, Chief Medicaid and CHIP Services Officer, has determined that for each year of the first five years the rules are repealed, the public benefit will be easier navigation and understanding of the TAC with the removal of expired rules.

Victoria Grady has also determined that for the first five years the rules are repealed, there are no anticipated economic costs to persons who are required to comply with the proposed rules because the repeals remove obsolete rules for committees that were discontinued.

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 repeals, 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 26R073" in the subject line.

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 Human Resources Code §32.021, which provides HHSC with the authority to administer the federal medical assistance program in Texas and to adopt rules and standards for program administration.

The repeals affect Texas Government Code §524.0151 and Texas Human Resources Code §32.021.

§351.817. Texas Council on Consumer Direction.

§351.833. STAR Kids Managed Care Advisory Committee.

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 27, 2026.

TRD-202603748
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Earliest possible date of adoption: October 11, 2026
For further information, please call: (512) 438-2910

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CHAPTER 353. MEDICAID MANAGED CARE

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes the repeal of Subchapter L, Texas Dual Eligibles Integrated Care Demonstration Project, consisting of §353.1101, concerning Purpose; §353.1103, concerning General Provisions; §353.1105, concerning Eligibility; §353.1107, concerning Member Enrollment and Disenrollment; §353.1109, concerning Participating Providers; §353.1111, concerning Benefits; §353.1113, concerning Appeals and Fair Hearings; and §353.1115, concerning Network Adequacy for Certain Service Providers. The executive commissioner of HHSC also proposes the repeal of §353.1303, concerning Quality Incentive Payment Program for Nursing Facilities before September 1, 2019, in Subchapter O, Delivery System and Provider Payment Initiatives.

BACKGROUND AND PURPOSE

The purpose of the proposal is to repeal rules related to the Texas Dual Eligibles Integrated Care Demonstration Project (Dual Demonstration) and the Quality Incentive Payment Program for Nursing Facilities (QIPP) before September 1, 2019.

In accordance with the Centers for Medicare & Medicaid Services Contract Year 2023 Medicare Advantage and Part D Final Rule, HHSC ended the Dual Demonstration on December 31, 2025, and implemented integrated Dual Eligible Special Needs Plans on January 1, 2026. Additionally, the QIPP rule expired September 1, 2019.

SECTION-BY-SECTION SUMMARY

The proposed repeal of §§353.1101, 353.1103, 353.1105, 353.1107, 353.1109, 353.1111, 353.1113, and 353.1115 removes obsolete rules for the Dual Demonstration.

The proposed repeal of §353.1303 removes an obsolete rule that applied to QIPP before September 1, 2019.

FISCAL NOTE

Victoria Grady, Deputy Chief, Finance, has determined that for each year of the first five years the rules are repealed, enforcing or administering the repeals 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 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

Victoria Grady has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The proposed repeals do not impose any costs on small businesses, micro-businesses, or rural communities because the Dual Demonstration was discontinued and the content of the QIPP rule is expired.

LOCAL EMPLOYMENT IMPACT

The proposed repeals will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these proposed repeals because the repeals do not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Emily Zalkovsky, Chief Medicaid and CHIP Services Officer, has determined that for each year of the first five years the rules are repealed, the public benefit will be easier navigation and understanding of the Texas Administrative Code with the removal of obsolete rules.

Victoria Grady has also determined that for the first five years the rules are repealed, there are no anticipated economic costs to persons who are required to comply with the proposed rules because the repeals remove obsolete rules for the Dual Demonstration, which was discontinued, and for the QIPP prior to September 1, 2019.

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 repeals, 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 26R073" in the subject line.

SUBCHAPTER L. TEXAS DUAL ELIGIBLES INTEGRATED CARE DEMONSTRATION PROJECT

1 TAC §§353.1101, 353.1103, 353.1105, 353.1107, 353.1109, 353.1111, 353.1113, 353.1115

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 Human Resources Code §32.021, which provides HHSC with the authority to administer the federal medical assistance program in Texas and to adopt rules and standards for program administration.

The repeals affect Texas Government Code §524.0151 and Texas Human Resources Code §32.021.

§353.1101. Purpose.

§353.1103. General Provisions.

§353.1105. Eligibility.

§353.1107. Member Enrollment and Disenrollment.

§353.1109. Participating Providers.

§353.1111. Benefits.

§353.1113. Appeals and Fair Hearings.

§353.1115. Network Adequacy for Certain Service Providers.

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 27, 2026.

TRD-202603751
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Earliest possible date of adoption: October 11, 2026
For further information, please call: (512) 438-2910

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SUBCHAPTER O. DELIVERY SYSTEM AND PROVIDER PAYMENT INITIATIVES

1 TAC §353.1303

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 Human Resources Code §32.021, which provides HHSC with the authority to administer the federal medical assistance program in Texas and to adopt rules and standards for program administration.

The repeal affects Texas Government Code §524.0151 and Texas Human Resources Code §32.021.

§353.1303. Quality Incentive Payment Program for Nursing Facilities before September 1, 2019.

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 27, 2026.

TRD-202603752
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Earliest possible date of adoption: October 11, 2026
For further information, please call: (512) 438-2910

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CHAPTER 354. MEDICAID HEALTH SERVICES

SUBCHAPTER A. PURCHASED HEALTH SERVICES

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes the repeal of Division 26, Coordinated Care, consisting of §354.1351, concerning Coordinated Care Pilot Project; and the repeal of Division 32, Texas Medicaid Wellness Program, consisting of §354.1415, concerning Vendor Requirements and Conditions for Participation; §354.1416, concerning Eligibility Criteria; and §354.1417, concerning Definitions for Wellness Services.

BACKGROUND AND PURPOSE

The purpose of the proposal is to repeal rules that established the Coordinated Care Pilot Project and the Texas Medicaid Wellness Program (TMWP).

HHSC completed the Coordinated Care Pilot Project on December 1, 1995. The TMWP, a Medicaid waiver program, ended on

September 1, 2017, following implementation and expansion of managed care.

SECTION-BY-SECTION SUMMARY

The proposed repeal of §354.1351 removes an obsolete rule for the Coordinated Care Pilot Project.

The proposed repeal of §§354.1415 - 354.1417 removes obsolete rules for the TMWP.

FISCAL NOTE

Victoria Grady, Deputy Chief, Finance, has determined that for each year of the first five years the rules are repealed, enforcing or administering the repeals 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 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

Victoria Grady has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The proposed repeals do not impose any costs on small businesses, micro-businesses, or rural communities because the programs have been discontinued.

LOCAL EMPLOYMENT IMPACT

The proposed repeals will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these proposed repeals because the repeals do not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Emily Zalkovsky, Chief Medicaid and CHIP Services Officer, has determined that for each year of the first five years the rules are repealed, the public benefit will be easier navigation and understanding of the Texas Administrative Code with the removal of obsolete rules.

Victoria Grady has also determined that for the first five years the rules are repealed, there are no anticipated economic costs to persons who are required to comply with the proposed rules because the repeals remove obsolete rules for programs that were discontinued.

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 repeals, 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 26R073" in the subject line.

DIVISION 26. COORDINATED CARE

1 TAC §354.1351

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 Human Resources Code §32.021, which provides HHSC with the authority to administer the federal medical assistance program in Texas and to adopt rules and standards for program administration.

The repeal affects Texas Government Code §524.0151 and Texas Human Resources Code §32.021.

§354.1351. Coordinated Care Pilot Project.

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 27, 2026.

TRD-202603753
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Earliest possible date of adoption: October 11, 2026
For further information, please call: (512) 438-2910

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DIVISION 32. TEXAS MEDICAID WELLNESS PROGRAM

1 TAC §§354.1415 - 354.1417

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 Human Resources Code §32.021, which provides HHSC with the authority to administer the federal medical assistance program in Texas and to adopt rules and standards for program administration.

The repeals affect Texas Government Code §524.0151 and Texas Human Resources Code §32.021.

§354.1415. Vendor Requirements and Conditions for Participation.

§354.1416. Eligibility Criteria.

§354.1417. Definitions for Wellness 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.

Filed with the Office of the Secretary of State on August 27, 2026.

TRD-202603754
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Earliest possible date of adoption: October 11, 2026
For further information, please call: (512) 438-2910

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TITLE 4. AGRICULTURE

PART 2. TEXAS ANIMAL HEALTH COMMISSION

CHAPTER 33. FEES

4 TAC §§33.1 - 33.4

The Texas Animal Health Commission (Commission) proposes the repeal of existing Chapter 33, concerning Fees, in the Texas Administrative Code, Title 4, Part 2. This repeal is proposed concurrently with the proposal of a new Chapter 33, concerning Certificates of Veterinary Inspection, which is published simultaneously in this issue of the *Texas Register*.

BACKGROUND AND PURPOSE

The Commission underwent a comprehensive and collaborative rule review by the Texas Regulatory Efficiency Office (TREO). TREO made several recommendations to reduce unnecessary regulations and increase transparency. One such recommendation was repealing unused rules in Chapter 33 and updating certificate of veterinary inspection (CVI) rules to reflect the Commission's transition to electronic CVIs.

Specifically, the Commission proposes the repeal of §33.1, which contains unnecessary definitions. The Commission proposes the repeal of §33.2, which contains outdated rules related to purchasing paper CVIs. The Commission proposes the repeal of §33.3, which contains rules the Commission no longer uses relating to fees for inspection of foreign cattle. And finally, the Commission proposes the repeal of §33.4, containing enforcement and penalty rules.

The proposed repeals are made concurrently with a proposed new Chapter 33. The newly proposed Chapter 33, entitled Certificates of Veterinary Inspection, will contain a section detailing electronic CVIs and fees assessed by the Commission and a section establishing enforcement and penalty rules.

The Commission's goal in proposing the repeal and replacement of Chapter 33 is to reduce burdensome regulation and modernize rules.

SECTION-BY-SECTION SUMMARY

The proposed repeal will repeal the entirety of Chapter 33 to be replaced with a newly proposed Chapter 33.

FISCAL NOTE

Ms. Jeanine Coggeshall, General Counsel for the Texas Animal Health Commission, determined that for each year of the first five years proposed repeal is in effect, enforcing or administering the repeal does not have foreseeable implications relating to costs or revenues of state or local governments.

PUBLIC BENEFIT NOTE

Ms. Coggeshall determined that for each year of the first five years the proposed repeal is in effect, the anticipated public benefit will be the reduction of unnecessary regulations and modernized rules that more accurately reflect current use.

TAKINGS IMPACT ASSESSMENT

The Commission determined that the proposed repeal 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. Therefore, the proposed repeal is compliant with the Private Real Property Preservation Act in Texas Government Code §2007.043 and do not constitute a taking.

LOCAL EMPLOYMENT IMPACT STATEMENT

The Commission determined that the proposed repeal would not impact local economies and, therefore, did not file a request for a local employment impact statement with the Texas Workforce Commission pursuant to Texas Government Code §2001.022.

REGULATORY ANALYSIS OF MAJOR ENVIRONMENTAL RULES

The Commission determined that this proposed repeal is not a "major environmental rule" as defined by Government Code §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk 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 a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

GOVERNMENT GROWTH IMPACT STATEMENT

In compliance with the requirements of Texas Government Code §2001.0221, the Commission prepared the following Government Growth Impact Statement. The Commission determined for each year of the first five years the proposal would be in effect, the proposed repeal:

Will not create or eliminate a government program;

Will not require the creation or elimination of employee positions;

Will result in no assumed change in future legislative appropriations;

Will not affect fees paid to the Commission;

Will not create new regulation;

Will reduce existing regulation;

Will not change the number of individuals subject to the rule; and

Will not affect the state's economy.

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

Ms. Coggeshall also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities pursuant to Texas Government Code, Chapter 2006. The repeal does not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the proposal.

COSTS TO REGULATED PERSONS

The proposed repeal of Chapter 33 does not impose additional costs on regulated persons and is designed to reduce regulatory burden. The proposal does not otherwise impose a direct cost on a regulated person, state agency, a special district, or a local government within the state.

PUBLIC COMMENT

Written comments regarding the proposed repeal may be submitted to Amanda Bernhard, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719 or by e-mail to comments@tahc.texas.gov. To be considered, comments must be received no later than thirty (30) days from the date of publication of this proposal in the *Texas Register*. When faxing or emailing comments, please indicate "Comments on Proposed Rule-Chapter 33, Fees" in the subject line.

STATUTORY AUTHORITY

The repeal is proposed under the following statutory authority as found in Chapter 161 of the Texas Agriculture Code.

The Commission is vested by statute, §161.041(a), titled "Disease Control," to protect all livestock, exotic livestock, domestic fowl, and exotic fowl from disease. The Commission is authorized, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock, exotic livestock, domestic fowl, or exotic fowl, even if the agent of transmission is an animal species that is not subject to the jurisdiction of the Commission.

Pursuant to §161.046, titled "Rules," the Commission may adopt rules as necessary for the administration and enforcement of this chapter.

Pursuant to §161.060, titled "Authority to Set and Collect Fees," the Commission may charge a fee for an inspection made by the Commission as provided by Commission rule.

Pursuant to §161.0601, titled "Certificates of Veterinary Inspection," the Commission may adopt rules providing for the issuance of electronic certificates of veterinary inspection. The Commission shall set and charge a fee for each certificate of veterinary inspection provided to a veterinarian.

Pursuant to §161.148, titled "Administrative Penalty", the Commission may impose an administrative penalty on a person who violates Chapter 161 or a rule or order adopted under Chapter 161. The penalty for a violation may be in an amount not to exceed $5,000, effective September 1, 2021.

The proposed repeal of the rules does not affect other statutes, sections, or codes.

§33.1. Definitions.

§33.2. Certificate of Veterinary Inspection.

§33.3. Inspection of Foreign Cattle Fee.

§33.4. Enforcement and Penalties.

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 28, 2026.

TRD-202603765
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Earliest possible date of adoption: October 11, 2026
For further information, please call: (512) 839-0511

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CHAPTER 33. CERTIFICATES OF VETERINARY INSPECTION

4 TAC §33.1, §33.2

The Texas Animal Health Commission (Commission) proposes a replacement of Chapter 33, concerning Fees, in the Texas Administrative Code, Title 4, Part 2 with a new Chapter 33, titled Certificates of Veterinary Inspection. This proposal is made concurrently with the proposed repeal of existing Chapter 33, which is also published in this issue of the *Texas Register*.

BACKGROUND AND PURPOSE

The Commission underwent a comprehensive and collaborative rule review by the Texas Regulatory Efficiency Office (TREO). TREO made several recommendations to reduce unnecessary regulations and increase transparency. One such recommendation was repealing unused rules in Chapter 33 and updating certificate of veterinary inspection (CVI) rules to reflect the Commission's transition to electronic CVIs.

Specifically, the Commission proposes the repeal of Section 33.1, which contains unnecessary definitions. The Commission proposes the repeal of Section 33.2, which contains outdated rules related to purchasing paper CVIs. The Commission proposes the repeal of Section 33.3, which contains rules the Commission no longer uses relating to fees for inspection of foreign cattle. And finally, the Commission proposes the repeal of Section 33.4, containing enforcement and penalty rules.

The proposed repeals are made concurrently with a proposed new Chapter 33. The newly proposed Chapter 33, entitled Certificates of Veterinary Inspection, will contain a section detailing electronic CVIs and fees assessed by the Commission and a section establishing enforcement and penalty rules.

The Commission's goal in proposing the repeal and replacement of Chapter 33 is to reduce burdensome regulation and modernize rules.

SECTION-BY-SECTION SUMMARY

The proposed new Chapter 33 will be titled Certificates of Veterinary Inspection, and will replace the existing Chapter 33, related to Fees.

The proposed new §33.1, titled Certificate of Veterinary Inspection, requires accredited veterinarians to use approved electronic CVIs and sets a $7.00 fee for electronic CVIs.

The proposed new §33.2, titled Enforcement and Penalties, establishes penalties for violating the chapter's rules.

FISCAL NOTE

Ms. Jeanine Coggeshall, General Counsel for the Texas Animal Health Commission, determined that for each year of the first five years proposed rules are in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments because the fee assessed is the same as the prior rule.

PUBLIC BENEFIT NOTE

Ms. Coggeshall determined that for each year of the first five years the proposed rules are in effect, the anticipated public benefit will be the reduction of unnecessary regulations and modernized rules that more accurately reflect current use.

TAKINGS IMPACT ASSESSMENT

The Commission determined that the proposed rules do 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. Therefore, the proposed rules are compliant with the Private Real Property Preservation Act in Texas Government Code §2007.043 and do not constitute a taking.

LOCAL EMPLOYMENT IMPACT STATEMENT

The Commission determined that the proposed rules would not impact local economies and, therefore, did not file a request for a local employment impact statement with the Texas Workforce Commission pursuant to Texas Government Code §2001.022.

REGULATORY ANALYSIS OF MAJOR ENVIRONMENTAL RULES

The Commission determined that the proposed rules are not a "major environmental rule" as defined by Government Code §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk 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 a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

GOVERNMENT GROWTH IMPACT STATEMENT

In compliance with the requirements of Texas Government Code §2001.0221, the Commission prepared the following Government Growth Impact Statement. The Commission determined for each year of the first five years the proposal would be in effect, the proposed rules:

Will not create or eliminate a government program;

Will not require the creation or elimination of employee positions;

Will result in no assumed change in future legislative appropriations;

Will not affect fees paid to the Commission;

Will not create new regulation;

Will reduce existing regulation;

Will not change the number of individuals subject to the rule; and

Will not affect the state's economy.

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

Ms. Coggeshall also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities pursuant to Texas Government Code, Chapter 2006. The rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

COSTS TO REGULATED PERSONS

The proposed rules do not impose additional costs on regulated persons the fee assessed is the same as the prior rule and is designed to reduce regulatory burden. The proposed rules do not otherwise impose a direct cost on a regulated person, state agency, a special district, or a local government within the state.

PUBLIC COMMENT

Written comments regarding the proposed rules may be submitted to Amanda Bernhard, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719 or by e-mail to comments@tahc.texas.gov. To be considered, comments must be received no later than thirty (30) days from the date of publication of this proposal in the *Texas Register*. When faxing or emailing comments, please indicate "Comments on Proposed Rule-Chapter 33, Fees" in the subject line.

STATUTORY AUTHORITY

The rules are proposed under the following statutory authority as found in Chapter 161 of the Texas Agriculture Code.

The Commission is vested by statute, §161.041(a), titled "Disease Control," to protect all livestock, exotic livestock, domestic fowl, and exotic fowl from disease. The Commission is authorized, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock, exotic livestock, domestic fowl, or exotic fowl, even if the agent of transmission is an animal species that is not subject to the jurisdiction of the Commission.

Pursuant to §161.046, titled "Rules," the Commission may adopt rules as necessary for the administration and enforcement of this chapter.

Pursuant to §161.060, titled "Authority to Set and Collect Fees," the Commission may charge a fee for an inspection made by the Commission as provided by Commission rule.

Pursuant to §161.0601, titled "Certificates of Veterinary Inspection," the Commission may adopt rules providing for the issuance of electronic certificates of veterinary inspection. The Commission shall set and charge a fee for each certificate of veterinary inspection provided to a veterinarian.

Pursuant to §161.148, titled "Administrative Penalty", the Commission may impose an administrative penalty on a person who violates Chapter 161 or a rule or order adopted under Chapter 161. The penalty for a violation may be in an amount not to exceed $5,000, effective September 1, 2021.

The proposed rules do not affect other statutes, sections, or codes.

§33.1. Certificate of Veterinary Inspection.

(a) Electronic Issued Certificates of Veterinary Inspection. Texas-accredited veterinarians must use commission approved electronic CVIs for livestock, exotic livestock, fowl, and exotic fowl.

(b) Fees. The commission will assess a fee of $7.00 for each CVI.

(c) Approved electronic CVIs. A list of commission approved electronic CVIs is maintained at https://www.tahc.texas.gov/vets.cvi.html.

§33.2. Enforcement and Penalties.

(a) A person who violates a rule or order under this chapter is subject to administrative penalties, criminal penalties, sanctions, and civil remedies as authorized by Chapter 161, Texas Agriculture Code.

(b) An administrative penalty for a violation may be in an amount not to exceed $5,000. 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 proposal and found it to be within the state agency's legal authority to adopt.

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Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
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For further information, please call: (512) 839-0511

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CHAPTER 47. AUTHORIZED PERSONNEL
SUBCHAPTER D. NEW WORLD SCREWWORM
4 TAC §§47.30 - 47.32

The Texas Animal Health Commission (Commission) proposes new additions to Title 4, Texas Administrative Code, Chapter 47, titled "Authorized Personnel." Specifically, the Commission proposes a new Subchapter D, titled "New World Screwworm," to include new sections §47.31, concerning General Requirements and Application Procedures, §47.32, concerning Duration and Additional Training Requirements, and §47.33, concerning Grounds for Suspension and Revocation.

BACKGROUND AND PURPOSE

Section 161.047 of the Texas Agriculture Code requires a person, including a veterinarian, to be authorized by the Commission in order to engage in an activity that is part of a state or federal disease control or eradication program for animals. Existing disease control and eradication programs include, tuberculosis, trichomoniasis, piroplasmosis, equine infectious anemia, chronic wasting disease, and scrapie.

Following the June 3, 2026, detection of New World Screwworm (NWS) in a three-week-old calf in Zavala County, Texas, the Commission, USDA, and other state and federal response partners initiated unified incident command operations, increased surveillance and trapping activities, and accelerated sterile fly releases to control and eradicate the pest. As part of control and eradication efforts, the NWS Certified Inspector Program was developed. The purpose of the program is to allow more Texans to inspect animals for NWS and certify the documentation required to safely move them. The program is critical to ensure cattle and livestock commerce continues uninterrupted.

The proposed new Subchapter D, titled "New World Screwworm," includes standards and requirements for persons authorized by the Commission to perform work as an NWS Certified Inspector. An NWS Certified Inspector is an individual who has completed Commission approved training on NWS detection, inspection, treatment, and movement requirements and who has been authorized to perform these activities by the Commission. The proposed additions establish application, training, and recordkeeping requirements. Additionally, the proposed additions detail grounds for suspension and revocation of NWS Certified Inspector status.

SECTION-BY-SECTION DISCUSSION

Section 47.30 includes General Requirements and Application Procedures. The proposed addition establishes the steps individuals must take to become certified and sets forth the standards a certified inspector must maintain. Standards include fully and accurately completing Treatment/Movement Certificates and following all instructions prescribed by the Commission.

Section 47.31 includes Duration and Additional Training Requirements. The proposed addition states that certified status is valid for one year from the date of initial certification. And the proposed section establishes the method by which inspectors can recertify their status.

Section 47.32 includes Grounds for Suspension and Revocation. The proposed addition lays out that violations of §§47.6, 47.4, 47.31, or failing to immediately report observed signs of NWS will result in suspension or revocation of certified status.

FISCAL NOTE

Ms. Jeanine Coggeshall, General Counsel for the Texas Animal Health Commission, determined that for each year of the first five years that the rules are in effect, enforcing or administering the proposed rules does not have foreseeable implications relating to costs or revenues of state or local governments. Commission employees will administer and enforce these rules as part of their current job duties and resources. Ms. Coggeshall also determined for the same period that there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed amendments.

PUBLIC BENEFIT NOTE

Ms. Coggeshall determined that for each year of the first five years the rules are in effect, the anticipated public benefits are increased access to trained personnel able to inspect and certify animals for movement, continuity of business for Texas ranchers, and a secure food supply.

TAKINGS IMPACT ASSESSMENT

The Commission determined that the proposal 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. Therefore, the proposed rules are compliant with the Private Real Property Preservation Act in Texas Government Code §2007.043 and do not constitute a taking.

LOCAL EMPLOYMENT IMPACT STATEMENT

The Commission determined that the proposed rules would not impact local economies and, therefore, did not file a request for a local employment impact statement with the Texas Workforce Commission pursuant to Texas Government Code §2001.022.

REGULATORY ANALYSIS OF MAJOR ENVIRONMENTAL RULES

The Commission determined that this proposal is not a "major environmental rule" as defined by Government Code §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk 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 a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

GOVERNMENT GROWTH IMPACT STATEMENT

In compliance with the requirements of Texas Government Code §2001.0221, the Commission prepared the following Government Growth Impact Statement. The Commission determined for each year of the first five years the proposed rules would be in effect, the proposed rules:

Will create a government program;

Will not require the creation or elimination of employee positions;

Will result in no assumed change in future legislative appropriations;

Will not affect fees paid to the Commission;

Will create new regulation;

Will expand existing regulations;

Will increase the number of individuals subject to the rule; and

Will not adversely affect the state's economy.

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

Ms. Coggeshall also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities pursuant to Texas Government Code, Chapter 2006. The rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

COSTS TO REGULATED PERSONS

The proposed additions to Chapter 47 do not impose additional costs on regulated persons and are designed to provide guidelines and standards for NWS Certified Inspectors which will increase the public's access to trained personnel. The proposed rules do not otherwise impose a direct cost on a regulated person, state agency, a special district, or a local government within the state.

PUBLIC COMMENT

Written comments regarding the proposed additions may be submitted to Amanda Bernhard, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719 or by e-mail to comments@tahc.texas.gov. To be considered, comments must be received no later than thirty (30) days from the date of publication of this proposal in the *Texas Register*. When faxing or emailing comments, please indicate "Comments on Proposed Rule-Chapter 47, Authorized Personnel" in the subject line.

STATUTORY AUTHORITY

The amendments are proposed under the following statutory authority as found in Chapter 161 of the Texas Agriculture Code. The Commission is vested by statute, §161.041(a), with the requirement to protect all livestock, domestic animals, and domestic fowl from disease. The Commission is authorized, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock.

Pursuant to §161.0417, entitled "Authorized Personnel for Disease Control," a person, including a veterinarian, must be authorized by the Commission in order to engage in an activity that is part of a state or federal disease control or eradication program for animals. Section 161.0417 requires the Commission to adopt necessary rules for the authorization of such persons and, after reasonable notice, to suspend or revoke a person's authorization if the Commission determines that the person has substantially failed to comply with Chapter 161 or rules adopted under that chapter. Section 161.0417 does not affect the requirement for a license or an exemption under Chapter 801, Occupations Code, to practice veterinary medicine.

Pursuant to §161.006, entitled "Documents to Accompany Shipment", if required that a certificate or permit accompany animals or commodities moved in this state, the document must be in the possession of the person in charge of the animals or commodities, if the movement is made by any other means.

Pursuant to §161.046, entitled "Rules", the Commission may adopt rules as necessary for the administration and enforcement of this chapter.

Pursuant to §161.048, entitled "Inspection of Shipment of Animals or Animal Products", the Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. An agent of the Commission is entitled to stop and inspect a shipment of animals or animal products being transported in this state in order to determine if the shipment originated from a quarantined area or herd; or determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or noncommunicable disease.

Pursuant to §161.054, titled "Regulation of Movement of Animals; Exception", the Commission, by rule, may regulate the movement of animals. The Commission may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce. The Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. The Commission is authorized, through §161.054(b), to prohibit or regulate the movement of animals into a quarantined herd, premises, or area. The executive director of the Commission is authorized, through §161.054(d), to modify a restriction on animal movement, and may consider economic hardship.

Pursuant to §161.101 entitled "Duty to Report", a veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal shall report the existence of the diseases, if required by the Commission, among livestock, exotic livestock, bison, domestic fowl, or exotic fowl to the Commission within 24 hours after diagnosis of the disease.

Pursuant to §161.112 entitled "Rules", the Commission shall adopt rules relating to the movement of livestock, exotic livestock, and exotic fowl from livestock markets and shall require tests, immunization, and dipping of those livestock as necessary to protect against the spread of communicable diseases.

Pursuant to §161.113, entitled "Testing or Treatment of Livestock", if the Commission requires testing or vaccination under this subchapter, the testing or vaccination must be performed by an accredited veterinarian or qualified person authorized by the commission. The state may not be required to pay the cost of fees charged for the testing or vaccination. The Commission may require the owner or operator of a livestock market to furnish adequate equipment or facilities or have access to essential equipment or facilities within the immediate vicinity of the livestock market.

Pursuant to §161.081, titled "Importation of Animals," the Commission by rule may provide the method for inspecting and testing animals before and after entry into Texas. The Commission may create rules for the issuance and form of health certificates and entry permits.

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

§47.30. General Requirements and Application Procedures.

(a) This subchapter sets the standards for personnel who perform work in the New World Screwworm (NWS) Certified Inspector program pursuant to Texas Agriculture Code §161.0417. To become certified, individuals must:

(1) Successfully complete the New World Screwworm Preparedness and Response Education course;

(2) Pass the final exam with a minimum score of 94 percent;

(3) Meet the eligibility requirements set forth on the commission's website;

(4) Download and complete the NWS Certified Inspector Application; and

(5) Submit the completed application to NWS_CIP@tahc.texas.gov.

(b) An NWS Certified Inspector must comply with the following standards and requirements:

(1) §47.4 of this title (relating to Standards for Authorized Personnel);

(2) §47.5 of this title (relating to Recordkeeping);

(3) All instructions as prescribed by the commission for NWS inspection, identification, treatment, and movement certification; and

(4) Fully and accurately complete the Treatment/Movement Certificate, which includes:

(A) Origin premises information relating to owner name, owner contact information, and physical address of animals;

(B) Destination premises information relating to owner name, owner contact information, and physical address of animals;

(C) Shipment information relating to shipper name, shipper contact information, trailer license plate, and shipment date;

(D) Treatment information relating to the product used, the treatment type, product serial number, concentration, dosage, and treatment time and date; and

(E) Animal information relating to the species, official ID, age, sex, and description of animal.

§47.31. Duration and Additional Training Requirements.

(a) Unless otherwise suspended or revoked, New World Screwworm (NWS) Certified Inspector status shall be valid for the period of one year from the date of initial certification.

(b) NWS Certified Inspector status must be renewed by completing the New World Screwworm Preparedness and Response Education course, retaking the final exam and passing with a 94 percent, and resubmitting the NWS Certified Inspector Application to NWS_CIP@tahc.texas.gov.

(c) In determining whether additional training shall be required of current NWS Certified Inspectors before certificate renewal, the commission may consider changes in technology, treatments, procedures, programs, and the performance or competency of the individual in performing NWS program activities.

(d) If the commission requires general training or testing for all NWS Certified Inspectors, the commission will publish notice at least six months in advance of the certificate renewal date.

(f) If the commission requires individual training or testing as a result of the NWS Certified Inspector's performance or inability to perform NWS program activities, the commission may give notification and set a time and place for training or testing.

§47.32. Grounds for Suspension and Revocation.

Suspension and revocation of New World Screwworm (NWS) Certified Inspector status may be made upon a determination that one or more of the following has occurred:

(1) Violating one or more of the provisions prescribed in §47.6 of this title (relating to Grounds for Suspension or Revocation);

(2) Failing to comply with one or more of the provisions prescribed in §47.4 of this title (relating to the Standards for Authorized Personnel);

(3) Observing clinical signs or infestations of NWS and failing to immediately report those findings to the commission; or

(4) Failing to complete additional training or testing as prescribed in §47.31 of this title (relating to Duration and Additional Training 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 28, 2026.

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Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
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For further information, please call: (512) 839-0511

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CHAPTER 51. ENTRY REQUIREMENTS

4 TAC §51.11

The Texas Animal Health Commission (Commission) proposes the repeal of §51.11, concerning Goats, in Chapter 51 of the Texas Administrative Code, Title 4, Part 2. This repeal is proposed concurrently with proposed amendments to §51.12, concerning Sheep, which is also published in this issue of the *Texas Register*.

BACKGROUND AND PURPOSE

The Commission underwent a comprehensive and collaborative rule review by the Texas Regulatory Efficiency Office (TREO). TREO made several recommendations to reduce unnecessary regulations and duplications. One such recommendation was combining entry requirements for sheep and goats.

To accomplish this, the Commission proposes the repeal of Section 51.11, concerning Goats. This section currently houses rules on tuberculosis restricted zones and scrapie requirements. However, the section's scrapie rule directs readers to Section 51.12 for requirements. The Commission simultaneously proposes amendments to Section 51.12, concerning Sheep. These proposed amendments would move the goat rules of Section 51.11 into Section 51.12.

The Commission's goal in proposing the repeal is to reduce duplicative regulation and streamline Commission rules.

SECTION-BY-SECTION SUMMARY

The proposed repeal will repeal Section 51.11, relating to entry requirements for goats.

FISCAL NOTE

Ms. Jeanine Coggeshall, General Counsel for the Texas Animal Health Commission, determined that for each year of the first five years proposed repeal is in effect, enforcing or administering the repeal does not have foreseeable implications relating to costs or revenues of state or local governments.

PUBLIC BENEFIT NOTE

Ms. Coggeshall determined that for each year of the first five years the proposed repeal is in effect, the anticipated public benefit will be the reduction of duplicative regulation.

TAKINGS IMPACT ASSESSMENT

The Commission determined that the proposed repeal 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. Therefore, the proposed repeal is compliant with the Private Real Property Preservation Act in Texas Government Code §2007.043 and do not constitute a taking.

LOCAL EMPLOYMENT IMPACT STATEMENT

The Commission determined that the proposed repeal would not impact local economies and, therefore, did not file a request for a local employment impact statement with the Texas Workforce Commission pursuant to Texas Government Code §2001.022.

REGULATORY ANALYSIS OF MAJOR ENVIRONMENTAL RULES

The Commission determined that this proposed repeal is not a "major environmental rule" as defined by Government Code §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk 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 a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

GOVERNMENT GROWTH IMPACT STATEMENT

In compliance with the requirements of Texas Government Code §2001.0221, the Commission prepared the following Government Growth Impact Statement. The Commission determined for each year of the first five years the proposal would be in effect, the proposed repeal:

Will not create or eliminate a government program;

Will not require the creation or elimination of employee positions;

Will result in no assumed change in future legislative appropriations;

Will not affect fees paid to the Commission;

Will not create new regulation;

Will reduce existing regulation;

Will not change the number of individuals subject to the rule; and

Will not affect the state's economy.

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

Ms. Coggeshall also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities pursuant to Texas Government Code, Chapter 2006. The repeal does not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

COSTS TO REGULATED PERSONS

The proposed repeal of Section 51.11 does not impose additional costs on regulated persons and is designed to reduce regulatory burden. The proposed repeal does not otherwise impose a direct cost on a regulated person, state agency, a special district, or a local government within the state.

PUBLIC COMMENT

Written comments regarding the proposed repeal may be submitted to Amanda Bernhard, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719 or by e-mail to comments@tahc.texas.gov. To be considered, comments must be received no later than thirty (30) days from the date of publication of this proposal in the *Texas Register*. When faxing or emailing comments, please indicate "Comments on Proposed Rule-Chapter 51, Entry Requirements" in the subject line.

STATUTORY AUTHORITY

The repeal is proposed under the following statutory authority as found in Chapter 161 of the Texas Agriculture Code. The Commission is vested by statute, §161.041(a), with the requirement to protect all livestock, domestic animals, and domestic fowl from disease. The Commission is authorized, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock.

Pursuant to §161.006, entitled "Documents to Accompany Shipment", if required that a certificate or permit accompany animals or commodities moved in this state, the document must be in the possession of the person in charge of the animals or commodities, if the movement is made by any other means.

Pursuant to §161.046, entitled "Rules", the Commission may adopt rules as necessary for the administration and enforcement of this chapter.

Pursuant to §161.048, entitled "Inspection of Shipment of Animals or Animal Products", the Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. An agent of the Commission is entitled to stop and inspect a shipment of animals or animal products being transported in this state in order to determine if the shipment originated from a quarantined area or herd; or determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or noncommunicable disease.

Pursuant to §161.054, titled "Regulation of Movement of Animals; Exception", the Commission, by rule, may regulate the movement of animals. The Commission may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce. The Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. The Commission is authorized, through §161.054(b), to prohibit or regulate the movement of animals into a quarantined herd, premises, or area. The executive director of the Commission is authorized, through §161.054(d), to modify a restriction on animal movement, and may consider economic hardship.

Pursuant to §161.113, entitled "Testing or Treatment of Livestock", if the Commission requires testing or vaccination under this subchapter, the testing or vaccination must be performed by an accredited veterinarian or qualified person authorized by the commission. The state may not be required to pay the cost of fees charged for the testing or vaccination. The Commission may require the owner or operator of a livestock market to furnish adequate equipment or facilities or have access to essential equipment or facilities within the immediate vicinity of the livestock market.

Pursuant to §161.114, entitled "Inspection of Livestock", an authorized inspector may examine livestock consigned to and delivered on the premises of a livestock market before the livestock are offered for sale. If the inspector considers it necessary, the inspector may have an animal tested or vaccinated. Any testing or vaccination must occur before the animal is removed from the livestock market.

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

§51.11. Goats.

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 28, 2026.

TRD-202603768

Jeanine Coggeshall

General Counsel

Texas Animal Health Commission

Earliest possible date of adoption: October 11, 2026

For further information, please call: (512) 839-0511

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4 TAC §51.12

The Texas Animal Health Commission (Commission) proposes amendments to Title 4, Texas Administrative Code, Chapter 51 titled Entry Requirements. Specifically, the Commission proposes amendments to §51.12 regarding Sheep. The amendments are proposed concurrently with the proposed repeal of §51.11, concerning Goats, which is published simultaneously in this issue of the *Texas Register*.

BACKGROUND AND PURPOSE

The Commission underwent a comprehensive and collaborative rule review by the Texas Regulatory Efficiency Office (TREO). TREO made several recommendations to reduce unnecessary regulations and duplications. One such recommendation was combining entry requirements for sheep and goats.

To accomplish this, the Commission proposes the repeal of §51.11, concerning Goats. This section currently houses rules on tuberculosis restricted zones and scrapie requirements. However, the section's scrapie rule directs readers to §51.12 for requirements. The Commission simultaneously proposes amendments to §51.12, concerning Sheep. These proposed amendments would move the goat rules of §51.11 into §51.12.

The proposed amendments to §51.11 include updates in rule language to reflect the Commission's move to electronic CVIs. The language was updated for readability and clarifying punctions and conjunctions. The proposed amendments update the scrapie rule to reflect the merge of sheep and goat entry requirements. And the proposed amendments add tuberculosis restricted zone rules without any changes those requirements.

The Commission's goal in proposing these amendments is to reduce duplicative regulation and streamline Commission rules.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §51.12, relating to entry requirements for sheep, combines entry requirements for goats and updates language to reflect current Commission practices.

FISCAL NOTE

Ms. Jeanine Coggeshall, General Counsel for the Texas Animal Health Commission, determined that for each year of the first five years proposed amendments are in effect, enforcing or administering the amendments do not have foreseeable implications relating to costs or revenues of state or local governments.

PUBLIC BENEFIT NOTE

Ms. Coggeshall determined that for each year of the first five years the proposed amendments are in effect, the anticipated public benefit will be the reduction of duplicative regulation.

TAKINGS IMPACT ASSESSMENT

The Commission determined that the proposed amendments do 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. Therefore, the proposed rules are compliant with the Private Real Property Preservation Act in Texas Government Code §2007.043 and do not constitute a taking.

LOCAL EMPLOYMENT IMPACT STATEMENT

The Commission determined that the proposed amendments would not impact local economies and, therefore, did not file a request for a local employment impact statement with the Texas Workforce Commission pursuant to Texas Government Code §2001.022.

REGULATORY ANALYSIS OF MAJOR ENVIRONMENTAL RULES

The Commission determined that this proposed amendments are not a "major environmental rule" as defined by Government

Code §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk 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 a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

GOVERNMENT GROWTH IMPACT STATEMENT

In compliance with the requirements of Texas Government Code §2001.0221, the Commission prepared the following Government Growth Impact Statement. The Commission determined for each year of the first five years the proposed amendments would be in effect, the proposed rules:

Will not create or eliminate a government program;

Will not require the creation or elimination of employee positions;

Will result in no assumed change in future legislative appropriations;

Will not affect fees paid to the Commission;

Will not create new regulation;

Will reduce existing regulation;

Will not change the number of individuals subject to the rule; and

Will not affect the state's economy.

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

Ms. Coggeshall also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities pursuant to Texas Government Code, Chapter 2006. The rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

COSTS TO REGULATED PERSONS

The proposed amendments to §51.12 do not impose additional costs on regulated persons and are designed to reduce regulatory burden. The proposed amendments do not otherwise impose a direct cost on a regulated person, state agency, a special district, or a local government within the state.

PUBLIC COMMENT

Written comments regarding the proposed amendments may be submitted to Amanda Bernhard, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719 or by e-mail to comments@tahc.texas.gov. To be considered, comments must be received no later than thirty (30) days from the date of publication of this proposal in the *Texas Register*. When faxing or emailing comments, please indicate "Comments on Proposed Rule-Chapter 51, Entry Requirements" in the subject line.

STATUTORY AUTHORITY

The amendments are proposed under the following statutory authority as found in Chapter 161 of the Texas Agriculture Code. The Commission is vested by statute, §161.041(a), with the requirement to protect all livestock, domestic animals, and domestic fowl from disease. The Commission is authorized, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock.

Pursuant to §161.006, entitled "Documents to Accompany Shipment", if required that a certificate or permit accompany animals or commodities moved in this state, the document must be in the possession of the person in charge of the animals or commodities, if the movement is made by any other means.

Pursuant to §161.046, entitled "Rules", the Commission may adopt rules as necessary for the administration and enforcement of this chapter.

Pursuant to §161.048, entitled "Inspection of Shipment of Animals or Animal Products", the Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. An agent of the Commission is entitled to stop and inspect a shipment of animals or animal products being transported in this state in order to determine if the shipment originated from a quarantined area or herd; or determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or noncommunicable disease.

Pursuant to §161.054, titled "Regulation of Movement of Animals; Exception", the Commission, by rule, may regulate the movement of animals. The Commission may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce. The Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. The Commission is authorized, through §161.054(b), to prohibit or regulate the movement of animals into a quarantined herd, premises, or area. The executive director of the Commission is authorized, through §161.054(d), to modify a restriction on animal movement, and may consider economic hardship.

Pursuant to §161.113, entitled "Testing or Treatment of Livestock", if the Commission requires testing or vaccination under this subchapter, the testing or vaccination must be performed by an accredited veterinarian or qualified person authorized by the commission. The state may not be required to pay the cost of fees charged for the testing or vaccination. The Commission may require the owner or operator of a livestock market to furnish adequate equipment or facilities or have access to essential equipment or facilities within the immediate vicinity of the livestock market.

Pursuant to §161.114, entitled "Inspection of Livestock", an authorized inspector may examine livestock consigned to and delivered on the premises of a livestock market before the livestock are offered for sale. If the inspector considers it necessary, the inspector may have an animal tested or vaccinated. Any testing or vaccination must occur before the animal is removed from the livestock market.

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

§51.12. Sheep and Goats.

(a) *Brucella ovis*. All breeding rams six months of age and over must have [~~had~~] a negative ELISA test for *Brucella ovis* within 30 days prior to entry into Texas or be from a *Brucella ovis*-free flock. Each ram must [~~shall~~] be individually identified with an [~~individual~~] eartag or registration tattoo. The tag number or registration tattoo [~~This~~] number, [~~along with the~~] test results, [~~and~~] name of the approved laboratory, and date of test must [~~shall~~] be entered on the certificate of veterinary inspection (CVI) [~~Certificate of Veterinary Inspection~~] accompanying the animal(s).

(b) Scrapie.

(1) Animal identification requirements. [~~Animals to be identified by official eartag.~~]

(A) All [~~breeding or exhibition~~] animals must [~~shall~~] have an official premises eartag[~~,~~] or an approved USDA[~~,~~] eartag unless the animal is a registered animal [~~in place and recorded, except: Registered goats~~] with a registration tattoo and Origin Premises Flock ID recorded on a CVI. [~~and accompanied by registration papers~~]

(B) All animals in slaughter channels must [~~shall~~] have an official premises eartag[~~,~~] or an approved USDA eartag unless: [~~in place, except~~]

(i) Sheep under 18 months of age; or

(ii) Goats that have not commingled with sheep.

(2) Animals originating from scrapie-affected flocks, scrapie-positive flocks, suspect flocks, exposed flocks, [~~and/or~~] or high-risk [~~high risk~~] animals[~~, or sheep originating from Inconsistent States,~~] may enter [~~be granted entry into~~] Texas on a case-by-case basis only after receiving permission from [~~of~~] the executive director [~~Executive Director of TAHC~~] or the Designated Scrapie Epidemiologist.

(3) Animals originating from Inconsistent States (without an active scrapie surveillance and control program) may enter [~~the State of~~] Texas on a case-by case basis only after receiving permission from the executive director or the Designated Scrapie Epidemiologist, and only if:

(A) An entry permit is obtained; and [~~Obtain an entry permit,~~]

(B) The animals are consigned [~~Consigned~~] directly to a terminal feedlot; or [~~,~~]

(C) The animals are consigned [~~Consigned~~] directly to slaughter.

(4) All blackface ovine females and all blackface crossbred females, except hair sheep, imported into the State of Texas for breeding purposes shall originate from a Scrapie Certified Free Flock or have documentation supporting that the animals are of the genotype RR at codon 171 or AA at codon 136 and QR at codon 171.

(5) CVI requirements. The CVI must [~~Veterinary Inspection: Information on the Certificate of Veterinary Inspection shall~~] include:

(A) Complete information on the consignor, consignee, and flock of origin, including the origination and destination addresses; [~~.~~]

(B) Date of inspection;

(C) Number of animals in the consignment and description of the animals (breed, gender, and other distinguishing characteristics); [~~.~~]

(D) Premises [~~premise~~] eartag identification number or official USDA eartag number, or registration tattoo with Origin Premises Flock ID recorded on CVI; [~~(if goats accompanied by registration papers) registration tattoo).~~]

(i) CVIs for animals must include all [~~Animals for Breeding Purposes or Exhibition All~~] premises identification numbers or [~~(or)~~] official USDA eartag numbers, or registration tattoos with Origin Premises Flock ID [~~(in the accompaniment of registration papers) shall be recorded~~].

(ii) CVIs for animals in slaughter channels need not include [~~Animals in Slaughter Channels--~~] identification numbers, but identification must be present on the animals [~~but the numbers do not need to be recorded~~].

(E) A statement of [~~Statement of the~~] purpose for transporting the animals (for exhibition, breeding purposes, or slaughter);

(F) A statement by the accredited veterinarian issuing the CVI [~~Certificate~~] that the animals are not exhibiting clinical signs associated with any infectious diseases, including scrapie, at the time of examination; [~~.~~]

(G) A statement by the accredited veterinarian issuing the CVI that [~~Certificate indicating if~~] the animal(s) are not from a scrapie-affected flock [~~scrapie affected~~], high-risk flock [~~high risk~~], source flock, or exposed flock.

(c) Tuberculosis. Goats originating from the TB restricted zone(s) in Michigan shall be tested negative for tuberculosis in accordance with the appropriate status requirements as contained in Title 9 of the Code of Federal Regulations, Part 77, §§77.10 - 77.19, prior to entry with results recorded on the certificate of veterinary inspection.

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 28, 2026.

TRD-202603769
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Earliest possible date of adoption: October 11, 2026
For further information, please call: (512) 839-0511

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CHAPTER 57. POULTRY

4 TAC §57.10, §57.11

The Texas Animal Health Commission (Commission) proposes amendments to Title 4, Texas Administrative Code, Chapter 57 titled Poultry. Specifically, the Commission proposes amendments to §57.10, regarding Definitions and §57.11, regarding General Requirements.

BACKGROUND AND PURPOSE

The Texas Animal Health Commission proposes amendments to §57.10, concerning Definitions and to §57.11, concerning General Requirements. The amendments establish movement requirements for Texas-origin exhibition poultry traveling to and from out-of-state events.

The proposed amendments require exhibition birds to leave Texas on a certificate of veterinary inspection (CVI) with proof of negative pullorum-typhoid test (PT) and negative avian influenza test (AI) all issued within 30 days prior to movement. For poultry originating from an NPIP certified flock with current PT Clean status, valid NPIP documentation can be substituted for PT test results. If exhibitors have complied with the CVI and testing requirements, the proposed amendments allows the birds to return to Texas on the same CVI within its 30-day validity period provided the birds were not exhibited in an Highly Pathogenic Avian Influenza (HPAI)-Impacted state, show no signs of illness, and a quarantine was not established during the event.

Additionally, the proposed amendments establish a 1-year recordkeeping requirement for exhibitors. The amendments outline that if HPAI was detected in the event state after the birds entered the state, the exhibitor must return the birds to the premises of origin at the earliest opportunity, notify the Commission, and isolate the birds for 14 days. The proposed rule specifically states these movement requirements do not allow for birds to reenter Texas if they have travelled to a state that was already designated an HPAI-Impacted state at time of movement.

Finally, the proposed amendments add definitions for "exhibition poultry," "HPAI-Impacted state," and "National Poultry Improvement Plan (NPIP)" to lend clarity to the proposed changes to §57.11.

The purpose of these amendments is to provide a method for Texas exhibitors to travel to events out-of-state and safely return while minimizing disease-risk to other Texas poultry. The amendments focus on immediate reporting, traceability, and disease surveillance through required testing prior to movement. The proposed requirements mirror the requirements for birds entering Texas, but allow Texas exhibitors to meet the requirements prior to leaving the state.

SECTION-BY-SECTION DISCUSSION

Section 57.10 includes definitions. The proposed amendments add definitions for "exhibition poultry," "HPAI-Impacted state," and "National Poultry Improvement Plan (NPIP)." The proposed amendments also reorder number existing definitions.

Section 57.11 includes general requirements for poultry. The proposed amendments add movement requirements for Texas exhibition poultry traveling to an out-of-state event and returning to Texas.

FISCAL NOTE

Ms. Jeanine Coggeshall, General Counsel for the Texas Animal Health Commission, determined that for each year of the first five years that the amendment is in effect, enforcing or administering the proposed rules does not have foreseeable implications relating to costs or revenues of state or local governments. Commission employees will administer and enforce these rules as part of their current job duties and resources. Ms. Coggeshall also determined for the same period that there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed amendments.

PUBLIC BENEFIT NOTE

Ms. Coggeshall determined that for each year of the first five years the amendment is in effect, the anticipated public benefits are safer movement of exhibition poultry to and from out-of-state events, increased traceability and disease surveillance, and less confusion for poultry exhibitors surrounding Commission rules for interstate travel.

TAKINGS IMPACT ASSESSMENT

The Commission determined that the proposal 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. Therefore, the proposed rules are compliant with the Private Real Property Preservation Act in Texas Government Code §2007.043 and do not constitute a taking.

LOCAL EMPLOYMENT IMPACT STATEMENT

The Commission determined that the proposed rules would not impact local economies and, therefore, did not file a request for a local employment impact statement with the Texas Workforce Commission pursuant to Texas Government Code §2001.022.

REGULATORY ANALYSIS OF MAJOR ENVIRONMENTAL RULES

The Commission determined that this proposal is not a "major environmental rule" as defined by Government Code §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk 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 a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

GOVERNMENT GROWTH IMPACT STATEMENT

In compliance with the requirements of Texas Government Code §2001.0221, the Commission prepared the following Government Growth Impact Statement. The Commission determined for each year of the first five years the proposed rules would be in effect, the proposed rules:

Will not create or eliminate a government program;

Will not require the creation or elimination of employee positions;

Will result in no assumed change in future legislative appropriations;

Will not affect fees paid to the Commission;

Will not create new regulation;

Will create a regulatory exception to entry permits, thus limiting existing regulation;

Will not change the number of individuals subject to the rule; and

Will not affect the state's economy.

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

Ms. Coggeshall also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities pursuant to Texas Government Code, Chapter 2006. The rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

COSTS TO REGULATED PERSONS

The proposed amendments to Chapter 57 do not impose additional costs on regulated persons and are designed to better facilitate safe and compliant movement of exhibition poultry. The proposed rules do not otherwise impose a direct cost on a regulated person, state agency, a special district, or a local government within the state.

PUBLIC COMMENT

Written comments regarding the proposed amendments may be submitted to Amanda Bernhard, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719 or by e-mail to comments@tahc.texas.gov. To be considered, comments must be received no later than thirty (30) days from the date of publication of this proposal in the *Texas*

Register. When faxing or emailing comments, please indicate "Comments on Proposed Rule-Chapter 57, Entry Requirements" in the subject line.

STATUTORY AUTHORITY

The amendments are proposed under the following statutory authority as found in Chapter 161 of the Texas Agriculture Code. The Commission is vested by statute, §161.041(a), with the requirement to protect all livestock, domestic animals, and domestic fowl from disease. The Commission is authorized, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock.

Pursuant to §161.006, entitled "Documents to Accompany Shipment", if required that a certificate or permit accompany animals or commodities moved in this state, the document must be in the possession of the person in charge of the animals or commodities, if the movement is made by any other means.

Pursuant to §161.041, titled "Disease Control," the Commission shall protect all livestock, exotic livestock, domestic fowl, and exotic fowl from diseases the commission determines require control or eradication. Pursuant to §161.041(b) the Commission may act to eradicate or control any disease or agent of transmission for any disease that affects livestock, exotic livestock, domestic fowl, or exotic fowl. The Commission may adopt any rules necessary to carry out the purposes of this subsection, including rules concerning testing, movement, inspection, and treatment.

Pursuant to §161.043, titled "Regulation of Exhibitions," the Commission may regulate the entry of livestock and may require certification of those animals as reasonably necessary to protect against communicable diseases.

Pursuant to §161.046, entitled "Rules", the Commission may adopt rules as necessary for the administration and enforcement of this chapter.

Pursuant to §161.048, entitled "Inspection of Shipment of Animals or Animal Products", the Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. An agent of the Commission is entitled to stop and inspect a shipment of animals or animal products being transported in this state in order to determine if the shipment originated from a quarantined area or herd; or determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or noncommunicable disease.

Pursuant to §161.054, titled "Regulation of Movement of Animals; Exception", the Commission, by rule, may regulate the movement of animals. The Commission may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce. The Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. The Commission is authorized, through §161.054(b), to prohibit or regulate the movement of animals into a quarantined herd, premises, or area. The executive director of the Commission is authorized, through §161.054(d), to modify a restriction on animal movement, and may consider economic hardship.

Pursuant to §161.113, entitled "Testing or Treatment of Livestock", if the Commission requires testing or vaccination under this subchapter, the testing or vaccination must be performed by an accredited veterinarian or qualified person authorized by the commission. The state may not be required to pay the cost of fees charged for the testing or vaccination. The Commission may require the owner or operator of a livestock market to furnish adequate equipment or facilities or have access to essential equipment or facilities within the immediate vicinity of the livestock market.

Pursuant to §161.081, titled "Importation of Animals," the Commission by rule may provide the method for inspecting and testing animals before and after entry into Texas. The Commission may create rules for the issuance and form of health certificates and entry permits.

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

§57.10. Definitions.

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

(1) - (6) (No change.)

(7) Exhibition poultry--domesticated fowl, including chickens, turkeys, waterfowl, and game birds, kept for exhibition, competition, or show purposes, and not for commercial production.

(8) [~~(7)~~] Hatching eggs--Poultry eggs for hatching purposes including embryonated eggs.

(9) HPAI-Impacted state--any state or area within a state under official quarantine, control, or surveillance for Highly Pathogenic Avian Influenza (HPAI), as designated by the United State Department of Agriculture (USDA) or the commission.

(10) National Poultry Improvement Plan (NPIP)--A voluntary federal-state cooperative testing and certification program for poultry designed to improve poultry health and prevent the spread of certain diseases including Pullorum-Typhoid (PT) and Avian Influenza (AI).

(11) [~~(8)~~] Permit--A written authorization for movement issued by the commission.

(12) [~~(9)~~] Person--A partnership, firm, corporation, association, or individual.

(13) [~~(10)~~] Poultry--Chickens, turkeys, game birds of all ages, and other domestic fowl, except baby poultry as defined in this section.

(14) [~~(11)~~] Reportable poultry disease--

(A) - (B) (No change.)

(15) [~~(12)~~] Vaccine--A suspension of attenuated or killed micro-organisms administered for the prevention or treatment of an infectious poultry disease and approved for use by USDA and the commission. The following is a list of approved vaccines:

(A) - (O) (No change.)

§57.11. General Requirements.

(a) (No change.)

(b) Exhibition Poultry. [~~Public exhibitions. Poultry entered in public exhibition shall originate from flocks or hatcheries free of pullorum disease and fowl typhoid or have a negative pullorum-typhoid test within 30 days before exhibition. Chickens or turkeys entered in public exhibition shall be accompanied by a certificate of source.~~]

(1) Public exhibitions. Poultry entered in public exhibition shall originate from flocks or hatcheries free of pullorum disease and fowl typhoid or have a negative pullorum-typhoid (PT) test within 30 days before exhibition. Chickens or turkeys entered in public exhibition shall be accompanied by a certificate of source.

(2) Movement of Texas Exhibition Poultry to and from Out-of-State Events.

(A) To facilitate the safe and lawful movement and return of exhibition poultry from Texas to out-of-state events, all exhibition poultry leaving Texas for exhibition in another state must be accompanied by:

(i) A certificate of veterinary inspection (CVI) that clearly identifies the destination exhibition issued within 30 days prior to movement;

(ii) Proof of negative PT test results conducted within the 30 days immediately preceding movement, or for poultry originating from an NPIP certified flock with current PT Clean status valid NPIP documentation may be substituted for PT test results; and

(iii) Proof of negative avian influenza (AI) test results conducted within the 30 days immediately preceding movement.

(B) Upon return to Texas, exhibition poultry that left Texas in compliance with subsection (b) of this section may return to their premises of origin on the same CVI within its 30-day validity period, if:

(i) Poultry was not exhibited at an event located within an HPAI-Impacted state at the time of the event;

(ii) Poultry did not exhibit signs of illness during or after the exhibition; and

(iii) No official quarantine or control zone was established at the event premises during the period of exhibition.

(iv) Entry permit requirements under §51.3 of this title (relating to Exceptions) are waived for movements conducted in compliance with this section.

(C) The exhibitor must retain a copy of the CVI and associated test results or NPIP documentation for at least one year and must present such documentation to the commission upon request.

(D) If HPAI is detected in a state or exhibition facility after birds have entered, the owner or exhibitor must:

(i) Return poultry directly to the premises of origin at the earliest opportunity;

(ii) Immediately notify the commission of the movement; and

(ii) Isolate the returning poultry from other flocks for a minimum of 14 days and report any illness or mortality during that time.

(E) This section does not allow for the reentry of exhibition poultry transported to a state already designated HPAI-Impacted at time of movement.

(c) - (h) (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 28, 2026.

TRD-202603770
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Earliest possible date of adoption: October 11, 2026
For further information, please call: (512) 839-0511

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TITLE 7. BANKING AND SECURITIES

PART 1. FINANCE COMMISSION OF TEXAS

CHAPTER 3. STATE BANK REGULATION

SUBCHAPTER F. ACCESS TO INFORMATION

7 TAC §3.112

The Finance Commission of Texas (Commission), on behalf of the Texas Department of Banking (Department), proposes the repeal of an existing rule at 7 Texas Administrative Code (TAC), Part 1, Chapter 3, Subchapter F, §3.112, regarding what the Department may charge for providing public information. The proposed rule implements a recommendation stemming from the Texas Regulatory Efficiency Office's collaborative process aimed at removing unnecessary language and improving rule readability.

Description and Purpose of Proposed Repeal

The proposed rule will repeal §3.112 in its entirety. Because the requirements for public information charges are already established by §552.261 of the Texas Public Information Act (*Tex. Gov't Code § 552.261*), the rule is unnecessary and its repeal will not affect any substantive right of the public.

Fiscal and Regulatory Impact

Texas Department of Banking Executive Deputy Commissioner Wendy Rodriguez has determined that for the first five-year period the proposed rule is in effect, there will be no fiscal implications for state government or for local government as a result of enforcing or administering the rule.

Ms. Rodriguez has also determined that, for each year of the first five years the rule as proposed is in effect, the public would benefit from improved clarity and organization of the Department's rules.

For each year of the first five years that the rule will be in effect, there will be no economic costs to persons required to comply with the rule as proposed.

For each year of the first five years that the proposed rule will be in effect, it 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;

- increase or decrease the number of individuals subject to the rule's applicability; or

- positively or adversely affect this state's economy.

The proposed rule will, however, repeal an existing regulation.

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities. There will be no difference in the cost of compliance for these entities.

To be considered, comments on the proposed rule must be submitted no later than 5:00 p.m. on October 4, 2026. Comments should be addressed to General Counsel, Texas Department of Banking, Legal Division, 2601 North Lamar Boulevard, Suite 300, Austin, Texas 78705-4294. Comments may also be submitted by email to legal@dob.texas.gov.

The proposed rule is authorized by Texas Finance Code §31.003, which provides that the Commission may adopt rules to implement and clarify Finance Code, Title 3, Subtitle A.

No statute is affected by the proposed repealed rule.

§3.112. What will the Department Charge for Providing Public 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.

Filed with the Office of the Secretary of State on August 24, 2026.

TRD-202603724
Robert K. Nichols, III
General Counsel
Finance Commission of Texas
Earliest possible date of adoption: October 11, 2026
For further information, please call: (512) 475-1327

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CHAPTER 5. ADMINISTRATION OF FINANCE AGENCIES

7 TAC §5.105

The Finance Commission of Texas (Commission), on behalf of the Texas Department of Banking (Department), proposes the repeal of an existing rule at 7 Texas Administrative Code (TAC), Part 1, Chapter 5, §5.105, regarding negotiated rulemaking procedures. The proposed rule implements a recommendation stemming from the Texas Regulatory Efficiency Office's collaborative process aimed at removing unnecessary language and improving rule readability.

Description and Purpose of Proposed Amendment

The proposed rule will repeal §5.105 in its entirety and will move its current text into existing §9.85. As both rules address the same subject negotiated rulemaking procedures for Finance Commission agencies consolidating these rules removes redundancy and places all relevant requirements in one section.

The Commission is also proposing a corresponding amendment to §9.85.

Fiscal and Regulatory Impact

Texas Department of Banking Executive Deputy Commissioner Wendy Rodriguez has determined that for the first five-year period the proposed rule is in effect, there will be no fiscal implications for state government or for local government as a result of enforcing or administering the rule.

Ms. Rodriguez has also determined that, for each year of the first five years the rule as proposed is in effect, the public will benefit from improved clarity and organization of the Commission's rules.

For each year of the first five years that the rule will be in effect, there will be no economic costs to persons required to comply with the rule as proposed.

For each year of the first five years that the proposed rule will be in effect, it 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;

- increase or decrease the number of individuals subject to the rule's applicability; or

- positively or adversely affect this state's economy.

The proposed rule will, however, repeal an existing regulation.

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities. There will be no difference in the cost of compliance for these entities.

To be considered, comments on the proposed rule must be submitted no later than 5:00 p.m. on October 4, 2026. Comments should be addressed to General Counsel, Texas Department of Banking, Legal Division, 2601 North Lamar Boulevard, Suite 300, Austin, Texas 78705-4294. Comments may also be submitted by email to legal@dob.texas.gov.

The proposed rule is authorized by Texas Finance Code §12.113, which provides that the Commission by rule shall adopt a policy to encourage the use of negotiated rulemaking procedures.

Finance Code §12.113 is affected by the proposed repealed rule.

§5.105. Negotiated Rulemaking.

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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Robert K. Nichols, III
General Counsel
Finance Commission of Texas
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For further information, please call: (512) 475-1327

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CHAPTER 9. RULES OF PROCEDURE FOR CONTESTED CASE HEARINGS, APPEALS, AND RULEMAKINGS

SUBCHAPTER B. CONTESTED CASE HEARINGS

7 TAC §§9.11, 9.20, 9.30, 9.32, 9.34, 9.37

The Finance Commission of Texas (Commission) proposes amendments to existing rules at 7 Texas Administrative Code (TAC), Part 1, Chapter 9, Subchapter B, §§9.11, 9.20, 9.30, 9.32, 9.34, and 9.37, regarding the Commission's procedures for contested case hearings, appeals, and rulemakings. The proposed rules implement recommendations from the Texas Regulatory Efficiency Office's recommendations aimed at removing unnecessary language and improving the rules' readability.

The proposed amendment to §9.11 would require the Department to provide a hyperlink to the Department's rules rather than providing a physical copy of the rules. This change will remove an outdated practice that imposes unnecessary printing costs without improving respondent access.

The proposed amendments to §9.32 would modernize the rule's language by retitling the section "Remote Hearings" (rather than "Telephone Hearings"), and extending the rule's applicability to hearings held by telephone, videoconference, or other electronic means. Additionally, the proposed rule would reduce - from 20 minutes to 10 minutes - the time after which the administrative law judge may consider a party to have failed to appear. The proposed amendments also add language to clarify when a person who connects to a remote hearing will be considered to have failed to appear. Lastly, the proposed rule replaces the term "sua sponte" with "on the judge's own motion."

The proposed amendments to §9.34 reword and reorganize the section for increased readability, and set the deadlines for exceptions and briefs to be filed to 15 days, in alignment with the deadlines set out in the State Office of Administrative Hearings' rule at 1 TAC §155.507 (relating to Proposals for Decision; Exceptions and Replies).

The proposed amendments to §§9.20, 9.30, and 9.37 simply improve readability by replacing the Latin legal term "sua sponte" with "on the judge's own motion."

Texas Department of Banking Executive Deputy Commissioner Wendy Rodriguez has determined that for the first five-year period the proposed rule is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Ms. Rodriguez has also determined that, for each year of the first five years the proposed rules are in effect, the public would benefit from the rules' improved readability, clarity, and organization.

For each year of the first five years that the rule will be in effect, there will be no economic costs to persons required to comply with the rule as proposed.

For each year of the first five years that the rule will be in effect, the proposed rules 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;

-increase or decrease the number of individuals subject to the rule's applicability; or

-positively or adversely affect this state's economy.

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities, nor will there be a difference in the cost of compliance for these entities.

To be considered, comments on the proposed rules must be submitted no later than 5:00 p.m. on October 4, 2026. Comments should be addressed to General Counsel, Texas Department of Banking, Legal Division, 2601 North Lamar Boulevard, Suite 300, Austin, Texas 78705-4294. Comments may also be submitted by email to legal@dob.texas.gov.

These amendments are proposed under §31.003(a)(5) of the Texas Finance Code, which provides authority for the Commission to adopt rules to facilitate the fair hearing and adjudication of matters before the Banking Commissioner and the Finance Commission.

No statute is affected by the proposed rules.

§9.11. Notice and Initiation of Proceedings.

(a) (No change.)

(b) Notice of a disciplinary proceeding that is required to be preceded by a hearing must be signed by the agency head or administrative law judge and must contain:

(1) - (6) (No change.)

(7) a citation to this chapter with a direct link to the current version of this chapter as published in the Texas Administrative Code [~~copy of this chapter included as an attachment~~];

(8) - (9) (No change.)

(c) - (d) (No change.)

§9.20. Prehearing Conferences.

(a) On the judge's own motion [~~Sua sponte~~] or on the motion of any party, the administrative law judge may direct that the parties or their authorized representatives appear at a prehearing conference to consider any of the matters specified in Rule 166, Texas Rules of Civil Procedure (other than those matters having to do with trial by jury).

(b) (No change.)

§9.30. Official Notice.

The administrative law judge may take official notice of judicially cognizable facts, and of generally recognized facts within the area of the agency's specialized knowledge. A party that desires the administrative law judge to take official notice of particular facts must make a motion that the administrative law judge do so, stating with specificity the facts, material, records, or documents encompassed in the motion. A party who opposes the motion will have the opportunity to contest the requested action. The administrative law judge may also on the judge's own motion [~~sua sponte~~] take official notice of facts, material, records, or documents on giving the parties an opportunity to contest the facts, material, records, or documents to be officially noticed.

§9.32. Remote Hearings [~~Telephone Hearings~~].

(a) On the judge's own motion [~~Sua sponte~~] or on motion of any party and a showing of good cause, after reasonable notice to all parties to allow them to object and argue against the procedure, the administrative law judge may conduct all or part of a hearing by telephone, videoconference, or other electronic means.

(b) In determining whether to allow testimony by telephone, videoconference, or other electronic means, the administrative law judge shall consider all relevant factors including whether the motion is opposed, the cost and feasibility of the witness being physically present at the hearing instead of appearing by [~~telephone or~~] other [~~electronic~~] means, the nature and duration of the expected testimony, the nature of any exhibits expected to be introduced through the witness, whether there is a good reason that the witness is unavailable to testify in person, and the extent to which the demeanor and credibility of the witness are likely to be significant factors in weighing the witness' testimony. In deciding a motion under this section, the administrative law judge shall ensure that substantive and procedural rights of all parties are respected.

(c) [~~(b)~~] Documentary evidence to be offered during a [~~telephone~~] hearing held via telephone, videoconference, or other electronic means must be delivered by the proponent to all parties and to the administrative law judge prior to the hearing.

(d) [~~(c)~~] For [~~In~~] a [~~telephone~~] hearing held via telephone, videoconference, or other electronic means, the administrative law judge may consider the following as a failure to appear if the conditions exist for more than 10 [~~20~~] minutes after the scheduled time for hearing:

(1) failure to connect to the hearing [~~answer the telephone~~];

(2) failure to be available on the designated platform for the hearing [~~free the telephone for a hearing~~]; or

(3) failure to be ready to proceed with the hearing as scheduled.

§9.34. Post-hearing Proceedings.

(a) Following the hearing, the administrative law judge shall prepare and serve a proposal for decision in accordance with Government Code, §2001.062.

(1) On a party's request, the administrative law judge shall allow the parties to file written briefs and proposed findings of fact and conclusions of law before preparing the proposal for decision.

(2) Unless the administrative law judge orders otherwise:

(A) exceptions and briefs must be filed not later than the 15th day after the proposal for decision is issued; and

(B) a reply must be filed not later than the 15th day after the exception or brief it responds to is filed.

(3) The administrative law judge shall review all exceptions and replies and notify the referring agency and parties whether the judge recommends any changes to the proposal for decision.

[~~(a) Following the hearing the administrative law judge upon request shall give the parties an opportunity to file written briefs and proposed findings of fact and conclusions of law. Pursuant to Government Code, §2001.062, the administrative law judge shall review these materials and all evidence and testimony, and prepare a proposal for decision containing a statement of the reasons for the proposed decision and of each finding of fact and conclusion of law necessary to the proposed decision. The administrative law judge shall also prepare a proposed final order for the agency head to sign adopting the proposed decision. Upon completion, the administrative law judge shall serve copies of the proposal for decision and proposed final order on all parties and give each adversely affected party an opportunity to file exceptions and present briefs. If a party files exceptions or presents briefs, the administrative law judge shall give an opportunity to other parties to file replies to the exceptions or briefs. Exceptions, replies to exceptions, and related briefs must be filed within deadlines established by the administrative law judge. The administrative law judge may amend the proposal for decision and proposed final order in response to the exceptions, replies, or briefs submitted. If the administrative law judge makes substantive revisions, the administrative law judge shall circulate the amended proposal for decision and proposed final order to the parties for additional exceptions and briefs before submitting the proposal for decision and the proposed final order based thereon to the agency head(s) for approval.~~]

(b) After the period under subsection (a)(2) has expired, the administrative law judge shall submit the proposal for decision and the materials listed in Government Code, §2001.060, to the agency head(s). On review, the agency head(s) may:

(1) adopt the proposal for decision in whole or in part;

(2) modify and adopt the proposal for decision in whole or in part;

(3) decline to adopt the proposal for decision in whole or in part;

(4) remand the proceeding for further examination by the administrative law judge, including for the limited purpose of receiving additional briefing or evidence from the parties on specific issues; or

(5) take another lawful and appropriate action with regard to the case.

[~~(b) After the administrative law judge has circulated the proposal for decision and proposed order to the parties and the parties have had an opportunity to file exceptions and briefs in the manner provided in subsection (a) of this section, the administrative law judge shall submit the proposal for decision and proposed order together with all materials listed in Government Code, §2001.060, to the agency head(s) for review. No additional briefs may be submitted after the case is under submission to the agency head(s) for decision unless requested by the agency head(s). The agency head(s) may:~~]

[~~(1) adopt the proposal for decision and proposed final order, in whole or in part;~~]

[~~(2) modify and adopt the proposal for decision and proposed final order, in whole or in part;~~]

[~~(3) decline to adopt the proposal for decision and proposed final order, in whole or in part;~~]

[~~(4) remand the proceeding for further examination by the administrative law judge, including for the limited purpose of receiving additional briefing or evidence from the parties on specific issues; or~~]

[~~(5) take another lawful and appropriate action with regard to the case.~~]

(c) - (d) (No change.)

§9.37. Sanctions.

(a) On the judge's own motion [~~Sua sponte~~] or on motion of a party and after notice and an opportunity for a hearing and subject to approval by the agency head on behalf of which the hearing is being conducted, the administrative law judge may impose appropriate sanctions as provided by subsection (b) of this section against a party or its representative for:

(1) filing a motion or pleading that is groundless and brought:

(A) in bad faith;

(B) for the purpose of harassment; or

(C) for any other improper purpose, such as to cause unnecessary delay or needless increase in the cost of the proceeding;

(2) abuse of the discovery process in seeking, making, or resisting discovery; or

(3) failure to obey an order of the administrative law judge.

(b) (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 24, 2026.

TRD-202603726
Robert K. Nichols, III
General Counsel
Finance Commission of Texas
Earliest possible date of adoption: October 11, 2026
For further information, please call: (512) 475-1327

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SUBCHAPTER D. RULEMAKING

7 TAC §9.85

The Finance Commission of Texas (Commission), on behalf of the Texas Department of Banking (Department), proposes the amendment of an existing rule at 7 Texas Administrative Code (TAC), Part 1, Chapter 9, Subchapter D, §9.85, regarding negotiated rulemaking procedures. The proposed rule implements a recommendation stemming from the Texas Regulatory Efficiency Office's collaborative process aimed at removing unnecessary language and improving rule readability.

Description and Purpose of Proposed Amendment

The proposed rule incorporates the language of existing 7 TAC §5.105 into new subsection §9.85(f). As both rules address the same subject negotiated rulemaking procedures for Finance Commission agencies consolidating these rules removes redundancy and places all relevant requirements in one section.

The Commission is also proposing a corresponding repeal of §5.105.

Fiscal and Regulatory Impact

Texas Department of Banking Executive Deputy Commissioner Wendy Rodriguez has determined that for the first five-year period the proposed rule is in effect, there will be no fiscal implications for state government or for local government as a result of enforcing or administering the rule.

Ms. Rodriguez has also determined that, for each year of the first five years the proposed rule is in effect, the public will benefit from improved clarity and organization of the Commission's rules.

For each year of the first five years that the proposed rule will be in effect, there will be no economic costs to persons required to comply with the rule as proposed.

For each year of the first five years that the rule will be in effect, the rule 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;

- increase or decrease the number of individuals subject to the rule's applicability; and

- positively or adversely affect this state's economy.

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities. There will be no difference in the cost of compliance for these entities.

To be considered, comments on the proposed rule must be submitted no later than 5:00 p.m. on October 4, 2026. Comments should be addressed to General Counsel, Texas Department of Banking, Legal Division, 2601 North Lamar Boulevard, Suite 300, Austin, Texas 78705-4294. Comments may also be submitted by email to legal@dob.texas.gov.

The proposed rule is authorized by Texas Finance Code, §12.113, which provides that the Commission by rule shall adopt a policy to encourage the use of negotiated rulemaking procedures.

Finance Code §12.113 is affected by the proposed repealed rule.

§9.85. Negotiated Rulemaking.

(a) Initiation of process. An agency may propose to engage in negotiated rulemaking process pursuant to Texas Government Code, Chapter 2008 if:

(1) the finance commission votes to initiate a rulemaking proceeding under §9.82 of this title (relating to Petitions To Initiate Rulemaking) that includes negotiated rulemaking; or

(2) the agency determines that drafting the proposed rule might benefit from the negotiated rulemaking process.

(b) Appointment of a convener. Upon proposing a negotiated rulemaking process under subsection (a) of this section, the agency will appoint a convener to assist in determining whether it is advisable to proceed with negotiated rulemaking. The convener will be appointed pursuant to, and perform the duties described by, Texas Government Code, §2008.052.

(c) Notice of negotiated rulemaking. If the agency decides to engage in negotiated rulemaking after considering the convener's recommendation and report, then the agency will publish timely notice of its intent on its website and with the secretary of state for publication in the *Texas Register* in compliance with Texas Government Code, §2008.053.

(d) Appointment of facilitator and committee. The agency will appoint a facilitator and members of the negotiated rulemaking committee to carry out the duties described in Texas Government Code, §2008.056.

(e) Adoption of rule. The finance commission may adopt, amend, or refuse to adopt a rule created through the negotiated rulemaking process in its sole discretion.

(f) Policy, coordination, and reporting.

(1) It is the policy of the finance commission to encourage the use of negotiated rulemaking procedures under Texas Government Code, Chapter 2008 for the adoption of rules in appropriate situations.

(2) The finance agencies will coordinate with each other as reasonable to implement the use of negotiated rulemaking procedures and provide training as needed to implement the use of negotiated rulemaking procedures.

(3) Each agency will collect data concerning the effectiveness of negotiated rulemaking procedures, and report to the finance commission its use of negotiated rulemaking procedures.

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 24, 2026.

TRD-202603727
Robert K. Nichols, III
General Counsel
Finance Commission of Texas
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For further information, please call: (512) 475-1327

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TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 260. DEAF BLIND WITH MULTIPLE DISABILITIES (DBMD) PROGRAM AND COMMUNITY FIRST CHOICE (CFC) SERVICES

SUBCHAPTER C. PROGRAM PROVIDER COMPLIANCE [~~WITH RULES~~]

26 TAC §260.151

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes an amendment to §260.151, concerning Program Provider Compliance with Rules.

BACKGROUND AND PURPOSE

The purpose of the proposed amendment is to update citations to sections of the Texas Administrative Code (TAC) that have been transferred from Title 40 to Title 26 and to codify the existing contractual requirement for providers of the Deaf Blind with Multiple Disabilities (DBMD) §1915 (c) waiver program services to comply with the HHSC DBMD Program Manual posted on the HHSC website. Currently, HHSC requires that contracted DBMD program providers comply with all applicable federal and Texas state statutes, rules, and documents promulgated by HHSC, including provider manuals.

The proposal codifies the requirement in HHSC's contracts with DBMD program providers to comply with the DBMD Program Manual and updates TAC citations to align with the transfer of rules from Title 40 to Title 26.

SECTION-BY-SECTION SUMMARY

The proposed amendment to Subchapter C changes the name of the subchapter to *Program Provider Compliance*.

The proposed amendment to §260.151 adds that DBMD program providers must comply with the HHSC DBMD Program Manual and corrects outdated TAC citations. These revisions codify the requirement in HHSC's contracts with DBMD program providers to comply with the DBMD Program Manual and it also updates TAC citations to align with the transfer of rules from Title 40 to Title 26.

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 create a new regulation;

(6) the proposed rule will not expand, limit, or repeal existing regulation;

(7) the proposed rule will not change the number of individuals subject to the rule(s); 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 as the proposed rule does not create a change in business practices.

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

Emily Zalkovsky, Chief Medicaid and CHIP Services Officer, has determined that for each year of the first five years the rule is in effect, the public benefit will be improved clarity in the DBMD rule regarding provider expectations. Another anticipated benefit is that with updated references, the TAC will be easier to understand, and the public will have accurate citations when cross-referencing rules.

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 there are no costs associated with complying with the rule.

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 26R074" 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 system; and Texas Human Resources Code §32.021, which provides HHSC with the authority to administer the federal medical assistance program in Texas and to adopt rules and standards for program administration.

The amendment affects Texas Government Code §524.0151 and Texas Human Resources Code §32.021.

§260.151. Program Provider Compliance [~~with Rules~~].

A program provider must comply with:

(1) this chapter;

(2) Chapter 558 of this title (relating to Licensing Standards for Home and Community Support Services Agencies);

(3) if providing licensed assisted living, Chapter 553 of this title (relating to Licensing Standards for Assisted Living Facilities);

(4) [~~40 TAC~~] Chapter 264 of this title [~~41~~] (relating to Consumer Directed Services Option);

(5) [~~40 TAC~~] Chapter 52 of this title [~~49~~] (relating to Contracting for Community Services); [~~and~~]

(6) 1 TAC Chapter 354, Subchapter O (relating to Electronic Visit Verification); and [~~.~~]

(7) the HHSC Deaf Blind with Multiple Disabilities Program Manual.

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 27, 2026.

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Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: October 11, 2026
For further information, please call: (512) 438-2910

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CHAPTER 306. BEHAVIORAL HEALTH DELIVERY SYSTEM
SUBCHAPTER D. MENTAL HEALTH SERVICES--ADMISSION, DISCHARGE, AND CONTINUITY OF CARE

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes amendments to §306.173, concerning Admission Criteria for an Adolescent Forensic Unit; §306.174, concerning Admission Criteria for Waco Center for Youth; §306.176, concerning Admission Criteria for a State Hospital or a Facility with a Contracted Psychiatric Bed for Emergency Detention; and §306.221, concerning Screening and Intake Assessment Training Requirements at a State Hospital and a Facility with a Contracted Psychiatric Bed.

BACKGROUND AND PURPOSE

The proposal is in response to Senate Bill (SB) 1164, 89th Legislature, Regular Session, 2025, which amended Texas Health and Safety Code §573.001(a) and §573.022. SB 1164 expanded the grounds for emergency detention and temporary and extended inpatient court-ordered services.

House Bill (HB) 16, 89th Legislature, 2nd Called Session, 2025, repealed the provisions in SB 1164 that expanded the grounds for temporary or extended inpatient court-ordered services but did not repeal the provisions related to emergency detention.

The proposed amendments update grounds for emergency detention and make non-substantive changes for clarity.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §306.173 removes Community Resource Coordination Group (CRCG) from admission criteria for an adolescent forensic unit for clarity and updates formatting.

The proposed amendment to §306.174 removes CRCG from eligibility and referral processes for Waco Center for Youth (WCY) for clarity.

The proposed amendment to §306.176 adds a statutory cross reference and clarifies that the physician who conducts the preliminary examination determines from the preliminary examination if the individual meets criteria for emergency detention. The proposed amendment clarifies that based on the individual's mental illness, the physician determines if the individual evidences: a substantial risk of serious harm to self or to others, severe emotional distress and deterioration in the individual's mental condition, or an inability to recognize symptoms or appreciate the risks and benefits of treatment. The proposed amendment clarifies that the individual is likely, without immediate detention, to suffer serious risk of harm or to inflict serious harm on another person. The proposed amendment clarifies that the physician who conducts the preliminary examination makes a written statement documenting the physician's determination, the specific description of the serious risk of harm, and detailed information about the individual's behavior that evidences the risk of harm. The proposed amendment also makes non-substantive changes for clarity.

The proposed amendment to §306.221 updates a cross reference and formatting.

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 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 related to the rules as there is no requirement to alter current business practices.

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; and are necessary to implement legislation that does not specifically state that §2001.0045 applies to the rules.

PUBLIC BENEFIT AND COSTS

Kristy Carr, Associate Commissioner, Texas State Hospitals, has determined that for each year of the first five years the rules are in effect, the public benefit will be adding more protections for individuals examined for emergency detention since there are new factors to review in deciding if emergency detention is needed.

Victoria Grady has also determined that for the first five years the rules are in effect, there are no anticipated economic costs to persons required to comply with the proposed rules because there is no requirement to alter current business practices.

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 26R075" in the subject line.

DIVISION 3. ADMISSION TO A STATE HOSPITAL OR A FACILITY WITH A CONTRACTED PSYCHIATRIC BED--PROVIDER RESPONSIBILITIES

26 TAC §§306.173, 306.174, 306.176

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 Health and Safety Code Chapter 573, which provides the statutory criteria for admission of an individual to a mental health facility for emergency detention.

The amendments affect Texas Government Code §524.0151 and Texas Health and Safety Code §573.001 and §573.022.

§306.173. Admission Criteria for an Adolescent Forensic Unit.

(a) An adolescent forensic unit may admit an adolescent only if the adolescent meets the criteria described in paragraphs (1), (2), or (3) of this subsection.

(1) Condition of probation or parole. The adolescent's admission to an adolescent forensic unit fulfills a condition of probation or parole for a juvenile offense if the adolescent:

(A) based on a clinical evaluation, is determined to need mental health treatment in a secure treatment setting to address a risk of dangerousness or delinquent conduct; or

(B) has COPSD.[~~; or~~]

[~~(C) has exhausted available community resources for treatment and has a letter written by the local CRCG that confirms available community resources have been exhausted.~~]

(2) - (3) (No change.)

(b) (No change.)

§306.174. Admission Criteria for Waco Center for Youth.

(a) An individual's admission to Waco Center for Youth may occur only if the individual:

(1) - (4) (No change.)

(5) is currently receiving LMHA or LBHA services or inpatient services at a state hospital or CPB and has been referred for admission to Waco Center for Youth by:

(A) the LMHA or LBHA[~~, LBHA, or CRCG~~] who confirms that:

(i) all appropriate community-based resources have been exhausted; and

(ii) Waco Center for Youth is the least restrictive and most appropriate environment needed; or

(B) - (C) (No change.)

(b) - (f) (No change.)

§306.176. Admission Criteria for a State Hospital or a Facility with a Contracted Psychiatric Bed for Emergency Detention.

(a) - (b) (No change.)

(c) Requirements for emergency detention. The state hospital or CPB may admit an individual for emergency detention if:

(1) in accordance with Texas Health and Safety Code §573.021(c) and §573.022(a)(2), the [a] physician who conducts the preliminary examination determines from the preliminary examination that:

(A) the individual has a mental illness and because of that mental illness the individual evidences:[~~;~~]

(i) [~~(B)~~] [~~the individual evidences~~] a substantial risk of serious harm to self [~~himself~~] or to others;

(ii) severe emotional distress and deterioration in the individual's mental condition; or

(iii) an inability to recognize symptoms or appreciate the risks and benefits of treatment;

(B) the individual is likely, without immediate detention, to suffer serious risk of harm or to inflict serious harm on another person; and

[~~(C) the described risk of harm is imminent unless the individual is immediately detained; and~~]

(C) [~~(D)~~] emergency detention is the least restrictive means by which the necessary detention may be accomplished;

(2) in accordance with Texas Health and Safety Code §573.022(a)(3), the [a] physician who conducts the preliminary examination makes [~~must make~~] a written statement documenting the determination described in paragraph (1) of this subsection and describes [~~describing~~]:

(A) the nature of the individual's mental illness;

(B) the specific description of the serious risk of harm the individual evidences[~~, demonstrated either by the individual's behavior or by evidence of severe emotional distress and deterioration in the individual's mental condition~~] to the extent that the individual cannot remain at liberty; and

(C) the detailed information about the individual's behavior on which the physician based the determination that the individual evidences the risk of harm described under subparagraph (B) of this paragraph;

(3) the physician issues and signs a written order admitting the individual for emergency detention; and

(4) the individual meets the admission criteria of the state hospital or CPB.

(d) (No change.)

(e) Intake assessment. An assessment professional for a state hospital or CPB must conduct an intake assessment as soon as possible, but not later than 24 hours after an individual is admitted for emergency detention. All documents related to the intake assessment must be provided to the individual or LAR and include:

(1) (No change.)

(2) a written and oral explanation of:

(A) the individual's rights described in Chapter 320, Subchapter A of this title (relating [~~title(relating~~] to Rights of Individuals Receiving Mental Health Services);

(B) - (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.

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Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: October 11, 2026
For further information, please call: (512) 438-3049

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DIVISION 6. TRAINING

26 TAC §306.221

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 Health and Safety Code Chapter 573, which provides the statutory criteria for admission of an individual to a mental health facility for emergency detention.

The amendment affects Texas Government Code §524.0151 and Texas Health and Safety Code §573.001 and §573.022.

§306.221. Screening and Intake Assessment Training Requirements at a State Hospital and a Facility with a Contracted Psychiatric Bed.

(a) Screening training. As required by Texas Health and Safety Code §572.0025(e), a state hospital or CPB staff member whose responsibilities include conducting a screening described in Division 3 of this subchapter (relating to Admission to a State Hospital or a Facility with a Contracted Psychiatric Bed--Provider Responsibilities) must receive at least eight hours of training in the state hospital's or CPB's screening.

(1) The screening training must provide instruction regarding:

(A) (No change.)

(B) explaining, orally and in writing, the individual's rights described in Chapter 320, Subchapter A of this title (relating [~~title(relating~~] to Rights of Individuals Receiving Mental Health Services);

(C) - (E) (No change.)

(2) Up to six hours of the following training may count toward the screening training required by this subsection:

(A) <u>§926.171 of this title</u> [~~25 TAC §417.515~~] (relating to <u>State Hospital</u> Staff Training in Identifying, Reporting, and Preventing Abuse, Neglect, and Exploitation); and

(B) (No change.)

(b) - (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.

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Karen Ray
Chief Counsel
Health and Human Services Commission
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For further information, please call: (512) 438-3049

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CHAPTER 745. LICENSING
SUBCHAPTER F. BACKGROUND CHECKS
DIVISION 3. CRIMINAL HISTORY, SEX OFFENDER REGISTRY, [~~AND~~] CHILD ABUSE OR NEGLECT<u>, AND SEMARC</u> FINDINGS

26 TAC §745.661

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes an amendment to §745.661, concerning What types of criminal convictions may affect a subject's ability to be present at an operation.

BACKGROUND AND PURPOSE

The purpose of the proposal is to ensure HHSC Child Care Regulation (CCR) can propose updates to the criminal history requirements noted in 26 Texas Administrative Code §745.661 on an as-needed basis instead of every January. The proposal also changes the criminal history requirements, including by removing conflicting restrictions so CCR may more easily update the criminal history requirements.

The proposal updates the rule in accordance with regulatory reduction and improvement efforts.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §745.661 (1) amends the rule title; (2) clarifies that offenses are considered during the background check process; (3) indicates that offenses may affect a person's ability to obtain or maintain an administrator's license; (4) removes descriptions regarding how the criminal history requirements will be formatted and presented to the public; (5) removes a subsection relating to a person currently on parole; (6) removes a subsection that requires a risk evaluation for a felony offense within the past 10 years if the offense is not specifically listed in the criminal history requirements; (7) removes a subsection providing that the rule does not apply to employees or volunteers whose background checks are conducted by CCR or the Department of Family and Protective Services; and (8) makes non-substantive changes for better readability and understanding.

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 expand and repeal existing regulations;

(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. The rule does not impose any additional costs on small businesses, micro-businesses, or rural communities required to comply with the 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 is necessary to protect the health, safety, and welfare of the residents of Texas; and the rule does not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Rachel Ashworth-Mazerolle, Deputy Executive 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 improved background check processes that support the safety of children in care.

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 require any additional actions or resources from providers that would result in a cost 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 26R061" 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, as well as Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rule-making authority. In addition, the proposed amendment to §745.661 is authorized by Texas Human Resources Code §42.042, which requires the executive commissioner to adopt rules to carry out provisions related to required qualifications and background checks of employees at regulated facilities.

The amendment implements Texas Government Code §524.0151 and §524.0005 and Texas Human Resources Code §42.042.

§745.661. Criminal History Requirements. [~~What types of criminal convictions may affect a subject's ability to be present at an operation?~~]

(a) A felony or misdemeanor offense [~~conviction~~] under Texas law, the law [~~laws~~] of another state, or federal law may affect a person's [~~subject's~~] ability to be present at an operation or a foster or adoptive home, to obtain an administrator's license, or to maintain an administrator's license. Criminal history requirements maintained by the Texas Health and Human Services Commission (HHSC) identify offenses that may affect whether a person may be present at an operation or a foster or adoptive home, obtain an administrator's license, or maintain an administrator's license. [~~There are three charts with information regarding specific crimes that may affect a subject's ability to be present at an operation.~~] These requirements specify which offenses may permanently or temporarily prohibit eligibility or require [~~Each chart specifies whether a conviction permanently or temporarily bars a subject from being present at an operation, whether a subject is eligible for~~] a risk evaluation. The requirements also specify [~~, and~~] whether a person [~~subject who is~~] eligible for a risk evaluation for a specific offense may be present at an operation or a foster or adoptive home while HHSC conducts the risk evaluation. [~~pending the outcome of the risk evaluation. The three charts are:~~]

[~~(1) Licensed or Certified Child Care Operations: Criminal History Requirements;~~]

[~~(2) Foster or Adoptive Placements: Criminal History Requirements; and~~]

[~~(3) Registered Child Care Homes and Listed Family Homes: Criminal History Requirements.~~]

(b) HHSC reviews [~~will review~~] the criminal history requirements as needed [~~three charts listed in subsection (a) of this section annually~~] to determine if [~~whether any~~] changes are necessary [~~needed~~]. HHSC publishes [~~will publish~~] any changes [~~in January~~] as an "In Addition" document in the *Texas Register* and posts the changes [~~make them available~~] on Child Care Regulation's (CCR) [~~the Licensing~~] public website. HHSC accepts written comments on the changes during the public comment period stated in the *Texas Register* notice. [~~A written public comment period will be available for 30 days following publication.~~] HHSC considers [~~will consider~~] any written comments received [~~HHSC receives~~] during the public comment [~~30-day time~~] period[~~,~~] and publishes [~~provide~~] a response to each comment in the "In Addition" section of the *Texas Register*. [~~the commenter that will also be included on the Licensing public website. In response to any comment,~~] HHSC may adopt the changes as published, modify the changes, or withdraw the changes in response to comments. [~~implement changes to a chart, withdraw changes to a chart, or alter a chart based on a reasoned justification.~~] If any changes are modified or removed, [~~HHSC changes a chart,~~] HHSC publishes the revised criminal history requirements [~~will subsequently re-publish the chart~~] in the "In Addition" section of the *Texas Register*.

[~~(c) A subject currently on parole for a felony offense must have an approved risk evaluation prior to being present at an operation.~~]

[~~(d) For any felony offense that is not specifically enumerated in the relevant chart listed in subsection (a) of this section, a subject convicted within the past 10 years for the offense must have an approved risk evaluation prior to being present at an operation.~~]

(c) [~~(e)~~] HHSC treats a federal offense or an offense under the law of another state that is substantially similar to a Texas offense in the same manner as the similar Texas offense. [~~Substantially similar federal offenses and offenses in other states will be treated the same as the similar Texas offense. On a case-by-case basis,~~] HHSC determines if [~~will determine whether~~] a federal or an out-of-state offense [~~or an offense in another state~~] is substantially similar to a Texas offense by comparing the legal elements of each offense.[~~, including the mens rea (meaning the state of mind of the person, i.e., an intentional, knowing, or reckless act), and assessing the similarity of the legal elements.~~]

[~~(f) This rule does not apply to a person who requires a background check under this subchapter because of the person's responsibilities as a DFPS or Licensing employee or volunteer. The person will have a background check conducted by DFPS or HHSC as part of the person's application to become an employee or volunteer.~~]

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 27, 2026.

TRD-202603747
Karen Ray
Chief Counsel
Health and Human Services Commission
Earliest possible date of adoption: October 11, 2026
For further information, please call: (512) 438-3269

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TITLE 43. TRANSPORTATION

PART 11. FORT BEND COUNTY TAX ASSESSOR-COLLECTOR

CHAPTER 301. REGULATION OF MOTOR VEHICLE TITLE SERVICES

43 TAC §301.1

The Fort Bend County Tax Assessor-Collector's Office proposes amendment §301.1, concerning the regulation of motor vehicle title services. Prior to the adoption of Texas Transportation Code Chapter 520, Subchapter E, motor vehicle title services were unregulated, posted no bonds, and were not required to maintain records. Such third-party title services have been associated with fraudulent title transactions, document fraud, odometer fraud, vehicle theft, and other motor vehicle related criminal activity. Texas Transportation Code Chapter 520, Subchapter E, applies to counties meeting the population requirements established by statute. Fort Bend County is subject to these provisions and therefore regulates motor vehicle title service companies through registration, licensing, and recordkeeping requirements.

Carmen P. Turner, Fort Bend County Tax Assessor-Collector, determined that for each year of the first five-year period the proposed amendment is in effect, there are no additional costs or reduction in costs to the state or local government as a result of enforcing or administering this section. The estimated license fee revenue increase that will be retained by the county to offset the costs of administering the motor vehicle title service program is $41,400.

Carmen P. Turner, Fort Bend County Tax Assessor-Collector, has also determined that during the first five years the proposed amendment is in effect, the anticipated public benefit includes improved accountability of motor vehicle title service companies, enhanced consumer protection, increased transparency, stronger fraud prevention measures, and greater confidence in the integrity of motor vehicle transactions. The Fort Bend County Tax Assessor-Collector receives motor vehicle titles service records from 132 title service companies and 150 runners. Nearly all of these entities/individuals are small businesses, many of which are microbusinesses. The economic costs to small businesses, microbusinesses, rural communities, and/or individuals who are required to comply with this rule will be the initial license fee of $400.00, the annual renewal fee of $200.00, plus an additional $100.00 annually for each service runner license which is due upon application and is not refundable.

The Fort Bend County Tax Assessor-Collector determined that during the first five-year period the proposed amendment is in effect, it does not create or eliminate a government program; will not require the creation or elimination of employee positions and does not require future legislative appropriations to the agency. The amended rule also supports efficient administration of motor vehicle title services through standardized procedures while maintaining appropriate safeguards against fraud. In preparing this proposed amended rule, the Fort Bend County Tax Assessor-Collector considered processes which require less information from applicants, informal tracking of records and random document confirmation and concluded that clear, consistent standards promote uniform compliance, accountability, and efficient processing of motor vehicle title transactions. The Fort Bend County Tax Assessor-Collector also considered assessing lower and higher license fees but concluded that 43 TAC §95.1 set prevailing fee amounts for motor vehicle title services and proposes higher fees to promote consistency among contiguous counties expanding existing regulations. The Fort Bend County Tax Assessor-Collector determined that individuals that comply with the amended rule may experience increased business opportunities because non-compliant competitors will be sanctioned, expanding existing regulation while maintaining the same number of individuals subject to the rule's applicability. This proposed amended rule does not adversely affect the state's economy as license fee revenue will be retained by the county to offset the costs of administering the motor vehicle title service program. This amendment expands the existing regulations.

Comments on the proposed amended rule may be submitted to Jacqueline Thornton, Chief Deputy Tax Assessor-Collector, Fort Bend County Tax Office Administration, 1317 Eugene Heimann Circle, Richmond, Texas 77469. The deadline for all comments is 30 days after publication in the *Texas Register.*

The amended rule is proposed pursuant Transportation Code Chapter 520, Subchapter E, which provides the County Tax Assessor-Collector the authority to adopt rules regarding motor vehicle titles services.

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

§301.1. Motor Vehicle Title Service Licensing.

(a) Definitions.

(1) "Motor vehicle" has the meaning assigned by Texas Transportation Code Section 501.002.

(2) "Motor vehicle title service" means any person that for compensation directly or indirectly assists other persons in obtaining title documents by submitting, transmitting, or sending applications for title documents to the appropriate government agencies.

(3) "Title documents" means motor vehicle title applications, motor vehicle registration renewal applications, motor vehicle mechanic's lien title applications, motor vehicle storage lien title applications, motor vehicle temporary registration permits, motor vehicle title application transfers occasioned by the death of the title holder, or notifications under Chapter 683 of this code or Chapter 70, Property Code.

(4) "Title service license holder" means a person who holds a motor vehicle title service license or a title service runner's license.

(5) "Title service record" means the written record for each transaction in which a motor vehicle title service receives compensation.

(6) "Title service runner" means any person employed by a licensed motor vehicle title service to submit or present title documents to the county tax assessor-collector.

(b) License Required.

(1) A person may not act as a motor vehicle title service or act as an agent for that business (which includes a title service runner) in Fort Bend County unless that person holds a license issued by the Fort Bend County Tax Assessor-Collector.

(2) A person commits an offense if the person violates a motor vehicle title service license rule adopted by the Fort Bend County Tax Assessor-Collector. Such an offense is a Class A misdemeanor.

(3) Any unlicensed individual observed conducting motor vehicle transactions on behalf of others in Fort Bend County and who claims to be doing so without compensation shall complete an affidavit stating that they are not receiving compensation for the transaction. This affidavit shall be notarized and will be forwarded to the appropriate law-enforcement agencies by a deputy of the Fort Bend County Tax Assessor-Collector.

(c) License Fees.

(1) License fees must be remitted when the application is submitted and are non-refundable.

(2) The fee for a vehicle title service company license shall be [~~for~~] $400.00 [~~$200.00~~] for the initial application and $200.00 [~~$100.00~~] for each annual renewal.

(3) The fee for a title service runner license shall be $100.00 [~~$50.00~~] for the initial application and $100.00 [~~$50.00~~] for each annual renewal.

(4) The fee for replacement of a lost title service license or title runner license shall be $20.00 for the first three occurrences; and $50.00 for each occurrence thereafter.

(d) General License Application Requirements.

(1) Applications may only be made at the Fort Bend County Tax Office, 1317 Eugene Heimann Circle, Richmond, Texas.

(2) An applicant for a motor vehicle title service license must complete all forms required by Fort Bend County Tax Assessor-Collector. The applicant must sign the application form and pay the license fee.

(3) All applicants must present state issued picture identification at the time of application. Lack of valid, state issued picture identification shall disqualify an applicant from being licensed in Fort Bend County.

(4) An applicant must be at least 18 [~~16~~] years of age on the date the application is submitted to apply for a license in Fort Bend County.

(5) An applicant is not eligible to become a Title Service or Runner if they are a former full-time/part time employee of Fort Bend County Tax office within two (2) years of separation of employment.

(6) An applicant to become a Title Service or Runner that is a former employee of the Fort Bend County Tax office needing to submit automobile transactions, must conduct business at the main office for the first two (2) years following separation from the Tax office.

(7) [~~(5)~~] The motor vehicle service company shall assume the responsibility for the accuracy and validity of all documents presented to the Fort Bend County Tax Assessor-Collector under its name.

(8) [~~(6)~~] An application must include:

(A) the applicant's name, business address, and business telephone number;

(B) the name under which the applicant will do business;

(C) the physical address of each office from which the applicant will conduct business (a P.O. Box will not be accepted) and a corresponding photo of each building where business is being conducted;

(D) the name of all individuals who have an ownership interest in the applicant motor vehicle title service company; and

(E) if applicable, motor vehicle license information for each individual who has an ownership interest in the applicant motor vehicle title service company.

(9) [~~(7)~~] Runners must be identified and sponsored by the motor vehicle title service company in order to conduct business on its behalf. The required documents for any runner must be on file with each service company for which the runner is an authorized agent. Individuals whose names are not on file of a title company will not be allowed to conduct business in Fort Bend County on behalf of that title service company.

(10) [~~(8)~~] Applicants will be notified of the outcome of an application within fifteen (15) [~~15~~] business days of the application being submitted to the Fort Bend County Tax Assessor-Collector. This notification will be mailed to the business address listed on the application.

(11) [~~(9)~~] All licenses are issued for a one (1) year period and must be renewed each year after. A renewal application has the same requirements as a new application.

(12) [~~(10)~~] A license may not be issued under a fictitious name that is similar to or may be confused with the name of a governmental entity or that is deceptive or misleading to the public.

(e) Application Requirements: Corporation. In addition to the General License Application Requirements, an applicant for a motor vehicle title service license that intends to engage in business as a corporation shall submit the following information:

(1) a "doing business as" (DBA) certificate or articles of incorporation;

(2) the name, address, date of birth, and social security number of each of the principal owners and directors of the corporation;

(3) information about each officer and director as requested by the Fort Bend County Tax Assessor-Collector to establish the business reputation and character of the applicant; and

(4) a statement indicating whether an employee, officer, or director has been refused a motor vehicle title service license or a title service runner's license or has been the holder of a license that was revoked or suspended in any Texas County.

(f) Application Requirements: Partnership. In addition to the information required in General License Application Requirements, a motor vehicle title service license applicant that intends to engage in business as a partnership shall submit an application that includes the following information:

(1) the name, address, date of birth, and social security number of each partner;

(2) information about each partner as requested by the Fort Bend County Tax Assessor-Collector to establish the business reputation and character of the applicant; and

(3) a statement indicating whether a partner or employee has been refused a motor vehicle title service license or a title service runner's license or has been the holder of a license that was revoked or suspended in any Texas County.

(g) Denial, Suspension, or Revocation of License.

(1) Grounds for the denial, suspension, revocation, or reinstatement of a license in Fort Bend County:

(A) submitting false information on the application form or any supporting documents;

(B) having been convicted of a felony or a crime of moral turpitude for which the completion date of the applicant's sentence is less than five (5) years from the date of applying for a motor vehicle title service license; or

(C) having been found in violation of the administrative procedures required by the Texas Department of Motor Vehicles [~~Transportation~~];

(D) having been found to have submitted a vehicle packet to the Fort Bend County Tax Assessor-Collector's office which contains false information, and the Fort Bend County Tax Assessor-Collector determines that the false information was intentionally submitted by the motor vehicle title service company;

(E) A runner license may be cancelled or suspended if the runner has presented a title packet to the Fort Bend County Tax Assessor- Collector that was not authorized by a licensed motor vehicle title service company or if the runner altered or forged the original paperwork prepared for and signed by the motor vehicle title service.

(2) If the Fort Bend County Tax Assessor-Collector makes a determination that a person's license hereunder should be denied, cancelled, suspended or revoked, then the County Tax Assessor-Collector shall send notice of the action to the person, by registered or certified mail, stating the facts or conduct alleged to warrant the action.

(3) Upon a determination of misrepresentation, fraud, or other cause, the Fort Bend County Tax Assessor-Collector may order a 90-day suspension of license until awaiting final decision for the first offense and a 180-day suspension of license for the second offense. A license may be revoked upon a third offense.

(4) The Fort Bend County Tax Assessor-Collector may revoke any license upon conviction of license holder for a felony or crime of moral turpitude.

(5) A person whose license is revoked may not apply for a new license before the first anniversary of the date of the revocation.

(h) Appeals.

(1) The Fort Bend County Tax Assessor-Collector shall appoint a five member Review Board to review any appeal of action for refusal, cancellation, suspension, revocation, or reinstatement of license. The Review Board shall consist of two (2) deputies from the Fort Bend County Tax Assessor-Collector's office, two (2) law enforcement officers and one (1) representative from the motor vehicle industry.

(2) Memberships will last for two (2) years and replacements will be selected on a staggered basis. For the first year that the Board is established, two (2) of the memberships shall be for one (1) year to accommodate staggering. A member may be reappointed for additional terms as deemed appropriate by the Fort Bend County Tax Assessor-Collector.

(3) A person that receives notice of adverse action taken on their own license by the Fort Bend County Tax Assessor-Collector may submit a written request for appeal or protest, and submit evidence, in the form of documents or testimony, to demonstrate that person's compliance with all requirements for the issuance, retention, or reinstatement of their license. The person must submit evidence and/or file a written request for an appeal of action taken on their own license with the County Tax Assessor-Collector within twenty (20) [2~~0~~] calendar days from the date of the notice of action on their license.

(4) Submitting evidence and/or filing a written request for an appeal must be sent to Fort Bend County Tax Office, 1317 Eugene Heimann Circle, Richmond, Texas by certified mail.

(5) Upon timely filing of a request for an appeal, the County Tax Assessor-Collector shall request review by the Review Board. The adverse action shall be stayed until a final decision is made on the license.

(6) The Review Board shall meet as needed, on a date determined by the Fort Bend County Tax Assessor-Collector. The Board will review any appeals and make a recommendation to the County Tax Assessor-Collector stating whether the Board agrees or disagrees with the action taken.

(7) The Fort Bend County Tax Assessor-Collector shall appoint a member of the Review Board to chair meetings of the Review Board.

(8) A quorum of three (3) members of the Review Board must be present to render a decision. No proxy votes will be allowed.

(9) A simple majority vote of Review Board members shall determine the recommendation on matters under consideration.

(10) All decisions related to license appeals or protests shall be subject to final review and determination by the Fort Bend County Tax Assessor-Collector. The Fort Bend County Tax Assessor-Collector shall send disposition of the Appeal to the person, by registered or certified mail. If the Fort Bend Tax Assessor-Collector does not reinstate the license, any adverse action stayed by the appeal will be reinstated.

(i) License Renewal.

(1) A license pursuant to these rules [~~this section~~] expires on the first anniversary of the date of issuance and may be renewed annually on or before the expiration date on payment of the required renewal fee.

(2) A person who is otherwise eligible to renew a license may renew an unexpired license by paying to the Fort Bend County Tax Assessor-Collector before the expiration date of the license the required renewal fee. A person whose license has expired may not engage in activities that require a license until the license has been renewed under this section.

(3) If a person's license has been expired for ninety (90) [9~~0~~] days or less, the person may renew the license by paying [~~to~~] the Fort Bend County Tax Assessor-Collector 1-1/2 times the required renewal fee.

(4) If a person's license has been expired for longer than ninety (90) [9~~0~~] days but less than one (1) year, the person may renew the license by paying [~~to~~] the Fort Bend County Tax Assessor-Collector two (2) times the required renewal fee.

(5) If a person's license has been expired for one (1) year or longer, the person may not renew the license. The person may obtain a new license by complying with the requirements and procedures for obtaining an original license.

(6) Notwithstanding Section 5, if a person was licensed in this state, moved to another state, and has been doing business in the other state for the two (2) years preceding application, the person may renew an expired license. The person must pay to the Fort Bend County Tax Assessor-Collector a fee that is equal to two (2) times the required renewal fee for the license.

(7) Before the 30th day preceding the date on which a person's license expires, the Fort Bend County Tax Assessor-Collector shall notify the person of the impending expiration. The notice must be in writing and sent to the person's last known address according to the records of the Fort Bend County Tax Assessor-Collector.

(j) Requirements for Conducting Motor Vehicle License Transactions.

(1) All vehicle transactions for Fort Bend County will be processed at Fort Bend County Tax Office, 1317 Eugene Heimann Circle, Richmond, Texas.

(2) A Fort Bend County Tax Assessor-Collector vehicle transaction form must accompany all motor vehicle service transac-

tions. The motor vehicle title service company is responsible for the accuracy and validity of the information for each vehicle listed. Only vehicles authorized and listed by the licenses motor vehicle title service company will be processed.

(3) All vehicles for which the title service company wants to complete a transaction on must be listed and identified as transfer or ownership, renewal or replacement of license plates or registration sticker on the transaction form.

(4) After the final vehicle transaction on each transaction sheet is completed, a copy of the transaction sheet will remain on file at the office of the Fort Bend County Tax Assessor-Collector.

(5) A holder of a motor vehicle title service license shall maintain records as required by the Fort Bend County Tax Assessor-Collector for each transaction in which the license holder receives compensation. The records shall include:

(A) the date of the transaction;

(B) the name, age, address, sex, driver's license number, and a legible photocopy of the driver's license for each customer; and

(C) the vehicle make, model, year, license plate number, vehicle identification number, and a legible photocopy of proof of financial responsibility for the motor vehicle involved.

(6) A motor vehicle title service shall keep:

(A) two (2) copies of all records required under this section for at least two (2) years after the date of the transaction;

(B) legible photocopies of any documents submitted by a customer; and

(C) legible photocopies of any documents submitted to the Fort Bend County Tax Assessor-Collector.

(7) A motor vehicle title service license holder or any of its employees shall allow an inspection of the required records by a peace officer on the premises of the motor vehicle title service at any reasonable time to verify, check, or audit the records.

(k) Exemptions. The following persons and their agents are exempt from the licensing and other requirements described herein:

(1) a franchised motor vehicle dealer or independent motor vehicle dealer who holds a general distinguishing number issued by the department under Texas Transportation Code Chapter 503;

(2) a vehicle lessor holding a license issued by the Motor Vehicle Board under Chapter 2301, Texas Occupations Code, or a trust or other entity that is specifically not required to obtain a lessor license under §2301.254(a) of that code; and

(3) a vehicle lease facilitator holding a license issued by the Motor Vehicle Board under Chapter 2301, Texas Occupations Code.

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 28, 2026.

TRD-202603771
Carmen P. Turner
Tax Assessor-Collector
Fort Bend County Tax Assessor-Collector
Earliest possible date of adoption: October 11, 2026
For further information, please call: (281) 341-3737

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