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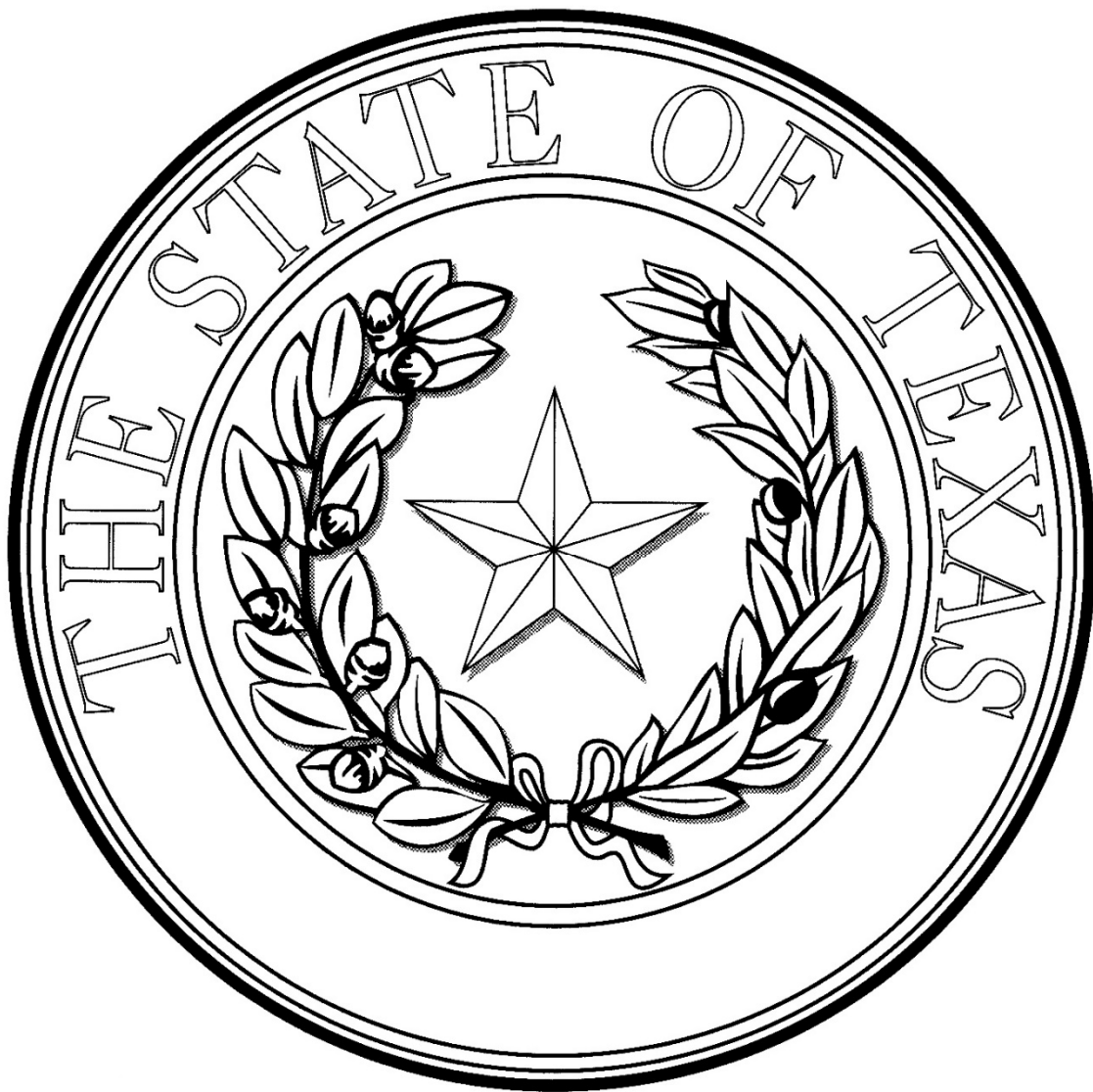
# TEXAS REGISTER

*Volume 50 Number 39*

*September 26, 2025*

*Pages 6263 – 6380*

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# THE GOVERNOR

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

## Appointments

### Appointments for September 12, 2025

Appointed to the Texas Board of Respiratory Care for a term to expire February 1, 2031, Samuel L. Brown, Jr. of Marshall, Texas (Mr. Brown is being reappointed).

Appointed to the Texas Board of Respiratory Care for a term to expire February 1, 2031, Matthew J. Goldwater of Georgetown, Texas (replacing Debra E. Patrick of McKinney, whose term expired).

Appointed to the Texas Board of Respiratory Care for a term to expire February 1, 2031, Hammad Nasir Qureshi, M.D. of Spring, Texas (Dr. Qureshi is being reappointed).

Appointed as the Nonresident Violator Compact Administrator for a term to expire February 1, 2027, Sheri L. Sanders Gipson of Coupland, Texas (Ms. Gipson is being reappointed).

Greg Abbott, Governor

TRD-202503289



### Appointments for September 15, 2025

Appointed to the Texas Military Preparedness Commission for a term to expire February 1, 2031, Kirk W. Peterson of Wichita Falls, Texas (replacing Darrell G. Coleman of Wichita Falls, whose term expired).

### Appointments for September 16, 2025

Pursuant to HB 150, 89th Legislature, Regular Session, appointed as Chief of the Texas Cyber Command for a term to expire February 1, 2027, Timothy J. "TJ" White of Boerne, Texas.

Greg Abbott, Governor

TRD-202503282



## Executive Order GA-56

*Relating to protecting children from hemp and hemp-derived products and clarifying regulations pertaining to such products.*

WHEREAS, in 2018, President Donald J. Trump signed into law the Agriculture Improvement Act, which distinguished hemp from marijuana, made hemp and hemp-derived products lawful commodities, and authorized States to "regulate"-but not outright ban-the production of hemp and its naturally occurring derivatives, 7 U.S.C. §§ 1639o(1), 1639p(a)(3)(A); and

WHEREAS, in 2019, the 86th Texas Legislature passed House Bill 1325 which provided that the *Cannabis sativa L.* plant and its derivatives containing more than 0.3% delta-9 tetrahydrocannabinol (THC) by dry weight are illegal marijuana while the plant and its derivatives containing not more than 0.3% delta-9 THC by dry weight are legal hemp; and

WHEREAS, marijuana and its derivatives remain illegal in Texas, TEX. HEALTH & SAFETY CODE §§ 481.002(26), 481.12-481.122; and

WHEREAS, in the years since House Bill 1325 was passed, legitimate agricultural, industrial, and retail markets for hemp and hemp-derived products have developed, while bad actors have taken advantage of a dangerously under-regulated marketplace; and

WHEREAS, absent the kind of regulations that apply to other psychoactive substances that may be safely enjoyed by adults like alcohol and tobacco, minors have been allowed to purchase these products without any safeguards; and

WHEREAS, unrestricted sales of such substances to minors by state licensed retailers imperils "the general welfare, health, peace, morals, and safety of the people" and "the public sense of decency," TEX. ALCO. BEV. CODE § 11.61(b)(7); and

WHEREAS, on June 22, 2025, I, Greg Abbott, Governor of Texas, vetoed Senate Bill 3, 89th Texas Legislature, Regular Session, because it would not have provided a legally sustainable prohibition on access to hemp-derived products by children, did not respect the liberty of adults to access a lawful product that can be made safe through proper regulation and responsible consumption, and banned a commodity made legal by federal law; and

WHEREAS, in the accompanying veto statement, I recommended a detailed approach to regulation that sought to prevent children from accessing consumable hemp products while respecting the liberty of adults, like the proposals up for debate in House Bill 309, 89th Texas Legislature, Second Called Session, which would have:

- Restricted sales to children by: making it a crime to sell hemp-derived products to minors; making it a crime to market, advertise, or package such products in a manner designed to be attractive to children; and requiring a retailer to scan the purchaser's driver's license prior to completing the sale for such products;
- Created sensitive place restrictions including: a prohibition on stores within 1,000 feet of schools, churches, playgrounds, homeless shelters, and substance abuse treatment facilities; and local option elections to prohibit retail sale at both the county and municipality levels;
- Imposed product safety rules including: a prohibition on the retail sale of hemp flower and the manufacture or sale of hemp-derived products containing synthetic cannabinoids; a prohibition on the sale of hemp-derived products mixed with alcoholic beverages, kratom, cava, tobacco, and other similar substances; potency limits per serving and per package based in milligrams rather than percentage concentration; and testing at every stage, from harvest to shelf; and
- Provided detailed enforcement including: a licensing scheme and ongoing monitoring for manufacturers, distributors, and retailers; the ability to cancel a license for violation of licensing rules; a civil cause of action for local prosecutors under the Deceptive Trade Practices Act; and a tax structure scaled to the amount of THC in a product, with rev-

enue allocated to law enforcement, crime labs, and youth education and addiction services; and

WHEREAS, the Legislature also considered advancing legislation like House Bill 36, 89th Texas Legislature, Second Called Session, which would have made it a crime to sell consumable hemp products to children under the age of 21; and

WHEREAS, the Legislature did not pass *any* legislation concerning consumable hemp products, not even a ban for minors, leaving in place the status quo; and

WHEREAS, the Department of State Health Services (DSHS) has authority under Chapters 431, 443, and 481 of the Health and Safety Code, to adopt rules to administer and enforce existing limits on the manufacture, distribution, and sale of consumable hemp products; and

WHEREAS, the Texas Alcoholic Beverage Commission (TABC) has authority under Chapters 5 and 11 of the Alcoholic Beverage Code, to supervise and regulate certain licensees and permittees and their places of business in matters affecting the public; and

WHEREAS, the Department of Public Safety (DPS) has general law enforcement authority within the State of Texas under Article 2 of the Code of Criminal Procedure;

NOW, THEREFORE, I, GREG ABBOTT, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and Statutes of the State of Texas, do hereby direct that:

1. TABC and DSHS shall immediately begin the rulemaking process to protect the public health, safety, and welfare by prohibiting the sale of hemp-derived products to a minor and requiring verification of the purchaser's age with government issued identification prior to completing the sale of any such product, on pain of cancellation of a permit, license, or registration issued by the respective agency.

2. DSHS shall within 10 business days begin reviewing existing agency rules for possible revision and update, including:

a. Revising testing requirements under 25 T.A.C. §§ 300.301-300.303 to ensure that tests measure the total delta-9 THC content of a hemp-derived product by accounting for both delta-9 THC and the conversion of tetrahydrocannabinolic acid (THCA);

b. Revising application and renewal fees under 25 T.A.C. § 300.202 for hemp manufacturer and hemp retailer licenses to reflect the full regulatory and enforcement costs incurred by the State;

c. Clarifying and standardizing labeling requirements under 25 T.A.C. § 300.402 for hemp-derived products to ensure informed consumers, including by listing the amount and concentration of cannabinoids contained in a product, a recommended serving size, and health warnings consistent with consumer protection laws; and

d. Strengthening recordkeeping requirements under 25 T.A.C. § 300.203 for all sales, inventory, and product testing results subject to inspection by the agency.

3. DSHS shall coordinate with TABC concerning the enforcement of laws and rules governing hemp-derived products, which may include:

a. Reallocation of responsibilities for compliance checks, enforcement operations, and seizure authority;

b. Protocols for the transmittal of licensing information, regulatory data, testing data, and any other information necessary to support enforcement operations;

c. Identification of available sources of funding and establishment of a mechanism for transferring funds, including appropriated funds, col-

lected fees, and any other available revenue, from DSHS to TABC in amounts necessary to carry out the delegated powers and duties; and

d. Protocols for regular reporting by TABC to DSHS on enforcement actions, detected violations, and compliance trends.

4. TABC, DSHS, Texas A&M University AgriLife Extension Service, and any other relevant state agency, shall jointly conduct a study on implementation of rules similar to those in House Bill 309, 89th Texas Legislature, Second Called Session. The study should include:

a. A timeline for phased implementation of the proposed regulatory framework;

b. Identification of potential impediments to, costs associated with, and funding mechanisms for successful implementation of the proposed regulatory framework, including personnel, training, lab testing, and other resource needs;

c. Evidence-based methods for determining intoxication from hemp-derived products for purposes of preventing, detecting, and prosecuting intoxication-related offenses;

d. An assessment of strategies to prevent unlawful sales and resales, including from other States; and

e. Recommendations on coordination between state and local law enforcement agencies to ensure uniform enforcement across Texas.

5. DPS shall coordinate with other law enforcement and regulatory agencies to ensure enforcement of state laws governing unlawful sales of consumable hemp products, and to take appropriate measures to deter and address violations consistently across the State.

This executive order supersedes all previous orders in conflict or inconsistent with its terms and shall remain in effect and in full force until modified, amended, rescinded, or superseded by the Governor.

Given under my hand this the 10th day of September, 2025.

Greg Abbott, Governor

TRD-202503229



Proclamation 41-4228

#### TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on August 10, 2025, certifying that increased fire weather conditions pose an imminent threat of widespread or severe damage, injury, or loss of life or property in several counties; and

WHEREAS, the Texas Division of Emergency Management has confirmed that those same increased fire weather conditions persist in certain counties in Texas;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Aransas, Atascosa, Bastrop, Bee, Briscoe, Brown, Caldwell, Calhoun, Callahan, Childress, Coke, Coleman, Comal, Comanche, Cottle, DeWitt, Dimmit, Duval, Eastland, Erath, Fayette, Floyd, Frio, Goliad, Gonzales, Guadalupe, Hall, Hays, Jackson, Jim Wells, Jones, Karnes, Kleberg, La Salle, Lavaca, Live Oak, Maverick, McMullen, Motley, Nueces, Palo Pinto, Refugio, Runnels, San Patricio, Shackelford, Stephens, Taylor, Tom Green, Travis, Victoria, Webb, Williamson, Wilson, and Zavala Counties.

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

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

suspension of such statutes and rules for the duration of this declared disaster.

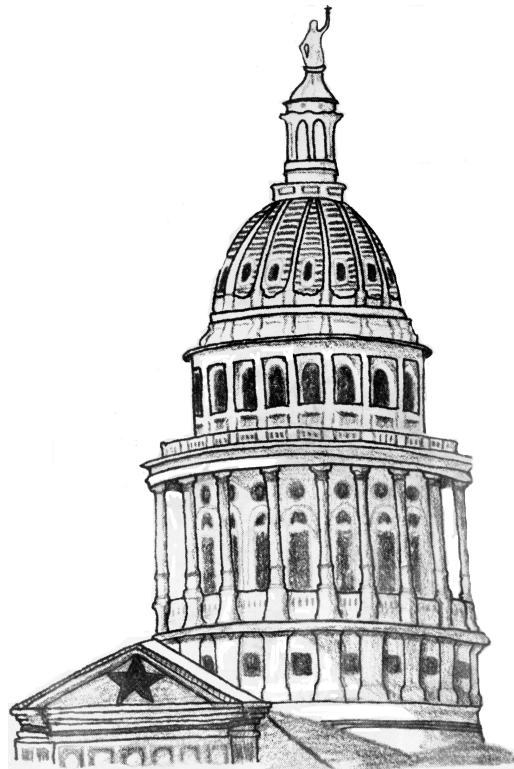
In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 10th day of September, 2025.

Greg Abbott, Governor

TRD-202503230

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# THE ATTORNEY GENERAL

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

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

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

## Requests for Opinions

### RQ-0612-KP

#### Requestor:

The Honorable Donna Campbell, M.D.  
Chair, Senate Committee on Nominations  
Texas State Senate  
Post Office Box 12068  
Austin, Texas 78711-2068

Re: Regarding the scope and permissible application of the disaster related voter approval rate exemption under Texas Tax Code § 26.042 (RQ-0612-KP)

#### Briefs requested by September 26, 2025

*For further information, please access the website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov) or call the Opinion Committee at (512) 463-2110.*

TRD-202503280  
Justin Gordon  
General Counsel  
Office of the Attorney General  
Filed: September 16, 2025



## Opinions

### Opinion No. KP-0499

The Honorable Fred H. Weber  
Caldwell County Criminal District Attorney  
1703 South Colorado Street, Box #5  
Lockhart, Texas 78644

Re: Scope of county authority and liability involving utility cables buried along rights-of-way (RQ-0573-KP)

#### S U M M A R Y

While Chapter 181 of the Texas Utilities Code authorizes counties to supervise the installation or designate the appropriate location of certain utility facilities in the rights-of-way for public roads, this chapter

does not authorize a county to impose permitting or minimum-depth requirements on a telephone or telegraph corporation that buries cable in a county road right-of-way.

A county would not be liable for the costs to repair and rebury a telephone or telegraph corporation's cable, under the Texas Tort Claims Act, unless property damage is proximately caused by the wrongful act, omission, or negligence of a county employee and it arises from the operation or use of motor-driven vehicles or equipment. That determination, however, is a fact question beyond the scope of this opinion.

#### Opinion No. KP-0500

The Honorable Eric Burnett  
Board President  
Nueces River Authority  
539 South Hwy 83  
Uvalde, Texas 78801

Re: Interpretation of the recusal standard under Texas Government Code § 572.058(a) (RQ-0575-KP)

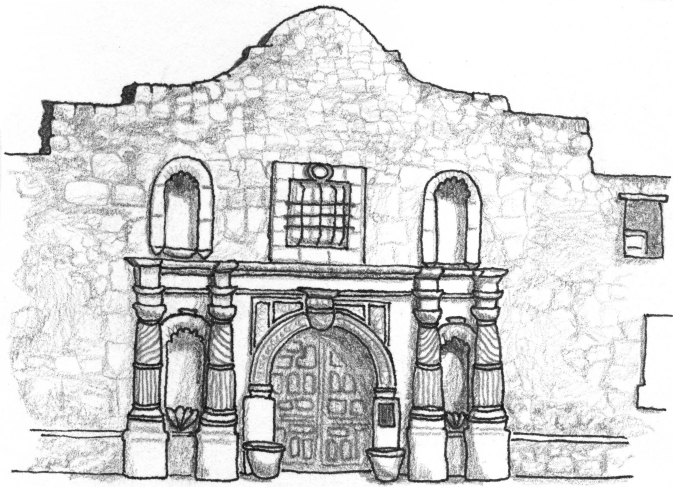
#### S U M M A R Y

Under Government Code section 572.058, an elected or appointed official must recuse themselves from a vote or decision in which they have a personal or private interest originating from a familial relationship that has the potential to influence the public official in the exercise of their duties and responsibilities. Thus, a Nueces River Authority board member whose brother-in-law is an executive staff member of the water supply entity for the City of Corpus Christi should recuse themselves from a vote and otherwise refrain from participating in a decision about Authority business regarding water supply activities that have common or competing interests with the City of Corpus Christi.

*For further information, please access the website at [www.texasattorneygeneral.gov](http://www.texasattorneygeneral.gov) or call the Opinion Committee at (512) 463-2110.*

TRD-202503281  
Justin Gordon  
General Counsel  
Office of the Attorney General  
Filed: September 16, 2025





# 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 16. ECONOMIC REGULATION

### PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

#### CHAPTER 60. PROCEDURAL RULES OF THE COMMISSION AND THE DEPARTMENT

The Texas Department of Licensing and Regulation (Department) proposes amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 60, Subchapter K, §§60.501, 60.502, 60.504, 60.510, 60.514, and 60.516; proposes the repeal of existing rules at Subchapter K, §§60.503, 60.512, 60.518, and 60.519; and proposes new rules at Subchapter K, §§60.512, 60.517, 60.518, and 60.520, regarding the Procedural Rules of the Commission and the Department. These proposed changes are referred to as "proposed rules."

#### EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 60, Subchapter K, implement Texas Occupations Code, Chapter 51, General Provisions Related to Licensing; Chapter 55, Licensing of Military Service Members, Military Veterans, and Military Spouses; and the license portability provisions of the federal Servicemembers' Civil Relief Act found at 50 U.S.C. §4025a.

The proposed rules are necessary to implement House Bill (HB) 5629 and Senate Bill (SB) 1818 (89th Legislature, Regular Session (2025)), which amend state law regarding occupational licensing and recognition of out-of-state occupational licenses for military service members, military veterans, and military spouses. The proposed rules primarily: (1) align the Department's procedures with the standards and requirements set out in HB 5629 for the issuance of occupational licenses and recognition of out-of-state occupational licenses; (2) pursuant to SB 1818, authorize the issuance of provisional licenses to applicants for licensure or license recognition; and (3) reorganize, clarify, and correct existing rule language to be more reader-friendly.

#### SECTION-BY-SECTION SUMMARY

The proposed rules amend §60.501, Military Definitions, to remove redundant or unnecessary language to clarify definitions. Most notably, the changes to this section simplify the definition of "active duty."

The proposed rules amend §60.502, Determining the Amount of Military Experience, Service, Training, or Education, to remove an errant comma.

The proposed rules amend §60.504, Extension of Certain Deadlines, to comply with current state law. The changes make it clear that all military service members- not only those who have been

discharged- are allowed two additional years to complete continuing education or other requirements.

The proposed rules amend §60.510, License Requirements for Applicants with Military Experience, Service, Training, or Education by: (1) clarifying application requirements for prospective applicants; (2) removing rule language repealed by HB 5629 and subsequently moved to new §60.520; and (3) rewording certain provisions to be more reader-friendly.

The proposed rules add new §60.512, Expedited Alternative Licensing Requirements--Similar Scope of Practice, which, consistent with HB 5629, allows military service members, military veterans, and military spouses to obtain a Texas occupational license if they currently possess a license, issued by another state, that has a similar scope of practice to a license issued by the Department. These changes remove the standard of "substantial equivalence" enshrined in the current rules. The proposed changes to this section also clarify the process by which out-of-state licensed military affiliated applicants will apply for a Texas license pursuant to this standard and clarify the department's authority to deny licensure to applicants with a disqualifying criminal history. The proposed rules repeal the previous version of this section.

The proposed rules amend §60.514, Expedited Alternative Licensing Requirements--Previously Held Texas License, by: (1) rewording and reorganizing the section to make it more reader-friendly; (2) restate the documentation requirements for an application; (3) add a requirement for a military spouse applicant to provide documentation of the spouse's active duty status; (4) clarify the department's authority to deny licensure to applicants with a disqualifying criminal history; and (5) repeal subsection (f) (fees), which is no longer supported by law.

The proposed rules amend §60.516, Expedited Alternative Licensing Requirements--Demonstration of Competency by Alternative Methods, by: (1) rewording and reorganizing the section to make it more reader-friendly; (2) restate the documentation requirements for an application; (3) add a requirement for a military spouse applicant to provide documentation of the spouse's active duty status; (4) clarify the department's authority to deny licensure to applicants with a disqualifying criminal history; (5) repeal subsection (f) (fees), which is no longer supported by law; and (6) repeal the unnecessary subsection (i).

The proposed rules add new §60.517, Provisional Licenses. This section implements SB 1818 and authorizes the department to issue a provisional (temporary) license to an applicant in the event that the Department cannot promptly issue the applicant a license or recognize their out-of-state license.

The proposed rules add new §60.518, Recognition of Out-of-State License of Military Service Members and Military Spouses, which describes the out-of-state license recognition process re-



lated to a regulated business or occupation for eligible military service members and their spouses. The proposed rule: (1) pursuant to HB 5629, states the criteria for the Department to recognize an out-of-state occupational license held by a military service member or military spouse; (2) describes the specific prerequisites and procedure by which the department will grant recognition of out-of-state occupational licenses; (3) requires applicants to pass a criminal background check; (4) states the Department's authority to deny recognition to an applicant with a disqualifying criminal history; and (5) states that the Department's must notify an applicant of the disposition of their application within 10 business days. The proposed rules repeal the previous version of this section.

The proposed rules add new rule §60.520, Fees, which was derived, in part, from previously repealed §60.503, Exemption from Late Renewal Fees. This new rule: (1) waives the initial application and examination fees owed by a military affiliated applicant except those examination fees owed to a third-party vendor; and (2) exempts a military affiliated applicant from payment of late renewal fees during active-duty periods.

The proposed rules repeal §60.503, Exemption from Late Renewal Fees.

The proposed rules repeal §60.512, Expedited Alternative Licensing Requirements--Substantially Equivalent License.

The proposed rules repeal §60.518, Recognition of Out-of-State License of Military Service Members and Military Spouses.

The proposed rules repeal §60.519, License Eligibility--Establishing License Residency Requirement for Out-of-State Military Service Members and Military Spouses.

#### FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Tony Couvillon, Senior Policy Research and Budget Analyst, has determined that for each year of the first five years the proposed rules are in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rules.

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

Mr. Couvillon has determined that for each year of the first five years the proposed rules are in effect, there will be an estimated loss of revenue to the State as the proposed rules waive initial application fees for all military applicants when previously some of the applicants were assessed initial application fees. Approximately 17 applicants per year were subject to these fees. These fees that were previously paid will no longer be collected, resulting in a loss of revenue to the State. However, it is unknown which licenses will be applied for in the next five years and which corresponding license application fee amounts would be assessed, and therefore, the amount of lost revenue in any particular year cannot be estimated. Since the approximate number of applicants who currently pay these fees is not large, the amount of lost revenue is not expected to be significant.

#### LOCAL EMPLOYMENT IMPACT STATEMENT

Because Mr. Couvillon has determined that the proposed rules will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

#### PUBLIC BENEFITS

Mr. Couvillon also has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit an increase in the number of military affiliated applicants being licensed or recognized in this state. Moreover, such applicants will become licensed or recognized quicker as the proposed rules allow for immediate issuance of a provisional license which will put these persons to work faster rather than having to wait for the application process to continue to its conclusion.

#### PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Mr. Couvillon has determined that for each year of the first five-year period the proposed rules are in effect, there will be a minimal cost for persons who are required to comply with the proposed rules. The proposed rules require military applicants who are applying for recognition of an out-of-state license to provide a notarized statement affirming certain facts about the applicant. Obtaining this notarization as required by statute will likely entail a cost for these applicants. The cost of notarization is usually minimal, about \$10, should the military applicant be charged a fee by the notary. There would be no additional economic costs for anyone in the first five years the rule would be in effect. As an offset to the possible cost, military affiliated applicants who meet the requirements for licensure or department recognition would obtain the license or work authorization letter at no cost from the Department, and these licenses or authorizations would impose no cost on any other persons. This offset makes a determination of the actual cost unclear.

#### FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Because the agency has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

#### ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

The proposed rules do not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

#### GOVERNMENT GROWTH IMPACT STATEMENT

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

1. The proposed rules do not create or eliminate a government program.
2. Implementation of the proposed rules does not require the creation of new employee positions or the elimination of existing employee positions.

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

4. The proposed rules require an increase or decrease in fees paid to the agency.

The proposed rules require a decrease in fees paid to the agency by waiving initial license application fees for all military service members, spouses, and veterans rather than certain military applicants.

5. The proposed rules create a new regulation.

The proposed rules create a new regulation by requiring the Department to either promptly issue a military applicant a provisional license or promptly issue a regular license or department recognition of an out-of-state license upon receipt of an application for a license or department recognition.

6. The proposed rules expand, limit, or repeal an existing regulation.

The proposed rules expand an existing regulation by requiring a notarized statement, requiring a military spouse to provide a copy of a marriage license, and requiring the Department to promptly issue a provisional or regular license, or department recognition. The proposed rules repeal existing regulations by removing requirements for the establishment of residency. Moreover, the proposed rules change the requirement for license issuance or department recognition of out-of-state licenses from substantially equivalent license requirements to similar scope of practice as a license issued by the Department.

7. The proposed rules increase or decrease the number of individuals subject to the rules' applicability.

The proposed rules increase the number of individuals subject to the rule's applicability by changing the requirement for license issuance or department recognition of out-of-state licenses from substantially equivalent license requirements to similar scope of practice as a license issued by the Department.

8. The proposed rules do not positively or adversely affect this state's economy.

#### TAKINGS IMPACT ASSESSMENT

The Department has determined that no private real property interests are affected by the proposed rules and 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. As a result, the proposed rules do not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

#### PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

The Department is requesting public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed rules. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed rules and responses to the request for information may be submitted electronically on the Department's website at [https://ga.tdlr.texas.gov:1443/form/Ch60\\_Rule\\_Making](https://ga.tdlr.texas.gov:1443/form/Ch60_Rule_Making); by

facsimile to (512) 475-3032; or by mail to Monica Nuñez, Legal Assistant, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711. The deadline for comments is 30 days after publication in the *Texas Register*.

### SUBCHAPTER K. LICENSING PROVISIONS RELATED TO MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES

**16 TAC §§60.501, 60.502, 60.504, 60.510, 60.512, 60.514,  
60.516 - 60.518, 60.520**

#### STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapters 51 and 55, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and the Federal Servicemembers Civil Relief Act at 50 U.S.C. §4025a, and the program statutes for all of the Department programs: Agriculture Code, Chapter 301 (Weather Modification and Control); Education Code, Chapter 1001 (Driver and Traffic Safety Education); Government Code, Chapters 171 (Court-Ordered Programs); and 469 (Elimination of Architectural Barriers); Health and Safety Code, Chapters 401, Subchapter M (Laser Hair Removal); 466 (State Lottery); 754 (Elevators, Escalators, and Related Equipment); and 755 (Boilers); Labor Code, Chapter 91 (Professional Employer Organizations); Occupations Code, Chapters 202 (Podiatrists); 203 (Midwives); 401 (Speech-Language Pathologists and Audiologists); 402 (Hearing Instrument Fitters and Dispensers); 403 (Dyslexia Practitioners and Therapists); 451 (Athletic Trainers); 455 (Massage Therapy); 506 (Behavioral Analysts); 605 (Orthotists and Prosthetists); 701 (Dietitians); 802 (Dog or Cat Breeders); 1151 (Property Tax Professionals); 1152 (Property Tax Consultants); 1202 (Industrialized Housing and Buildings); 1302 (Air Conditioning and Refrigeration Contractors); 1304 (Service Contract Providers and Administrators); 1305 (Electricians); 1603 (Barbers and Cosmetologists); 1802 (Auctioneers); 1806 (Residential Solar Retailers); 1901 (Water Well Drillers); 1902 (Water Well Pump Installers); 1952 (Code Enforcement Officers); 1953 (Sanitarians); 1958 (Mold Assessors and Remediators); 2001 (Charitable Bingo); 2052 (Combative Sports); 2303 (Vehicle Storage Facilities); 2308 (Vehicle Towing and Boating); 2309 (Used Automotive Parts Recyclers); 2310 (Motor Fuel Metering and Quality); 2311 (Electric Vehicle Charging Stations); and 2402 (Transportation Network Companies); and Transportation Code, Chapters 551A (Off-Highway Vehicle Training and Safety); and 662 (Motorcycle Operator Training and Safety). No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 1818 and House Bill 5629, 89th Legislature, Regular Session (2025).

*§60.501. Military Definitions.*

The following words and terms, when used in this subchapter, have the following meanings.

(1) Active duty--Current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by §437.001, Government Code, or similar military service of another state. [The term does not include service performed exclusively for training, such as basic combat training, advanced individual training, annual training, inactive duty training, and special training periodically made available to service members. The term includes any period during which a person is absent from duty on account of sickness, wounds, leave, or other lawful cause.]

(2) - (4) (No change.)

(5) Military spouse [(spouse)]--A person who is married to a military service member.

(6) - (8) (No change.)

§60.502. *Determining the Amount of Military Experience, Service, Training, or Education.*

(a) The amount of military experience, service, training or education, which an applicant submits for purposes of meeting the licensing requirements of a specific license[,] will be determined in accordance with §60.35.

(b) (No change.)

§60.504. *Extension of Certain Deadlines.*

Pursuant to Texas Occupations Code, §55.003, a service member whose license expired while on active duty is entitled to two years of additional time [from the date of discharge] to complete:

(1) - (2) (No change.)

§60.510. *License Requirements for Applicants with Military Experience, Service, Training, or Education.*

(a) This section implements Texas Occupations Code §§51.4013, 55.007, 55.008, [55.009,] and 1305.1645(a).

(b) - (d) (No change.)

(e) An applicant who seeks to receive credit for verified military experience, service, training, or education must submit the following documentation:

(1) a [completed] license application and any supporting documents associated with the specific department license; and

(2) a supplemental application [completed Military Service Member, Military Veteran, or Military Spouse Supplemental Application] and supporting documents including:

(A) if the applicant is a service member, a copy of the applicant's military orders or other documents verifying the applicant's active duty status [showing proof of active duty status (for service members)];

(B) if the applicant is a veteran, [copy of the military orders or] documents verifying the applicant's veteran status; and [showing proof of veteran status (for veterans); and]

(C) documentation [copy of the military orders or documents] showing the type and amount of related military experience, service, training, or education applicable to a specific license.

(f) The amount of military experience, service, training, or education, which an applicant submits for purposes of meeting the licensing requirements of a specific license[,] will be determined in accordance with §60.502.

(g) An [The] applicant under this section must [still take and] pass any applicable examination required for obtaining the [a specific] license.

[(h) The initial license application fee and any examination fees paid to the department are waived for an applicant who meets the requirements under this section. The applicant is still responsible for paying any examination fees that are charged by a third-party examination vendor.]

(h) [(h)] The applicant under this section must pass a criminal history background check. The department may deny an application if the applicant has a disqualifying criminal history.

[(j) A service member or military veteran who obtains a license under this section must comply with all license renewal requirements including fees for the specific license obtained.]

§60.512. *Expedited Alternative Licensing Requirements--Similar Scope of Practice.*

(a) This section implements Texas Occupations Code §§55.004, 55.005, 55.006, and 55.0042.

(b) This section applies to a military service member, a military veteran, and a military spouse, as defined under §60.501.

(c) An applicant under this section is eligible to obtain a license issued by the department if:

(1) the applicant holds a current license, issued by another state, that has a scope of practice similar to that of a license issued by the department; and

(2) the applicant is in good standing with the other state's licensing authority pursuant to Texas Occupations Code §55.0042.

(d) To apply for a license under this section, an applicant must submit:

(1) a license application and any supporting documents required by the application;

(2) a supplemental application including:

(A) if the applicant is a service member, a copy of the applicant's military orders or other documents verifying the applicant's active duty status;

(B) if the applicant is a veteran, documents verifying the applicant's veteran status; or

(C) if the applicant is a military spouse, a copy of the applicant's marriage license or certificate and a copy of the service member's military orders or other documents verifying the service member's active duty status.

(3) a copy of the applicant's out-of-state license; and

(4) documentation verifying that the applicant is in good standing with the other state's licensing authority.

(e) An applicant who qualifies for a license under this section is not required to take any applicable examination required for obtaining the specific license.

(f) The applicant under this section must pass a criminal history background check. The department may deny an application if the applicant has a disqualifying criminal history.

(g) An application under this section shall be expedited in accordance with Texas Occupations Code §55.005.

(h) Pursuant to Texas Occupations Code §55.004(b), the executive director may waive any prerequisite to obtaining a license for an applicant under this section after reviewing the applicant's credentials.

(i) A service member, veteran, or spouse who obtains a license under this section must comply with all the license renewal requirements including fees for the specific license obtained.

(j) The department has sole discretion in determining whether an applicant's out-of-state license is similar in scope to a license issued by the department.

*§60.514. Expedited Alternative Licensing Requirements--Previously Held Texas License.*

(a) This section implements Texas Occupations Code §§55.004, 55.005, and 55.006, as they relate to an applicant who held a license issued by the department ~~[the same Texas license]~~ within the last five years.

(b) (No change.)

(c) An applicant under this section is eligible to obtain a license issued by the department if the applicant within the five years preceding the application date held the same license in this state ~~[Texas]~~.

(d) To apply for a license under this section, an applicant must submit:

(1) a license application and any supporting documents required by the application; and

(2) a supplemental application including:

(A) if the applicant is a service member, a copy of the applicant's military orders or other documents verifying the applicant's active duty status;

(B) if the applicant is a veteran, documents verifying the applicant's veteran status; or

(C) if the applicant is a military spouse, a copy of the applicant's marriage license or certificate and a copy of the service member's military orders or other documents verifying the service member's active duty status.

[(d) The following documentation must be submitted to apply for a license under this section:]

[(1) completed license application and any supporting documents associated with the specific department license; and]

[(2) completed Military Service Member, Military Veteran, or Military Spouse Supplemental Application and supporting documents including:]

[(A) copy of the military orders showing proof of active duty status (for service member and spouse);]

[(B) copy of the military orders or documents showing proof of veteran status (for veteran); and]

[(C) copy of document showing proof of status as a spouse.]

(e) An ~~[The]~~ applicant who qualifies for a license under this section is not required to take any applicable examination required for obtaining that specific license.

[(f) An applicant under this section must pay the license application fees associated with obtaining that specific license.]

[(f) [(g)] The applicant under this section must pass a criminal history background check. The department may deny an application if the applicant has a disqualifying criminal history.

[(g) [(h)] An application under this section shall be expedited in accordance with Texas Occupations Code §55.005.

[(h) [(i)] Pursuant to Texas Occupations Code §55.004(b), the executive director may waive any prerequisite to obtaining a license for an applicant under this section after reviewing the applicant's credentials.

[(j) A service member, veteran, or spouse who obtains a license under this section must comply with all license renewal requirements, including fees for the specific license obtained.]

*§60.516. Expedited Alternative Licensing Requirements--Demonstration of Competency by Alternative Methods.*

(a) - (d) (No change.)

(e) To apply for a license under this section, an applicant must submit:

(1) a license application and any supporting documents required by the application;

(2) a supplemental application including:

(A) if the applicant is a service member, a copy of the applicant's military orders or other documents verifying the applicant's active duty status;

(B) if the applicant is a veteran, documents verifying the applicant's veteran status; or

(C) if the applicant is a military spouse, a copy of the applicant's marriage license or certificate and a copy of the service member's military orders or other documents verifying the service member's active duty status; and

(3) documents specified under subsection (d) that demonstrate the applicant's competency to be evaluated by the department.

[(e) The following documentation must be submitted to apply for a license under this section:]

[(1) completed license application and any supporting documents associated with the specific department license;]

[(2) completed Military Service Member, Military Veteran, or Military Spouse Supplemental Application and supporting documents including:]

[(A) copy of the military orders showing proof of active duty status (for service member and spouse);]

[(B) copy of the military orders or documents showing proof of veteran status (for veteran); and]

[(C) copy of document showing proof of status as a spouse; and]

[(3) documents specified under subsection (d) that demonstrate the applicant's competency and that will be evaluated by the department.]

[(f) An applicant under this section must pay the license application fees associated with obtaining that specific license.]

[(f) [(g)] The applicant under this section must pass a criminal history background check. The department may deny an application if the applicant has a disqualifying criminal history.

[(g) [(h)] An application under this section shall be expedited in accordance with Texas Occupations Code §55.005.

[(i) A service member, veteran, or spouse, who obtains a license under this section, must comply with all license renewal requirements including fees for the specific license obtained.]

*§60.517. Provisional Licenses.*

(a) This section applies to a military service member, a military veteran, and a military spouse, as defined under §60.501.

(b) On receipt by the department of an application for a license, or for recognition of an out-of-state license, the department shall promptly issue a provisional license to the applicant or issue the license or recognition for which the applicant applied. A provisional license issued under this subsection expires on the earlier of:

(1) the date the department approves or denies the provisional license holder's application for the license or for recognition of a license; or

(2) the 180th day after the date the provisional license is issued.

§60.518. Recognition of Out-of-State License of Military Service Members and Military Spouses.

(a) This section implements Texas Occupations Code §55.0041 and the license portability provisions of the federal Service-members' Civil Relief Act found at 50 U.S.C. §4025a.

(b) This section applies to a military service member or military spouse as defined under §60.501.

(c) A service member or military spouse may engage in a business or occupation for which a license is required without obtaining the applicable Texas license if:

(1) the applicant holds a current license, issued by another state, that has a scope of practice similar to that of a license issued by the department;

(2) the applicant is in good standing with the other state's licensing authority pursuant to Texas Occupations Code §55.0042; and

(3) the department recognizes the out-of-state license pursuant to this section.

(d) In order for an out-of-state license to be recognized under this section, a service member or military spouse must apply, in a manner determined by the department, and provide:

(1) a copy of the service member's military orders showing relocation to Texas;

(2) a copy of the out-of-state license, or if unavailable, other identifying information required by the department;

(3) if the applicant is a military spouse, a copy of the marriage license or certificate and a copy of the service member's military orders or other documents verifying the service member's active duty status; and

(4) a notarized statement affirming, under penalty of perjury, that:

(A) the applicant is the person described and identified in the application;

(B) all statements in the application are true, correct, and complete;

(C) the applicant understands the scope of practice for the applicable license in this state and will not perform outside of that scope of practice; and

(D) the applicant is in good standing in each state in which the applicant holds or has held an applicable license.

(e) In addition to the above requirements, an applicant under this section must pass a criminal history background check. The department may deny an application if the applicant has a disqualifying criminal history.

(f) Not later than the 10th business day after the date the department receives an application under subsection (d), the department shall notify the applicant that:

(1) the department recognizes the applicant's out-of-state license;

(2) the application is incomplete; or

(3) the department is unable to recognize the applicant's out-of-state license because:

(A) the department does not issue a license that has a scope of practice that is similar to the applicant's out-of-state license; or

(B) the applicant has a disqualifying criminal history.

(g) A person whose out-of-state license is recognized pursuant to this section:

(1) may engage in the authorized business or occupation for the duration of the person's military orders; and

(2) must immediately notify the department if the person is no longer in good standing with the licensing authority that issued the license recognized by the department.

(h) The department shall withdraw its recognition of a person's out-of-state license if it determines that the person is no longer in good standing with the licensing authority that issued the license.

(i) In the event of a divorce or similar event that affects a person's status as a spouse, a former spouse whose out-of-state license has been recognized pursuant to this section may continue to engage in the business or occupation until the third anniversary of the date the former spouse submitted an application for recognition under this section.

(j) An individual who engages in a business or occupation under the authority or license established by this section is subject to the enforcement authority granted under Texas Occupations Code, Chapter 51, this chapter, and the laws and regulations applicable to the business or occupation in Texas.

(k) An application under this section shall be expedited in accordance with Texas Occupations Code §55.005.

(l) If a service member or spouse of a service member is licensed by way of an interstate licensure compact with Texas, the service member or spouse shall be subject to the requirements of the compact and the applicable laws of this State, and not this section.

§60.520. Fees.

(a) Pursuant to Texas Occupations Code §55.009, the initial license application fee and any examination fees paid to the department are waived for an applicant who is a military service member, military veteran, or military spouse. The applicant is responsible for paying any examination fees that are charged by a third-party examination vendor.

(b) Pursuant to Texas Occupations Code §55.002, an individual who provides the department with satisfactory documentation that the individual was serving as a service member during a license renewal period may renew that license by paying the renewal fee and is exempt from paying a late renewal fee.

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 September 15, 2025.

TRD-202503258  
Doug Jennings  
General Counsel  
Texas Department of Licensing and Regulation  
Earliest possible date of adoption: October 26, 2025  
For further information, please call: (512) 475-4879



## 16 TAC §§60.503, 60.512, 60.518, 60.519

### STATUTORY AUTHORITY

The proposed repeals are repealed under Texas Occupations Code, Chapters 51 and 55, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed repeals are those set forth in Texas Occupations Code, Chapters 51 and the Federal Servicemembers Civil Relief Act at 50 U.S.C. §4025a, and the program statutes for all of the Department programs: Agriculture Code, Chapter 301 (Weather Modification and Control); Education Code, Chapter 1001 (Driver and Traffic Safety Education); Government Code, Chapters 171 (Court-Ordered Programs); and 469 (Elimination of Architectural Barriers); Health and Safety Code, Chapters 401, Subchapter M (Laser Hair Removal); 466 (State Lottery); 754 (Elevators, Escalators, and Related Equipment); and 755 (Boilers); Labor Code, Chapter 91 (Professional Employer Organizations); Occupations Code, Chapters 202 (Podiatrists); 203 (Midwives); 401 (Speech-Language Pathologists and Audiologists); 402 (Hearing Instrument Fitters and Dispensers); 403 (Dyslexia Practitioners and Therapists); 451 (Athletic Trainers); 455 (Massage Therapy); 506 (Behavioral Analysts); 605 (Orthotists and Prosthetists); 701 (Dietitians); 802 (Dog or Cat Breeders); 1151 (Property Tax Professionals); 1152 (Property Tax Consultants); 1202 (Industrialized Housing and Buildings); 1302 (Air Conditioning and Refrigeration Contractors); 1304 (Service Contract Providers and Administrators); 1305 (Electricians); 1603 (Barbers and Cosmetologists); 1802 (Auctioneers); 1806 (Residential Solar Retailers); 1901 (Water Well Drillers); 1902 (Water Well Pump Installers); 1952 (Code Enforcement Officers); 1953 (Sanitarians); 1958 (Mold Assessors and Remediators); 2001 (Charitable Bingo); 2052 (Combative Sports); 2303 (Vehicle Storage Facilities); 2308 (Vehicle Towing and Booting); 2309 (Used Automotive Parts Recyclers); 2310 (Motor Fuel Metering and Quality); 2311 (Electric Vehicle Charging Stations); and 2402 (Transportation Network Companies); and Transportation Code, Chapters 551A (Off-Highway Vehicle Training and Safety); and 662 (Motorcycle Operator Training and Safety). No other statutes, articles, or codes are affected by the proposed repeals.

The legislation that enacted the statutory authority under which the proposed repeals are proposed to be adopted is Senate Bill 1818 and House Bill 5629, 89th Legislature, Regular Session (2025).

*§60.503. Exemption from Late Renewal Fees.*

*§60.512. Expedited Alternative Licensing Requirements--Substantially Equivalent License.*

*§60.518. Recognition of Out-of-State License of Military Service Members and Military Spouses.*

*§60.519. License Eligibility--Establishing License Residency Requirement for Out-of-State Military Service Members and Military Spouses.*

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 September 15, 2025.

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General Counsel  
Texas Department of Licensing and Regulation  
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For further information, please call: (512) 475-4879



## TITLE 19. EDUCATION

### PART 2. TEXAS EDUCATION AGENCY

#### CHAPTER 62. COMMISSIONER'S RULES CONCERNING OPTIONS FOR LOCAL REVENUE LEVELS IN EXCESS OF ENTITLEMENT

##### 19 TAC §62.1072

*(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figures in 19 TAC §62.1072 are not included in the print version of the Texas Register. The figures are available in the on-line version of the September 26, 2025, issue of the Texas Register.)*

The Texas Education Agency (TEA) proposes an amendment to §62.1072, concerning options for local revenue levels in excess of entitlement. The proposed amendment would adopt as a part of the Texas Administrative Code (TAC) the official TEA publications *Options and Procedures for Districts with Local Revenue in Excess of Entitlement 2025-2026 School Year* and *Options and Procedures for Districts with Local Revenue in Excess of Entitlement 2026-2027 School Year*. The *Options and Procedures for Districts with Local Revenue in Excess of Entitlement* publications serve as manuals that contain the processes and procedures that TEA will use in the administration of the provisions of Texas Education Code (TEC), Chapter 49, and the fiscal, procedural, and administrative requirements that school districts subject to TEC, Chapter 49, must meet.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The procedures contained in each yearly manual for districts determined to have local revenue in excess of entitlement are proposed as part of the TAC. The intent is to biennially update §62.1072 to refer to the most recent published manuals for the current and upcoming school years. Manuals adopted for previous school years will remain in effect with respect to those school years.

The proposed amendment to §62.1072 would adopt in rule the official TEA publications *Options and Procedures for Districts with Local Revenue in Excess of Entitlement 2025-2026 School Year* as Figure: 19 TAC §62.1072(a) and *Options and Proce-*

*dures for Districts with Local Revenue in Excess of Entitlement 2026-2027 School Year* as Figure: 19 TAC §62.1072(b). The section title would be updated to reflect the manuals adopted in the rule.

Each school year's options and procedures for districts determined to have local revenue in excess of entitlement explain how districts subject to excess local revenue are identified; the fiscal, procedural, and administrative requirements those districts must meet; and the consequences for not meeting requirements. The options and procedures also provide information on using the online Foundation School Program (FSP) System to fulfill certain requirements.

The following significant changes are addressed in the updated publications.

In *Options and Procedures for Districts with Local Revenue in Excess of Entitlement 2025-2026 School Year* and *Options and Procedures for Districts with Local Revenue in Excess of Entitlement 2026-2027 School Year*, dates would be changed throughout the manual. Non-substantive, technical edits would also be made.

**FISCAL IMPACT:** Amy Copeland, associate commissioner for school finance/chief school finance officer, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

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

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

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

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

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by extending the dates to the 2026-2027 school year.

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

**PUBLIC BENEFIT AND COST TO PERSONS:** Ms. Copeland has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of en-

forcing the proposal would be to continue to inform the public of the existence of annual publications specifying the processes, procedures, and requirements used in the manuals for school districts with local revenue in excess of entitlement that are established biennially by the commissioner of education and communicated to all school districts. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** The proposal would have no data and reporting impact. The proposal would place the specific procedures contained in the publications *Options and Procedures for Local Revenue in Excess of Entitlement 2025-2026 School Year* and *Options and Procedures for Local Revenue in Excess of Entitlement 2026-2027 School Year* in the TAC. TEA administers the options for local revenue in excess of entitlement of TEC, Chapter 49, according to the procedures specified in each yearly manual for districts with excess local revenue. Data reporting requirements are addressed primarily through the online FSP System.

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

**PUBLIC COMMENTS:** The public comment period on the proposal begins September 26, 2025, and ends October 27, 2025. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on September 26, 2025. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/Commissioner\\_Rules\\_\(TAC\)/Proposed\\_Commissioner\\_of\\_Education\\_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

**STATUTORY AUTHORITY.** The amendment is proposed under Texas Education Code (TEC), §49.006, which authorizes the commissioner of education to adopt rules necessary for the implementation of TEC, Chapter 49, Options for Local Revenue Levels in Excess of Entitlement.

**CROSS REFERENCE TO STATUTE.** The amendment implements Texas Education Code, §49.006.

§62.1072. *Options and Procedures for Local Revenue in Excess of Entitlement, 2025-2026 and 2026-2027 [2023-2024 and 2024-2025] School Years.*

(a) For the 2025-2026 [2023-2024] school year, the processes and procedures that the Texas Education Agency (TEA) will use in the administration of the provisions of the Texas Education Code (TEC), Chapter 49, and the fiscal, procedural, and administrative requirements that school districts subject to the TEC, Chapter 49, must meet are described in the official TEA publication *Options and Procedures for Districts with Local Revenue in Excess of Entitlement 2025-2026 [2023-2024] School Year*, provided in this subsection.

Figure: 19 TAC §62.1072(a)  
[Figure: 19 TAC §62.1072(a)]

(b) For the 2026-2027 [2024-2025] school year, the processes and procedures that the TEA will use in the administration of the provisions of the TEC, Chapter 49, and the fiscal, procedural, and administrative requirements that school districts subject to the TEC, Chapter 49, must meet are described in the official TEA publication *Options and Procedures for Districts with Local Revenue in Excess of Entitlement 2026-2027 [2024-2025] School Year*, provided in this subsection.

Figure: 19 TAC §62.1072(b)  
[Figure: 19 TAC §62.1072(b)]

(c) The specific processes, procedures, and requirements used in the manuals for districts with local revenue in excess of entitlement are established biennially by the commissioner of education and communicated to all school districts.

(d) School district actions and inactions in previous school years and data from those school years will continue to be subject to the annual manual for districts with local revenue in excess of entitlement with respect to those years.

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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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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For further information, please call: (512) 475-1497



## CHAPTER 129. STUDENT ATTENDANCE

### SUBCHAPTER BB. COMMISSIONER'S RULES CONCERNING TRUANCY

#### 19 TAC §129.1047

The Texas Education Agency (TEA) proposes an amendment to §129.1047, concerning truancy sanctions. The proposed amendment would align the rule with statute and the current agency investigative process.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 129.1047 establishes criteria for sanctions regarding truancy.

The proposed amendment would remove §129.1047(b) and (c) to align with current program practices.

Section 129.1047(d) would be re-lettered, and language would be added to specify that sanctions related to truancy prevention measures are subject to a school district's due process rights under Texas Education Code (TEC), Chapter 39, Subchapter A. In addition, a reference to TEC, §39.102(a), would be updated to §39A.002.

FISCAL IMPACT: Kristin McGuire, interim deputy commissioner for special populations and student supports, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would limit and expand an existing regulation by removing outdated procedures and adding language to reflect the applicability of a school's due process rights to truancy prevention sanctions.

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

PUBLIC BENEFIT AND COST TO PERSONS: Ms. McGuire has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to provide a public benefit by enhancing procedural clarity and ensuring alignment with updated legal requirements for truancy investigations. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

PUBLIC COMMENTS: The public comment period on the proposal begins September 26, 2025, and ends October 27, 2025. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on September 26, 2025. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/Commissioner\\_Rules\\_\(TAC\)/Proposed\\_Commissioner\\_of\\_Education\\_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code, §25.0915, which establishes truancy prevention measures.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §25.0915.

§129.1047. *Sanctions.*

(a) An aggrieved party may file a written complaint with the Texas Education Agency [(TEA)] regarding an allegation that a school district has failed to comply with the provisions set forth in Texas Ed-



ucation Code (TEC), §25.0915, or this subchapter related to truancy prevention measures.

[(b) TEA may request that a school district provide documentation regarding its compliance with required truancy prevention measures in response to a complaint filed with the TEA. If, after a review of this documentation or a school district's failure to provide this documentation, TEA determines that the school district is not in compliance with required truancy prevention measure provisions, TEA may issue a preliminary report of its findings to the school district in accordance with §157.1122 of this title (relating to Notice).]

[(c) A school district may request in writing an informal review of TEA's preliminary report of findings in accordance with §157.1123 of this title (relating to Informal Review). Following the informal review, or if no informal review is requested by the deadline, a final report will be issued.]

(b) [(d)] The commissioner of education may implement any sanction listed in TEC, §39A.002 [§39.102(a)], against a school district found to be out of compliance with TEC, §25.0915, or this subchapter, subject to the due process rights accorded to the school district under TEC, Chapter 39, Subchapter A.

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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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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For further information, please call: (512) 475-1497



## TITLE 22. EXAMINING BOARDS

### PART 14. TEXAS OPTOMETRY BOARD

#### CHAPTER 272. ADMINISTRATION

##### 22 TAC §272.5

The Texas Optometry Board (Board) proposes amendments to 22 TAC Part 14 Chapter 272 - Administration §272.5 - Definitions.

##### EXPLANATION OF AND JUSTIFICATION FOR THE RULE

Texas Optometry Act §351.353 sets out parameters for the initial examination of a patient for whom a prescription for glasses or contacts is written. The Board finds it necessary to define what constitutes an initial visit for purposes of regulating this section of the statute especially as it relates to inspections of optometric practices under §351.1575 of the Texas Optometry Act.

This rule proposes that the time between eye exam visits can be up to three years before the optometrist would have to comply with requirements of the statute. The three-year time between visits is generally found in insurance contracts and has become a standard in optometric practice. Additionally, the Board wants to define initial as practice specific not provider specific- as long as the subsequent provider in the same practice has access to the patient's complete patient chart from all previous visits.

## SECTION-BY-SECTION SUMMARY

Section 1 proposes a definition of Initial Visit to mean "A patient who returns to the same provider or the same practice with access to the patient's complete patient record within three years of the last examination in which a spectacle or contact lens prescription was written is exempted from the requirements of an initial visit under §351.353 of the Act."

## FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Janice McCoy, Executive Director, has determined that for each year of the first five years that the proposed rule is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rule. Additionally, Mrs. McCoy has determined that for each year of the first five years the proposed rule is in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rule.

## LOCAL EMPLOYMENT IMPACT STATEMENT

Because Mrs. McCoy has determined that the proposed rule will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

## PUBLIC BENEFIT

Ms. McCoy has determined for the first five-year period the proposed rule is in effect, the intended public benefit will be clarity for patients and optometrists to know when and how the requirements of an initial visit must be met.

## PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Mrs. McCoy has determined that for each year of the first five-year period the proposed rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule.

## FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

The proposed rule will have no direct adverse economic impact on small businesses, micro-businesses, or rural communities. Accordingly, the preparation of an economic impact statement and a regulatory flexibility analysis, as specified in Texas Government Code §2006.002, is not required.

## ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

The proposed rule do not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

## GOVERNMENT GROWTH IMPACT STATEMENT

Pursuant to Texas Government Code §2001.0221, for the first five-year period the proposed rule is in effect Ms. McCoy has determined the following:

The proposed rule does not create or eliminate a government program.

The proposed rule does not require the creation or elimination of employee positions.

The proposed rule does not require the increase or decrease in future legislative appropriations to the agency.

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

The proposed rule does not create a new regulation.

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

The proposed rule does not increase or decrease the number of individuals subject to the rule's applicability.

The proposed rule does not positively or adversely affect the state's economy.

#### TAKINGS IMPACT ASSESSMENT

Ms. McCoy has determined that there are no private real property interests affected by the proposed rule. Thus, the Board is not required to prepare a takings impact assessment pursuant to §2007.043 of the Tex. Gov't Code.

#### PUBLIC COMMENTS

Comments on the amended rule may be submitted electronically to: [janice.mccoy@tob.texas.gov](mailto:janice.mccoy@tob.texas.gov) or in writing to Janice McCoy, Executive Director, Texas Optometry Board, 1801 N. Congress, Suite 9.300, Austin, Texas 78701. The deadline for furnishing comments is thirty days after publication in the *Texas Register*.

#### STATUTORY AUTHORITY

The Board proposes this rule pursuant to the authority found in §351.151 of the Tex. Occ. Code which vests the Board with the authority to adopt rules necessary to perform its duties. The statutory provisions affected by the proposed rule are those set forth in §351.353 of the Tex. Occ. Code. No other sections are affected by the amendments.

#### §272.5. Definitions.

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

(1) Act--The Texas Optometry Act, Chapter 351, Texas Occupations Code.

(2) APA--The Administrative Procedure Act, Chapter 2001, Government Code.

(3) Board--The Texas Optometry Board.

(4) Contested case--A proceeding, including but not restricted to licensing, in which the legal rights, duties, or privileges of a party are to be determined by the board after an opportunity for adjudicative hearing.

(5) Executive Director--Executive Director of the Texas Optometry Board.

(6) Initial Visit--A patient who returns to the same provider or the same practice with access to the patient's complete patient record within three years of the last examination in which a spectacle or contact lens prescription was written is exempted from the requirements of an initial visit under §351.353 of the Act.

(7) [(6)] PFD--Proposal for decision.

(8) [(7)] Respondent--A person against whom a formal charge has been made alleging conduct that violates the Act or rules, regulations, or orders of the Board and whose legal rights are to be determined by the board after the opportunity for an adjudicative hearing in a contested case as defined by the APA.

(9) [(8)] SOAH--State Office of Administrative Hearings.

(10) [(9)] Synchronous--live, real-time audiovisual interaction between the practitioner and the patient in a separate location.

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 September 15, 2025.

TRD-202503254

Janice McCoy

Executive Director

Texas Optometry Board

Earliest possible date of adoption: October 26, 2025

For further information, please call: (512) 305-8502



## PART 15. TEXAS STATE BOARD OF PHARMACY

### CHAPTER 281. ADMINISTRATIVE PRACTICE AND PROCEDURES

#### SUBCHAPTER C. DISCIPLINARY GUIDELINES

##### 22 TAC §281.63

The Texas State Board of Pharmacy proposes amendments to §281.63, concerning Considerations for Criminal Offenses. The amendments, if adopted, update the board's disciplinary guidelines concerning the imprisonment of a licensee, a registrant, or an owner of a pharmacy following a felony conviction or deferred adjudication, in accordance with Senate Bill 1080 and clarify certain provisions to align more closely to existing statute.

Daniel Carroll, Pharm.D., Executive Director/Secretary, has determined that, for the first five-year period the rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. Dr. Carroll has determined that, for each year of the first five-year period the rule will be in effect, the public benefit anticipated as a result of enforcing the amendments will be to provide consistency between state law and Board rules regarding the licensing consequences of imprisonment following a felony conviction or deferred adjudication and clear and accurate regulations. There is no anticipated adverse economic impact on large, small or micro-businesses (pharmacies), rural communities, or local or state employment. Therefore, an economic impact statement and regulatory flexibility analysis are not required.

For each year of the first five years the proposed amendments will be in effect, Dr. Carroll has determined the following:

(1) The proposed amendments do not create or eliminate a government program;

(2) Implementation of the proposed amendments does not require the creation of new employee positions or the elimination of existing employee positions;

(3) Implementation of the proposed amendments does not require an increase or decrease in the future legislative appropriations to the agency;

- (4) The proposed amendments do not require an increase or decrease in fees paid to the agency;
- (5) The proposed amendments do not create a new regulation;
- (6) The proposed amendments do limit an existing regulation by narrowing the grounds for mandatory revocation of a license or registration in order to comply with state law;
- (7) The proposed amendments do not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) The proposed amendments would have a de minimis impact on this state's economy.

Written comments on the amendments may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. Comments must be received by 5:00 p.m., October 28, 2025.

The amendments are proposed under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

§281.63. *Considerations for Criminal Offenses.*

(a) The purpose of this section is to establish guidelines and criteria on the eligibility of persons with criminal backgrounds to obtain a license or registration from the board and on the disciplinary actions taken by the board. The section applies to all criminal convictions and to all deferred adjudication community supervisions or deferred dispositions, as authorized by the Act, for all types of licenses and registrations.

(b) The board may suspend, revoke, or impose other authorized disciplinary action on a current license or registration, disqualify a person from receiving a license or registration, or deny to a person the opportunity to be examined for a license or registration because of a person's conviction or deferred adjudication of a crime that serves as a ground for discipline under the Act, and that the board determines directly relates to the duties and responsibilities of a licensee, a registrant, or of an owner of a pharmacy. This subsection applies to persons who are not imprisoned at the time the board considers the conviction or deferred adjudication.

(c) The board may revoke a license or registration upon the imprisonment of the licensee, the registrant, or the owner of a pharmacy following a felony conviction or deferred adjudication. The board shall revoke a license or registration upon the imprisonment of the licensee, the registrant, or the owner of a pharmacy following a: ~~[felony conviction or deferred adjudication, or revocation of felony community supervision, parole, or mandatory supervision.]~~

(1) felony conviction or deferred adjudication for:

(A) an offense that directly relates to the occupation of a licensee or registrant, or the operation of a pharmacy;

(B) an offense listed in Article 42.054, Code of Criminal Procedure; or

(C) a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure;

(2) felony community supervision revocation;

(3) revocation of parole; or

(4) revocation of mandatory supervision.

(d) A person in prison is not eligible for a license or registration.

(e) An applicant for a license or registration from the board shall disclose in writing to the board any conviction or deferred adjudication against him or her at the time of application. A current licensee or registrant shall disclose in writing to the board any conviction or deferred adjudication against him or her at the time of renewal.

(f) The board has determined that the criminal offenses listed in subsection (i) of this section [shall by rule determine and list in this section which criminal offenses] directly relate to the occupation of a licensee or registrant, or the operation of a pharmacy. For all other offenses not listed in this section, in considering whether a criminal conviction or deferred adjudication directly relates to the duties and responsibilities of a licensee, a registrant, or of an owner of a pharmacy [occupation of a licensee or a registrant, or the operation of a pharmacy], the board shall consider the following factors:

(1) the nature and seriousness of the crime;

(2) the relationship of the crime to the purposes for requiring a license or registration to engage in the occupation of the licensee or registrant, or the operation of a pharmacy;

(3) the extent to which a license or registration might afford the licensee or registrant an opportunity to repeat the criminal activity in which the person had been involved; ~~[and]~~

(4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensee or registrant; ~~and[-]~~

(5) any correlation between the elements of the crime and the duties and responsibilities of the license or registration.

(g) The board has the authority to impose disciplinary action as authorized by the Act, for those criminal offenses that provide grounds for discipline under the Act. In reaching a decision regarding the severity of the disciplinary sanction to impose on a license or registration, the board shall, in its discretion and unless otherwise specified in §281.64 of this title (relating to Sanctions for Criminal Offenses), also determine the person's fitness to perform the duties and discharge the responsibilities of a licensee or registrant by evaluating and balancing these factors in the following priority with the first being the highest priority:

(1) the extent and nature of the person's past criminal activity;

(2) the amount of time that has elapsed since the person's last criminal activity;

(3) the person's rehabilitation or rehabilitative effort while incarcerated or following release as corroborated by extrinsic evidence;

(4) the age of the person at the time of the commission of the crime, if younger than 21 years of age at the time of the crime;

(5) the conduct and work activity of the person prior to and following the criminal activity; ~~[and]~~

(6) evidence of the person's compliance with any conditions of community supervision, parole, or mandatory supervision; and

(7) ~~[(6)]~~ other evidence of the person's present fitness, including letters of recommendation. ~~[from:]~~

~~[(A) prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;]~~

~~[(B) the sheriff and chief of police in the community where the person resides; and]~~

~~[(C) any other persons in contact with the person.]~~

(h) In order to establish the factors in subsection (g) of this section, a person with a conviction or deferred adjudication shall:

(1) to the extent possible, secure and provide to the board the recommendations ~~[of the prosecution, law enforcement, and correctional authorities]~~ specified in subsection ~~(g)(7) [(g)(6)]~~ of this section;

(2) cooperate with the board by providing the information required by this section, including proof that he or she has:

(A) maintained a record of steady employment, as evidenced by salary stubs, income tax records or other employment records for the time since the conviction or deferred adjudication and/or release from imprisonment;

(B) supported his or her dependents, as evidenced by salary stubs, income tax records or other employment records for the time since the conviction or deferred adjudication and/or release from imprisonment, and a recommendation from the spouse or either parent;

(C) maintained a record of good conduct as evidenced by recommendations, absence of other criminal activity or documentation of community service since conviction or deferred adjudication;

(D) paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which he or she has been convicted, as evidenced by certified copies of a court release or other documentation from the court system that all monies have been paid; and

(E) obtained appropriate treatment and/or counseling, if applicable.

(i) The board has determined that the following crimes directly relate to duties and responsibilities of board licensees or registrants. The commission of each indicates an inability or a tendency for the person to be unable to perform or to be unfit for licensure or registration, because commission of such crimes indicates a lack of integrity and respect for one's fellow human being and the community at large. Even if the commission of these crimes did not occur while the licensee or registrant was on-duty or employed at a pharmacy, the board has determined that the crimes directly relate to the practice of pharmacy based on a lack of integrity and good moral character exhibited by the commission of the crimes. In addition, the direct relationship to a license or registration is presumed when any crime occurs in connection with the practice of pharmacy or the operation of a pharmacy. The crimes are as follows:

(1) practicing or operating a pharmacy without a license or registration and other violations of the Pharmacy Act;

(2) deceptive business practices under the Texas Penal Code;

(3) Medicare or Medicaid fraud;

(4) a misdemeanor or felony offense under the Texas Penal Code involving:

(A) murder;

(B) assault;

(C) burglary;

(D) robbery;

(E) theft;

(F) sexual assault;

(G) injury to a child;

(H) injury to an elderly person;

(I) child abuse or neglect;

(J) tampering with a governmental record;

(K) forgery;

(L) perjury;

(M) failure to report abuse;

(N) bribery;

(O) harassment;

(P) insurance claim fraud;

(Q) driving while intoxicated;

(R) solicitation of professional employment under the Penal Code §38.12(d) or Occupations Code, Chapter 102;

(S) mail fraud; or

(T) any criminal offense which requires the individual to register with the Department of Public Safety as a sex offender under Chapter 62, Code of Criminal Procedure.

(5) any crime of moral turpitude;

(6) a misdemeanor or felony offense under Chapters 431 and 481 through 486, Health and Safety Code and the Comprehensive Drug Abuse Prevention and Control Act of 1970; or

(7) other misdemeanors or felonies which serve as grounds for discipline under the Act, including violations of the Penal Code, Titles 4, 5, 6, 7, 8, 9, and 10, which indicate an inability or tendency for the person to be unable to perform as a licensee or registrant, or to be unfit for licensure or registration, if action by the board will promote the intent of the Pharmacy Act, board rules including this chapter, and Occupations Code, Chapter 53.

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 September 12, 2025.

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Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Earliest possible date of adoption: October 26, 2025

For further information, please call: (512) 305-8084



## CHAPTER 283. LICENSING REQUIREMENTS FOR PHARMACISTS

### 22 TAC §283.12

The Texas State Board of Pharmacy proposes amendments to §283.12, concerning Licenses for Military Service Members, Military Veterans, and Military Spouses. The amendments, if

adopted, update the alternative licensing procedures, expedited licensing procedures, and interim license procedures for a military service member, military veteran, or military spouse, in accordance with House Bill 5629, establish provisional license procedures for a military service member, military veteran, or military spouse, in accordance with Senate Bill 1818, and make grammatical corrections.

Daniel Carroll, Pharm.D., Executive Director/Secretary, has determined that, for the first five-year period the rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. Dr. Carroll has determined that, for each year of the first five-year period the rule will be in effect, the public benefit anticipated as a result of enforcing the amendments will be to provide consistency between state law and Board rules regarding the licensing requirements and procedures for military service members, military veterans, and military spouses and grammatically correct regulations. There is no anticipated adverse economic impact on large, small or micro-businesses (pharmacies), rural communities, or local or state employment. Therefore, an economic impact statement and regulatory flexibility analysis are not required.

For each year of the first five years the proposed amendments will be in effect, Dr. Carroll has determined the following:

- (1) The proposed amendments do not create or eliminate a government program;
- (2) Implementation of the proposed amendments does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) Implementation of the proposed amendments does not require an increase or decrease in the future legislative appropriations to the agency;
- (4) The proposed amendments do not require an increase or decrease in fees paid to the agency;
- (5) The proposed amendments do not create a new regulation;
- (6) The proposed amendments do limit an existing regulation by exempting military service members, military veterans, and military spouses from certain licensing requirements in order to comply with state law;
- (7) The proposed amendments do not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) The proposed amendments would have a de minimis impact on this state's economy.

Written comments on the amendments may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. Comments must be received by 5:00 p.m., October 28, 2025.

The amendments are proposed under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

§283.12. *Licenses for Military Service Members, Military Veterans, and Military Spouses.*

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Active duty--Current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, or similar military service of another state.

(2) Armed forces of the United States--The army, navy, air force, space force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) Military service member--A person who is on active duty.

(4) Military spouse--A person who is married to a military service member.

(5) Military veteran--A person who has served on active duty and who was discharged or released from active duty.

(b) Alternative licensing procedure. For the purpose of §55.004, Occupations Code, [an applicant for a pharmacist license who is] a military service member, military veteran, or military spouse may complete the following alternative procedures to apply for a pharmacist license if the applicant holds a current license issued by another state that is similar in scope of practice to the license in this state and is in good standing with that state's licensing authority or within the five years preceding the application date held a pharmacist license in this state [for licensing as a pharmacist].

(1) Provisional license. On receipt by the board of an application for a pharmacist license in accordance with this subsection, the board shall issue a provisional license to the applicant while the board processes the application. A provisional license issued under this subsection expires on the earlier of:

(A) the date the board approves or denies the provisional license holder's application for the license; or

(B) the 180th date after the date the provisional license is issued.

(2) [(+)] Requirements for licensing by reciprocity. An applicant for licensing by reciprocity who meets all of the following requirements may be granted a temporary license as specified in this subsection prior to completing the NABP application for pharmacist license by reciprocity, and taking and passing the Texas Pharmacy Jurisprudence Examination. The applicant shall:

(A) complete the Texas application for pharmacist license by reciprocity that includes the following:

- (i) name;
- (ii) addresses, phone numbers, date of birth, and social security number; and
- (iii) any other information requested on the application;

(B) meet the educational and age requirements as set forth in §283.3 of this title (relating to Educational and Age Requirements);

(C) present to the board proof of initial licensing by examination and proof that any current licenses and any other licenses granted to the applicant by any other state have not been suspended, revoked, canceled, surrendered, or otherwise restricted for any reason;

(D) meet all requirements necessary for the board to access the criminal history records information, including submitting fingerprint information, and such criminal history check does not reveal any disposition for a crime specified in §281.64 of this title (relating to Sanctions for Criminal Offenses) indicating a sanction of denial, revocation, or suspension;

(E) be exempt from the application and examination fees paid to the board set forth in §283.9(a)(2)(A) and (b) of this title (relating to Fee Requirements for Licensure by Examination, Score Transfer and Reciprocity); and

(F) provide documentation of eligibility, including:

(i) military identification indicating that the applicant is a military service member, military veteran, or military dependent, if a military spouse; and

(ii) marriage certificate, if a military spouse.

(3) [(2)] Requirements for an applicant whose Texas pharmacist license has expired. An applicant whose Texas pharmacist license has expired within five years preceding the application date:

(A) shall complete the Texas application for licensing that includes the following:

(i) name;

(ii) addresses, phone numbers, date of birth, and social security number; and

(iii) any other information requested on the application;

(B) shall provide documentation of eligibility, including:

(i) military identification indicating that the applicant is a military service member, military veteran, or military dependent, if a military spouse; and

(ii) marriage certificate, if a military spouse;

(C) shall pay the renewal fee specified in §295.5 of this title (relating to Pharmacist License or Renewal Fees); however, the applicant shall be exempt from the fees specified in §295.7(3) of this title (relating to Pharmacist License Renewal);

(D) shall complete approved continuing education requirements according to the following schedule:

(i) if the Texas pharmacist license has been expired for more than one year but less than two years, the applicant shall complete 15 contact hours of approved continuing education;

(ii) if the Texas pharmacist license has been expired for more than two years but less than three years, the applicant shall complete 30 contact hours of approved continuing education; or

(iii) if the Texas pharmacist license has been expired for more than three years but less than five years, the applicant shall complete 45 contact hours of approved continuing education; and

(E) is not required to take the Texas Pharmacy Jurisprudence Examination.

(4) [(3)] A temporary license issued under this subsection [section] is valid for no more than six months and may be extended, if disciplinary action is pending, or upon request, as otherwise determined reasonably necessary by the executive director of the board.

(5) [(4)] A temporary license issued under this subsection [section] expires within six months of issuance if the individual fails to

pass the Texas Pharmacy Jurisprudence Examination within six months or fails to take the Texas Pharmacy Jurisprudence Examination within six months.

(6) [(5)] An individual may not serve as pharmacist-in-charge of a pharmacy with a temporary license issued under this subsection.

(c) Expedited licensing procedure. For the purpose of §55.005, Occupations Code, [an applicant for a pharmacist license who is] a military service member, military veteran, or military spouse [and who holds a current license as a pharmacist issued by another state] may complete the following expedited procedures to apply for a pharmacist license if the applicant holds a current license issued by another state that is similar in scope of practice to the license in this state and is in good standing with that state's licensing authority or within the five years preceding the application date held a pharmacist license in this state [for licensing as a pharmacist]. The applicant shall:

(1) meet the educational and age requirements specified in §283.3 of this title (relating to Educational and Age Requirements);

(2) meet all requirements necessary in order for the board to access the criminal history record information, including submitting fingerprint information and being responsible for all associated costs;

(3) complete the Texas and NABP applications for reciprocity. Any fraudulent statement made in the application for reciprocity is grounds for denial of the application. If such application is granted, any fraudulent statement is grounds for suspension, revocation, and/or cancellation of any license so granted by the board. The Texas application includes the following information:

(A) name;

(B) addresses, phone numbers, date of birth, and social security number; and

(C) any other information requested on the application;

(4) present to the board proof of initial licensing by examination and proof that their current license and any other license or licenses granted to the applicant by any other state have not been suspended, revoked, canceled, surrendered, or otherwise restricted for any reason;

(5) pass the Texas Pharmacy Jurisprudence Examination with a minimum grade of 75. (The passing grade may be used for the purpose of licensure by reciprocity for a period of two years from the date of passing the examination.) Should the applicant fail to achieve a minimum grade of 75 on the Texas Pharmacy Jurisprudence Examination, such applicant, in order to be licensed, shall retake the Texas Pharmacy Jurisprudence Examination as specified in §283.11 of this title (relating to Examination Retake Requirements) until such time as a minimum grade of 75 is achieved; and

(6) be exempt from the application and examination fees paid to the board set forth in §283.9(a)(2)(A) and (b).

(d) License renewal. As specified in §55.003, Occupations Code, a military service member who holds a pharmacist license is entitled to two years of additional time to complete any requirements related to the renewal of the military service member's license.

(1) A military service member who fails to renew their pharmacist license in a timely manner because the individual was serving as a military service member shall submit to the board:

(A) name, address, and license number of the pharmacist;

(B) military identification indicating that the individual is a military service member; and

(C) a statement requesting up to two years of additional time to complete the renewal.

(2) A military service member specified in paragraph (1) of this subsection shall be exempt from fees specified in §295.7(3) of this title (relating to Pharmacist License Renewal).

(3) A military service member specified in paragraph (1) of this subsection is entitled to two additional years of time to complete the continuing education requirements specified in §295.8 of this title (relating to Continuing Education Requirements).

(e) Inactive status. The holder of a pharmacist license who is a military service member, a military veteran, or a military spouse who holds a pharmacist license and who is not engaged in the practice of pharmacy in this state may place the license on inactive status as specified in §295.9 of this title (relating to Inactive License). The inactive license holder:

(1) shall provide documentation to include:

(A) military identification indicating that the pharmacist is a military service member, military veteran, or military dependent, if a military spouse; and

(B) marriage certificate, if a military spouse;

(2) shall be exempt from the fees specified in §295.9(a)(1)(C) and §295.9(a)(2)(C) of this title;

(3) shall not practice pharmacy in this state; and

(4) may reactivate the license as specified in §295.9 of this title (relating to Inactive License).

(f) Interim license for military service member or military spouse. In accordance with §55.0041, Occupations Code, a military service member or military spouse may be issued an interim pharmacist license if the member or spouse currently holds a license similar in scope of practice issued by the licensing authority of another state and is in good standing with that licensing authority as specified in §55.0042, Occupations Code. [who is currently licensed in good standing by a jurisdiction with licensing requirements that are substantially equivalent to the licensing requirements in this state may be issued an interim pharmacist license. The military service member or military spouse:]

(1) Before engaging in the practice of pharmacy, the military service member or military spouse shall submit an application that includes [shall provide documentation to include]:

(A) a copy of the member's military orders showing relocation to this state [notification of intent to practice form including any additional information requested];

(B) if the applicant is a military spouse, a copy of the military spouse's marriage certificate [proof of the military service member or military spouse's residency in this state, including a copy of the permanent change of station order for the military service member or military service member to whom the military spouse is married]; and

(C) a notarized affidavit affirming under penalty of perjury that: [copy of the military service member or military spouse's military identification card; and]

(i) the applicant is the person described and identified in the application;

(ii) all statements in the application are true, correct, and complete;

(iii) the applicant understands the scope of practice for a pharmacist license in this state and will not perform outside of that scope of practice; and

(iv) the applicant is in good standing in each state in which the applicant holds or has held a pharmacist license.

[(D) verification from the jurisdiction in which the military service member or military spouse holds an active pharmacist license that the military service member or military spouse's license is in good standing;]

(2) A military service member or military spouse applying for an interim license under this subsection may not practice pharmacy in this state until issued an interim pharmacist license.[:]

(3) For a military service member or military spouse applying for an interim license under this subsection, the board shall: [may hold an interim pharmacist license only for the period during which the military service member or military service member to whom the military spouse is married is stationed at a military installation in this state, but not to exceed three years from the date of issuance of the interim license; and]

(A) determine whether the state in which the applicant is licensed issues licenses similar in scope of practice to a pharmacist license issued by the board; and

(B) notify the applicant that:

(i) the board is issuing the interim license;

(ii) the application is incomplete; or

(iii) the board is unable to issue the interim license because a pharmacist license issued by the board is not similar in scope of practice to the applicant's license.

(4) A military service member or military spouse may engage in the practice of pharmacy under an interim license issued under this subsection only for the period during which the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is stationed at a military installation in this state [may not renew the interim pharmacist license].

(5) In the event of a divorce or similar event that affects a person's status as a military spouse, the former spouse may continue to engage in the practice of pharmacy under an interim license issued under this subsection until the third anniversary of the date the spouse submitted the application required under paragraph (1) of this subsection.

(6) While engaged in the practice of pharmacy in this state, the military service member or military spouse shall comply with all other laws and regulations applicable to the business or occupation in this state.

(g) Relationship to federal law. This [Subsection (f) of this] section establishes requirements and procedures authorized or required by Texas Occupations Code, Chapter 55, and does not modify or alter rights that may be provided under federal law.

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

Filed with the Office of the Secretary of State on September 12, 2025.



## CHAPTER 291. PHARMACIES

### SUBCHAPTER B. COMMUNITY PHARMACY (CLASS A)

#### 22 TAC §291.31

The Texas State Board of Pharmacy proposes amendments to §291.31, concerning Definitions. The amendments, if adopted, add definitions for the terms "common ownership" and "owner of record."

Daniel Carroll, Pharm.D., Executive Director/Secretary, has determined that, for the first five-year period the rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. Dr. Carroll has determined that, for each year of the first five-year period the rule will be in effect, the public benefit anticipated as a result of enforcing the amendments will be clear and correct regulations that reflect the Board's current practices concerning the licensure of pharmacies. There is no anticipated adverse economic impact on large, small or micro-businesses (pharmacies), rural communities, or local or state employment. Therefore, an economic impact statement and regulatory flexibility analysis are not required.

For each year of the first five years the proposed amendments will be in effect, Dr. Carroll has determined the following:

- (1) The proposed amendments do not create or eliminate a government program;
- (2) Implementation of the proposed amendments does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) Implementation of the proposed amendments does not require an increase or decrease in the future legislative appropriations to the agency;
- (4) The proposed amendments do not require an increase or decrease in fees paid to the agency;
- (5) The proposed amendments do not create a new regulation;
- (6) The proposed amendments do expand an existing regulation;
- (7) The proposed amendments do not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) The proposed amendments would have a de minimis impact on this state's economy.

Written comments on the amendments may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. Comments must be received by 5:00 p.m., October 28, 2025.

The amendments are proposed under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing

the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

#### §291.31. Definitions.

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

(1) Accurately as prescribed--Dispensing, delivering, and/or distributing a prescription drug order:

(A) to the correct patient (or agent of the patient) for whom the drug or device was prescribed;

(B) with the correct drug in the correct strength, quantity, and dosage form ordered by the practitioner; and

(C) with correct labeling (including directions for use) as ordered by the practitioner. Provided, however, that nothing herein shall prohibit pharmacist substitution if substitution is conducted in strict accordance with applicable laws and rules, including Chapter 562 of the Texas Pharmacy Act.

(2) Act--The Texas Pharmacy Act, Chapters 551 - 569, Occupations Code, as amended.

(3) Advanced practice registered nurse--A registered nurse licensed by the Texas Board of Nursing to practice as an advanced practice registered nurse on the basis of completion of an advanced education program. The term includes nurse practitioner, nurse midwife, nurse anesthetist, and clinical nurse specialist. The term is synonymous with advanced nurse practitioner and advanced practice nurse.

(4) Automated checking device--A device that confirms that the correct drug and strength has been labeled with the correct label for the correct patient prior to delivery of the drug to the patient.

(5) Automated counting device--An automated device that is loaded with bulk drugs and counts and/or packages (i.e., fills a vial or other container) a specified quantity of dosage units of a designated drug product.

(6) Automated pharmacy dispensing system--A system that automatically performs operations or activities, other than compounding or administration, relative to the storage, packaging, counting, and labeling for dispensing and delivery of medications, and that collects, controls, and maintains all transaction information. "Automated pharmacy dispensing system" does not mean "Automated compounding or counting device" or "Automated medication supply device."

(7) Beyond use date--The date beyond which a product should not be used.

(8) Board--The Texas State Board of Pharmacy.

(9) Common ownership--Two or more pharmacies with an identical owner of record with the board or that have owners of record with the board that are a parent, subsidiary, or affiliate of one another under §1.002, Business Organizations Code.

(10) [(9)] Confidential record--Any health-related record that contains information that identifies an individual and that is maintained by a pharmacy or pharmacist, such as a patient medication record, prescription drug order, or medication order.



(11) [(40)] Controlled substance--A drug, immediate precursor, or other substance listed in Schedules I - V or Penalty Groups 1 - 4 of the Texas Controlled Substances Act, as amended (Chapter 481, Health and Safety Code), or a drug, immediate precursor, or other substance included in Schedules I, II, III, IV, or V of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended (Public Law 91-513).

(12) [(44)] Dangerous drug--A drug or device that:

(A) is not included in Penalty Groups 1 - 4 of the Texas Controlled Substances Act, as amended, (Chapter 481, Health and Safety Code), and is unsafe for self-medication; or

(B) bears or is required to bear the legend:

(i) "Caution: federal law prohibits dispensing without prescription" or "Rx only" or another legend that complies with federal law; or

(ii) "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian."

(13) [(42)] Data communication device--An electronic device that receives electronic information from one source and transmits or routes it to another (e.g., bridge, router, switch or gateway).

(14) [(43)] Deliver or delivery--The actual, constructive, or attempted transfer of a prescription drug or device or controlled substance from one person to another, whether or not for a consideration.

(15) [(44)] Designated agent--

(A) a licensed nurse, physician assistant, pharmacist, or other individual designated by a practitioner to communicate prescription drug orders to a pharmacist;

(B) a licensed nurse, physician assistant, or pharmacist employed in a health care facility to whom the practitioner communicates a prescription drug order;

(C) an advanced practice registered nurse or physician assistant authorized by a practitioner to prescribe or order drugs or devices under Chapter 157 of the Medical Practice Act (Subtitle B, Occupations Code); or

(D) a person who is a licensed vocational nurse or has an education equivalent to or greater than that required for a licensed vocational nurse designated by the practitioner to communicate prescriptions for an advanced practice registered nurse or physician assistant authorized by the practitioner to sign prescription drug orders under Chapter 157 of the Medical Practice Act (Subtitle B, Occupations Code).

(16) [(45)] Dispense--Preparing, packaging, compounding, or labeling for delivery a prescription drug or device in the course of professional practice to an ultimate user or his agent by or pursuant to the lawful order of a practitioner.

(17) [(46)] Dispensing error--An action committed by a pharmacist or other pharmacy personnel that causes the patient or patient's agent to take possession of a dispensed prescription drug and an individual subsequently discovers that the patient has received an incorrect drug product, which includes incorrect strength, incorrect dosage form, and/or incorrect directions for use.

(18) [(47)] Dispensing pharmacist--The pharmacist responsible for the final check of the dispensed prescription before delivery to the patient.

(19) [(48)] Distribute--The delivery of a prescription drug or device other than by administering or dispensing.

(20) [(49)] Downtime--Period of time during which a data processing system is not operable.

(21) [(20)] Drug regimen review--An evaluation of prescription drug orders and patient medication records for:

(A) known allergies;

(B) rational therapy-contraindications;

(C) reasonable dose and route of administration;

(D) reasonable directions for use;

(E) duplication of therapy;

(F) drug-drug interactions;

(G) drug-food interactions;

(H) drug-disease interactions;

(I) adverse drug reactions; and

(J) proper utilization, including overutilization or underutilization.

(22) [(24)] Electronic prescription drug order--A prescription drug order that is generated on an electronic application and transmitted as an electronic data file.

(23) [(22)] Electronic signature--A unique security code or other identifier which specifically identifies the person entering information into a data processing system. A facility which utilizes electronic signatures must:

(A) maintain a permanent list of the unique security codes assigned to persons authorized to use the data processing system; and

(B) have an ongoing security program which is capable of identifying misuse and/or unauthorized use of electronic signatures.

(24) [(23)] Electronic verification process--An [an] electronic verification, bar code verification, weight verification, radio frequency identification (RFID), or similar electronic process or system that accurately verifies that medication has been properly dispensed and labeled by, or loaded into, an automated pharmacy dispensing system.

(25) [(24)] Full-time pharmacist--A pharmacist who works in a pharmacy from 30 to 40 hours per week or, if the pharmacy is open less than 60 hours per week, one-half of the time the pharmacy is open.

(26) [(25)] Hard copy--A physical document that is readable without the use of a special device.

(27) [(26)] Hot water--The temperature of water from the pharmacy's sink maintained at a minimum of 105 degrees F (41 degrees C).

(28) [(27)] Medical Practice Act--The Texas Medical Practice Act, Subtitle B, Occupations Code, as amended.

(29) [(28)] Medication order--A written order from a practitioner or an oral order from a practitioner or his authorized agent for administration of a drug or device.

(30) [(29)] New prescription drug order--A prescription drug order that has not been dispensed to the patient in the same strength and dosage form by this pharmacy within the last year.

(31) [(30)] Original prescription--The:

(A) original written prescription drug order; or

(B) original oral or electronic prescription drug order reduced to writing either manually or electronically.

(32) Owner of record--The direct owner of the pharmacy provided on the pharmacy's application for a pharmacy license or most recent approved change of ownership form.

(33) [(31)] Part-time pharmacist--A pharmacist who works less than full-time.

(34) [(32)] Patient counseling--Communication by the pharmacist of information to the patient or patient's agent in order to improve therapy by ensuring proper use of drugs and devices.

(35) [(33)] Patient med-pak--A package prepared by a pharmacist for a specific patient comprised of a series of containers and containing two or more prescribed solid oral dosage forms. The patient med-pak is so designed or each container is so labeled as to indicate the day and time, or period of time, that the contents within each container are to be taken.

(36) [(34)] Pharmaceutical care--The provision of drug therapy and other pharmaceutical services intended to assist in the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process.

(37) [(35)] Pharmacist-in-charge--The pharmacist designated on a pharmacy license as the pharmacist who has the authority or responsibility for a pharmacy's compliance with laws and rules pertaining to the practice of pharmacy.

(38) [(36)] Pharmacy technician--An individual who is registered with the board as a pharmacy technician and whose responsibility in a pharmacy is to provide technical services that do not require professional judgment regarding preparing and distributing drugs and who works under the direct supervision of and is responsible to a pharmacist.

(39) [(37)] Pharmacy technician trainee--An individual who is registered with the board as a pharmacy technician trainee and is authorized to participate in a pharmacy's technician training program.

(40) [(38)] Physician assistant--A physician assistant recognized by the Texas Medical Board as having the specialized education and training required under Subtitle B, Chapter 157, Occupations Code, and issued an identification number by the Texas Medical Board.

(41) [(39)] Practitioner--

(A) a person licensed or registered to prescribe, distribute, administer, or dispense a prescription drug or device in the course of professional practice in this state, including a physician, dentist, podiatrist, or veterinarian but excluding a person licensed under this Act;

(B) a person licensed by another state, Canada, or the United Mexican States in a health field in which, under the law of this state, a license holder in this state may legally prescribe a dangerous drug;

(C) a person practicing in another state and licensed by another state as a physician, dentist, veterinarian, or podiatrist, who has a current federal Drug Enforcement Administration registration number and who may legally prescribe a Schedule II, III, IV, or V controlled substance, as specified under Chapter 481, Health and Safety Code, in that other state; or

(D) an advanced practice registered nurse or physician assistant to whom a physician has delegated the authority to prescribe or order drugs or devices under Chapter 157 of the Medical Practice Act (Subtitle B, Occupations Code) or, for the purpose of this subchapter, a pharmacist who practices in a hospital, hospital-based clinic, or an academic health care institution and to whom a physician has del-

egated the authority to sign a prescription for a dangerous drug under §157.101, Occupations Code.

(42) [(40)] Prepackaging--The act of repackaging and relabeling quantities of drug products from a manufacturer's original commercial container into a prescription container, unit-dose packaging, or multi-compartment container for dispensing by a pharmacist to the ultimate consumer, including dispensing through the use of an automated pharmacy dispensing system or automated checking device.

(43) [(41)] Prescription department--The area of a pharmacy that contains prescription drugs.

(44) [(42)] Prescription drug--

(A) a substance for which federal or state law requires a prescription before the substance may be legally dispensed to the public;

(B) a drug or device that under federal law is required, before being dispensed or delivered, to be labeled with the statement:

(i) "Caution: federal law prohibits dispensing without prescription" or "Rx only" or another legend that complies with federal law; or

(ii) "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian"; or

(C) a drug or device that is required by federal or state statute or regulation to be dispensed on prescription or that is restricted to use by a practitioner only.

(45) [(43)] Prescription drug order--

(A) a written order from a practitioner or an oral order from a practitioner or his authorized agent to a pharmacist for a drug or device to be dispensed; or

(B) a written order or an oral order pursuant to Subtitle B, Chapter 157, Occupations Code.

(46) [(44)] Prospective drug use review--A review of the patient's drug therapy and prescription drug order or medication order prior to dispensing or distributing the drug.

(47) [(45)] State--One of the 50 United States of America, a U.S. territory, or the District of Columbia.

(48) [(46)] Texas Controlled Substances Act--The Texas Controlled Substances Act, Health and Safety Code, Chapter 481, as amended.

(49) [(47)] Written protocol--A physician's order, standing medical order, standing delegation order, or other order or protocol as defined by rule of the Texas Medical Board under the Texas Medical Practice Act.

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

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TRD-202503246

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Earliest possible date of adoption: October 26, 2025

For further information, please call: (512) 305-8084

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## SUBCHAPTER C. NUCLEAR PHARMACY (CLASS B)

### 22 TAC §291.52

The Texas State Board of Pharmacy proposes amendments to §291.52, concerning Definitions. The amendments, if adopted, add definitions for the terms "common ownership" and "owner of record."

Daniel Carroll, Pharm.D., Executive Director/Secretary, has determined that, for the first five-year period the rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. Dr. Carroll has determined that, for each year of the first five-year period the rule will be in effect, the public benefit anticipated as a result of enforcing the amendments will be clear and correct regulations that reflect the Board's current practices concerning the licensure of pharmacies. There is no anticipated adverse economic impact on large, small or micro-businesses (pharmacies), rural communities, or local or state employment. Therefore, an economic impact statement and regulatory flexibility analysis are not required.

For each year of the first five years the proposed amendments will be in effect, Dr. Carroll has determined the following:

- (1) The proposed amendments do not create or eliminate a government program;
- (2) Implementation of the proposed amendments does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) Implementation of the proposed amendments does not require an increase or decrease in the future legislative appropriations to the agency;
- (4) The proposed amendments do not require an increase or decrease in fees paid to the agency;
- (5) The proposed amendments do not create a new regulation;
- (6) The proposed amendments do expand an existing regulation;
- (7) The proposed amendments do not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) The proposed amendments would have a de minimis impact on this state's economy.

Written comments on the amendments may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. Comments must be received by 5:00 p.m., October 28, 2025.

The amendments are proposed under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

§291.52. *Definitions.*

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. Any term not defined in this section shall have the definition set forth in the Act, §551.003.

(1) Accurately as prescribed--Dispensing, delivering, and/or distributing a prescription drug order or radioactive prescription drug order:

(A) to the correct patient (or agent of the patient) for whom the drug or device was prescribed;

(B) with the correct drug in the correct strength, quantity, and dosage form ordered by the practitioner; and

(C) with correct labeling (including directions for use) as ordered by the practitioner. Provided, however, that nothing herein shall prohibit pharmacist substitution if substitution is conducted in strict accordance with applicable laws and rules, including Subchapter A, Chapter 562 of the Act.

(2) ACPE--Accreditation Council for Pharmacy Education.

(3) Act--The Texas Pharmacy Act, Chapters 551 - 569, Occupations Code, as amended.

(4) Administer--The direct application of a prescription drug and/or radiopharmaceutical, by injection, inhalation, ingestion, or any other means to the body of a patient by:

(A) a practitioner, an authorized agent under his supervision, or other person authorized by law; or

(B) the patient at the direction of a practitioner.

(5) Authentication of product history--Identifying the purchasing source, the intermediate handling, and the ultimate disposition of any component of a radioactive drug.

(6) Authorized nuclear pharmacist--A pharmacist who:

(A) has completed the specialized training requirements specified by this subchapter for the preparation and distribution of radiopharmaceuticals; and

(B) is named on a Texas radioactive material license, issued by the Texas Department of State Health Services, Radiation Control Program.

(7) Authorized user--Any individual named on a Texas radioactive material license, issued by the Texas Department of State Health Services, Radiation Control Program.

(8) Board--The Texas State Board of Pharmacy.

(9) Common ownership--Two or more pharmacies with an identical owner of record with the board or that have owners of record with the board that are a parent, subsidiary, or affiliate of one another under §1.002, Business Organizations Code.

(10) [(9)] Component--Any ingredient intended for use in the compounding of a drug preparation, including those that may not appear in such preparation.

(11) [(40)] Compounding--The preparation, mixing, assembling, packaging, or labeling of a drug or device:

(A) as the result of a practitioner's prescription drug or medication order based on the practitioner-patient-pharmacist relationship in the course of professional practice;

(B) for administration to a patient by a practitioner as the result of a practitioner's initiative based on the practitioner-patient-pharmacist relationship in the course of professional practice;

(C) in anticipation of prescription drug or medication orders based on routine, regularly observed prescribing patterns; or

(D) for or as an incident to research, teaching, or chemical analysis and not for sale or dispensing, except as allowed under §562.154 or Chapter 563 of the Act.

(12) [(44)] Controlled substance--A drug, immediate precursor, or other substance listed in Schedules I - V or Penalty Groups 1-4 of the Texas Controlled Substances Act, as amended, or a drug, immediate precursor, or other substance included in Schedule I, II, III, IV, or V of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended (Public Law 91-513).

(13) [(42)] Dangerous drug--A drug or device that:

(A) is not included in Penalty Group 1, 2, 3, or 4, Chapter 481, Health and Safety Code, and is unsafe for self-medication; or

(B) bears or is required to bear the legend:

(i) "Caution: federal law prohibits dispensing without prescription" or "Rx only" or another legend that complies with federal law; or

(ii) "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian."

(14) [(43)] Data communication device--An electronic device that receives electronic information from one source and transmits or routes it to another (e.g., bridge, router, switch, or gateway).

(15) [(44)] Deliver or delivery--The actual, constructive, or attempted transfer of a prescription drug or device, radiopharmaceutical, or controlled substance from one person to another, whether or not for a consideration.

(16) [(45)] Designated agent--

(A) an individual, including a licensed nurse, physician assistant, nuclear medicine technologist, or pharmacist:

(i) who is designated by a practitioner and authorized to communicate a prescription drug order to a pharmacist; and

(ii) for whom the practitioner assumes legal responsibility;

(B) a licensed nurse, physician assistant, or pharmacist employed in a health care facility to whom a practitioner communicates a prescription drug order; or

(C) a registered nurse or physician assistant authorized by a practitioner to administer a prescription drug order for a dangerous drug under Subchapter B, Chapter 157 (Occupations Code).

(17) [(46)] Device--An instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related articles, including any component parts or accessory that is required under federal or state law to be ordered or prescribed by a practitioner.

(18) [(47)] Diagnostic prescription drug order--A radioactive prescription drug order issued for a diagnostic purpose.

(19) [(48)] Dispense--Preparing, packaging, compounding, or labeling for delivery a prescription drug or device, or a radiopharmaceutical in the course of professional practice to an ultimate user or his agent by or pursuant to the lawful order of a practitioner.

(20) [(19)] Dispensing pharmacist--The authorized nuclear pharmacist responsible for the final check of the dispensed prescription before delivery to the patient.

(21) [(20)] Distribute--The delivering of a prescription drug or device, or a radiopharmaceutical other than by administering or dispensing.

(22) [(21)] Electronic radioactive prescription drug order--A radioactive prescription drug order which is transmitted by an electronic device to the receiver (pharmacy).

(23) [(22)] Full-time pharmacist--A pharmacist who works in a pharmacy at least 30 hours per week or, if the pharmacy is open less than 60 hours per week, one-half of the time the pharmacy is open.

(24) [(23)] Hot water--The temperature of water from the pharmacy's sink maintained at a minimum of 105 degrees F (41 degrees C).

(25) [(24)] Nuclear pharmacy technique--The mechanical ability required to perform the nonjudgmental, technical aspects of preparing and dispensing radiopharmaceuticals.

(26) [(25)] Original prescription--The:

(A) original written radioactive prescription drug orders; or

(B) original oral or electronic radioactive prescription drug orders maintained either manually or electronically.

(27) Owner of record--The direct owner of the pharmacy provided on the pharmacy's application for a pharmacy license or most recent approved change of ownership form.

(28) [(26)] Pharmacist-in-charge--The pharmacist designated on a pharmacy license as the pharmacist who has the authority or responsibility for a pharmacy's compliance with laws and rules pertaining to the practice of pharmacy.

(29) [(27)] Pharmacy technician--An individual whose responsibility in a pharmacy is to provide technical services that do not require professional judgment regarding preparing and distributing drugs and who works under the direct supervision of and is responsible to a pharmacist.

(30) [(28)] Pharmacy technician trainee--An individual who is registered with the board as a pharmacy technician trainee and is authorized to participate in a pharmacy's technician training program.

(31) [(29)] Radioactive drug service--The act of distributing radiopharmaceuticals; the participation in radiopharmaceutical selection and the performance of radiopharmaceutical drug reviews.

(32) [(30)] Radioactive prescription drug order--An order from a practitioner or a practitioner's designated agent for a radiopharmaceutical to be dispensed.

(33) [(31)] Radiopharmaceutical--A prescription drug or device that exhibits spontaneous disintegration of unstable nuclei with the emission of a nuclear particle(s) or photon(s), including any nonradioactive reagent kit or nuclide generator that is intended to be used in preparation of any such substance.

(34) [(32)] Sterile radiopharmaceutical--A dosage form of a radiopharmaceutical free from living micro-organisms.

(35) [(33)] Therapeutic prescription drug order--A radioactive prescription drug order issued for a specific patient for a therapeutic purpose.

(36) [(34)] Ultimate user--A person who has obtained and possesses a prescription drug or radiopharmaceutical for administration to a patient by a practitioner.

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 September 12, 2025.

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Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Earliest possible date of adoption: October 26, 2025

For further information, please call: (512) 305-8084



## SUBCHAPTER D. INSTITUTIONAL PHARMACY (CLASS C)

### 22 TAC §291.72

The Texas State Board of Pharmacy proposes amendments to §291.72, concerning Definitions. The amendments, if adopted, add definitions for the terms "common ownership" and "owner of record."

Daniel Carroll, Pharm.D., Executive Director/Secretary, has determined that, for the first five-year period the rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. Dr. Carroll has determined that, for each year of the first five-year period the rule will be in effect, the public benefit anticipated as a result of enforcing the amendments will be clear and correct regulations that reflect the Board's current practices concerning the licensure of pharmacies. There is no anticipated adverse economic impact on large, small or micro-businesses (pharmacies), rural communities, or local or state employment. Therefore, an economic impact statement and regulatory flexibility analysis are not required.

For each year of the first five years the proposed amendments will be in effect, Dr. Carroll has determined the following:

- (1) The proposed amendments do not create or eliminate a government program;
- (2) Implementation of the proposed amendments does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) Implementation of the proposed amendments does not require an increase or decrease in the future legislative appropriations to the agency;
- (4) The proposed amendments do not require an increase or decrease in fees paid to the agency;
- (5) The proposed amendments do not create a new regulation;
- (6) The proposed amendments do expand an existing regulation;
- (7) The proposed amendments do not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) The proposed amendments would have a de minimis impact on this state's economy.

Written comments on the amendments may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. Comments must be received by 5:00 p.m., October 28, 2025.

The amendments are proposed under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

#### §291.72. Definitions.

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

(1) Accurately as prescribed--Distributing and/or delivering a medication drug order:

(A) to the correct patient (or agent of the patient) for whom the drug or device was prescribed;

(B) with the correct drug in the correct strength, quantity, and dosage form ordered by the practitioner; and

(C) with correct labeling as ordered by the practitioner and required by rule.

(2) Act--The Texas Pharmacy Act, Chapters 551 - 566 and 568 - 569, Occupations Code, as amended.

(3) Administer--The direct application of a prescription drug by injection, inhalation, ingestion, or any other means to the body of a patient by:

(A) a practitioner, an authorized agent under his supervision, or other person authorized by law; or

(B) the patient at the direction of a practitioner.

(4) Automated compounding or counting device--An automated device that compounds, measures, counts and/or packages a specified quantity of dosage units of a designated drug product.

(5) Automated medication supply system--A mechanical system that performs operations or activities relative to the storage and distribution of medications for administration and which collects, controls, and maintains all transaction information.

(6) Board--The State Board of Pharmacy.

(7) Clinical Pharmacy Program--An ongoing program in which pharmacists are on duty during the time the pharmacy is open for pharmacy services and pharmacists provide direct focused, medication-related care for the purpose of optimizing patients' medication therapy and achieving definite outcomes, which includes the following activities:

(A) prospective medication therapy consultation, selection, and adjustment;

(B) monitoring laboratory values and therapeutic drug monitoring;

(C) identifying and resolving medication-related problems; and

(D) disease state management.

(8) Common ownership--Two or more pharmacies with an identical owner of record with the board or that have owners of record with the board that are a parent, subsidiary, or affiliate of one another under §1.002, Business Organizations Code.

(9) [(8)] Confidential record--Any health-related record that contains information that identifies an individual and that is maintained by a pharmacy or pharmacist, such as a patient medication record, prescription drug order, or medication drug order.

(10) [(9)] Consultant pharmacist--A pharmacist retained by a facility on a routine basis to consult with the facility in areas that pertain to the practice of pharmacy.

(11) [(10)] Controlled substance--A drug, immediate precursor, or other substance listed in Schedules I - V or Penalty Groups 1 - 4 of the Texas Controlled Substances Act, as amended, or a drug, immediate precursor, or other substance included in Schedules I - V of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended (Public Law 91-513).

(12) [(11)] Dangerous drug--A drug or device that:

(A) is not included in Penalty Group 1, 2, 3, or 4, Chapter 481, Health and Safety Code, and is unsafe for self-medication; or

(B) bears or is required to bear the legend:

(i) "Caution: federal law prohibits dispensing without prescription" or "Rx only" or another legend that complies with federal law; or

(ii) "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian."

(13) [(12)] Device--An instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, that is required under federal or state law to be ordered or prescribed by a practitioner.

(14) [(13)] Direct copy--Electronic copy or carbonized copy of a medication order, including a facsimile (FAX) or digital image.

(15) [(14)] Dispense--Preparing, packaging, compounding, or labeling for delivery a prescription drug or device in the course of professional practice to an ultimate user or his agent by or pursuant to the lawful order of a practitioner.

(16) [(15)] Distribute--The delivery of a prescription drug or device other than by administering or dispensing.

(17) [(16)] Distributing pharmacist--The pharmacist who checks the medication order prior to distribution.

(18) [(17)] Downtime--Period of time during which a data processing system is not operable.

(19) [(18)] Drug regimen review--

(A) An evaluation of medication orders and patient medication records for:

- (i) known allergies;
- (ii) rational therapy--contraindications;
- (iii) reasonable dose and route of administration;
- (iv) reasonable directions for use;
- (v) duplication of therapy;
- (vi) drug-drug interactions;
- (vii) drug-food interactions;

(viii) drug-disease interactions;

(ix) adverse drug reactions; and

(x) proper utilization, including overutilization or underutilization.

(B) The drug regimen review may be conducted prior to administration of the first dose (prospective) or after administration of the first dose (retrospective).

(20) [(19)] Electronic signature--A unique security code or other identifier which specifically identifies the person entering information into a data processing system. A facility which utilizes electronic signatures must:

(A) maintain a permanent list of the unique security codes assigned to persons authorized to use the data processing system; and

(B) have an ongoing security program which is capable of identifying misuse and/or unauthorized use of electronic signatures.

(21) [(20)] Expiration date--The date (and time, when applicable) beyond which a product should not be used.

(22) [(21)] Facility--

(A) a hospital or other patient facility that is licensed under Chapter 241 or 577, Health and Safety Code;

(B) a hospice patient facility that is licensed under Chapter 142, Health and Safety Code;

(C) an ambulatory surgical center licensed under Chapter 243, Health and Safety Code; or

(D) a hospital maintained or operated by the state.

(23) [(22)] Floor stock--Prescription drugs or devices not labeled for a specific patient and maintained at a nursing station or other hospital department (excluding the pharmacy) for the purpose of administration to a patient of the facility.

(24) [(23)] Formulary--List of drugs approved for use in the facility by the committee which performs the pharmacy and therapeutics function for the facility.

(25) [(24)] Full-time pharmacist--A pharmacist who works in a pharmacy from 30 to 40 hours per week or if the pharmacy is open less than 60 hours per week, one-half of the time the pharmacy is open.

(26) [(25)] Hard copy--A physical document that is readable without the use of a special device (i.e., data processing system, computer, etc).

(27) [(26)] Hot water--The temperature of water from the pharmacy's sink maintained at a minimum of 105 degrees F (41 degrees C).

(28) [(27)] Institutional pharmacy--Area or areas in a facility where drugs are stored, bulk compounded, delivered, compounded, dispensed, and distributed to other areas or departments of the facility, or dispensed to an ultimate user or his or her agent.

(29) [(28)] Investigational new drug--New drug intended for investigational use by experts qualified to evaluate the safety and effectiveness of the drug as authorized by the Food and Drug Administration.

(30) [(29)] Medical Practice Act--The Texas Medical Practice Act, Subtitle B, Occupations Code, as amended.

(31) ~~[(30)]~~ Medication order--A written order from a practitioner or a verbal order from a practitioner or his authorized agent for administration of a drug or device.

(32) ~~[(31)]~~ Number of beds--The total number of beds is determined by the:

(A) number of beds for which the hospital is licensed by the Texas Department of State Health Services; or

(B) average daily census as calculated by dividing the total number of inpatients admitted during the previous calendar year by 365 (or 366 if the previous calendar year is a leap year).

(33) ~~Owner of record--The direct owner of the pharmacy provided on the pharmacy's application for a pharmacy license or most recent approved change of ownership form.~~

(34) ~~[(32)]~~ Part-time pharmacist--A pharmacist either employed or under contract, who routinely works less than full-time.

(35) ~~[(33)]~~ Patient--A person who is receiving services at the facility (including patients receiving ambulatory procedures and patients conditionally admitted as observation patients), or who is receiving long term care services or Medicare extended care services in a swing bed on the hospital premise or an adjacent, readily accessible facility that is under the authority of the hospital's governing body. For the purposes of this definition, the term "long term care services" means those services received in a skilled nursing facility which is a distinct part of the hospital and the distinct part is not licensed separately or formally approved as a nursing home by the state, even though it is designated or certified as a skilled nursing facility. A patient includes a person confined in any correctional institution operated by the state of Texas.

(36) ~~[(34)]~~ Perpetual inventory--An inventory which documents all receipts and distributions of a drug product, such that an accurate, current balance of the amount of the drug product present in the pharmacy is indicated.

(37) ~~[(35)]~~ Pharmaceutical care--The provision of drug therapy and other pharmaceutical services intended to assist in the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process.

(38) ~~[(36)]~~ Pharmacist-in-charge--Pharmacist designated on a pharmacy license as the pharmacist who has the authority or responsibility for a pharmacy's compliance with laws and rules pertaining to the practice of pharmacy.

(39) ~~[(37)]~~ Pharmacy and therapeutics function--Committee of the medical staff in the facility which assists in the formulation of broad professional policies regarding the evaluation, selection, distribution, handling, use, and administration, and all other matters relating to the use of drugs and devices in the facility.

(40) ~~[(38)]~~ Pharmacy technician--An individual who is registered with the board as a pharmacy technician and whose responsibility in a pharmacy is to provide technical services that do not require professional judgment regarding preparing and distributing drugs and who works under the direct supervision of and is responsible to a pharmacist.

(41) ~~[(39)]~~ Pharmacy technician trainee--An individual who is registered with the board as a pharmacy technician trainee and is authorized to participate in a pharmacy's technician training program.

(42) ~~[(40)]~~ Pre-packaging--The act of re-packaging and re-labeling quantities of drug products from a manufacturer's original container into unit-dose packaging or a multiple dose container for

distribution within the facility except as specified in §291.74(f)(3)(B) of this title (relating to Operational Standards).

(43) ~~[(41)]~~ Prescription drug--

(A) A substance for which federal or state law requires a prescription before it may be legally dispensed to the public;

(B) A drug or device that under federal law is required, prior to being dispensed or delivered, to be labeled with either of the following statements:

(i) Caution: federal law prohibits dispensing without prescription or "Rx only" or another legend that complies with federal law; or

(ii) Caution: federal law restricts this drug to use by or on order of a licensed veterinarian; or

(C) A drug or device that is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by a practitioner only.

(44) ~~[(42)]~~ Prescription drug order--

(A) a written order from a practitioner or a verbal order from a practitioner or his authorized agent to a pharmacist for a drug or device to be dispensed; or

(B) a written order or a verbal order pursuant to Subtitle B, Chapter 157, Occupations Code.

(45) ~~[(43)]~~ Rural hospital--A licensed hospital with 75 beds or fewer that:

(A) is located in a county with a population of 50,000 or less as defined by the United States Census Bureau in the most recent U.S. census; or

(B) has been designated by the Centers for Medicare and Medicaid Services as a critical access hospital, rural referral center, or sole community hospital.

(46) ~~[(44)]~~ Sample--A prescription drug which is not intended to be sold and is intended to promote the sale of the drug.

(47) ~~[(45)]~~ Supervision--

(A) Physically present supervision--In a Class C pharmacy, a pharmacist shall be physically present to directly supervise pharmacy technicians or pharmacy technician trainees.

(B) Electronic supervision--In a Class C pharmacy in a facility with 100 beds or less, a pharmacist licensed in Texas may electronically supervise pharmacy technicians or pharmacy technician trainees to perform the duties specified in §291.73(e)(2) of this title (relating to Personnel) provided:

(i) the pharmacy uses a system that monitors the data entry of medication orders and the filling of such orders by an electronic method that shall include the use of one or more the following types of technology:

(I) digital interactive video, audio, or data transmission;

(II) data transmission using computer imaging by way of still-image capture and store and forward; and

(III) other technology that facilitates access to pharmacy services;

(ii) the pharmacy establishes controls to protect the privacy and security of confidential records;

(iii) the pharmacist responsible for the duties performed by a pharmacy technician or pharmacy technician trainee verifies:

(I) the data entry; and

(II) the accuracy of the filled orders prior to release of the order; and

(iv) the pharmacy keeps permanent digital records of duties electronically supervised and data transmissions associated with electronically supervised duties for a period of two years.

(C) If the conditions of subparagraph (B) of this paragraph are met, electronic supervision shall be considered the equivalent of direct supervision for the purposes of the Act.

(48) ~~[(46)]~~ Tech-Check-Tech--Allowing a pharmacy technician to verify the accuracy of work performed by another pharmacy technician relating to the filling of floor stock and unit dose distribution systems for a patient admitted to the hospital if the patient's orders have previously been reviewed and approved by a pharmacist.

(49) ~~[(47)]~~ Texas Controlled Substances Act--The Texas Controlled Substances Act, the Health and Safety Code, Chapter 481, as amended.

(50) ~~[(48)]~~ Unit-dose packaging--The ordered amount of drug in a dosage form ready for administration to a particular patient, by the prescribed route at the prescribed time, and properly labeled with name, strength, and expiration date of the drug.

(51) ~~[(49)]~~ Unusable drugs--Drugs or devices that are unusable for reasons, such as they are adulterated, misbranded, expired, defective, or recalled.

(52) ~~[(50)]~~ Written protocol--A physician's order, standing medical order, standing delegation order, or other order or protocol as defined by rule of the Texas Medical Board under the Texas Medical Practice Act Subtitle B, Chapter 157, 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 September 12, 2025.

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Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Earliest possible date of adoption: October 26, 2025

For further information, please call: (512) 305-8084



## SUBCHAPTER G. SERVICES PROVIDED BY PHARMACIES

### 22 TAC §291.120

The Texas State Board of Pharmacy proposes amendments to §291.120, concerning General. The amendments, if adopted, add definitions for the terms "common ownership" and "owner of record."

Daniel Carroll, Pharm.D., Executive Director/Secretary, has determined that, for the first five-year period the rules are in effect,

there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. Dr. Carroll has determined that, for each year of the first five-year period the rule will be in effect, the public benefit anticipated as a result of enforcing the amendments will be clear and correct regulations that reflect the Board's current practices concerning the licensure of pharmacies. There is no anticipated adverse economic impact on large, small or micro-businesses (pharmacies), rural communities, or local or state employment. Therefore, an economic impact statement and regulatory flexibility analysis are not required.

For each year of the first five years the proposed amendments will be in effect, Dr. Carroll has determined the following:

(1) The proposed amendments do not create or eliminate a government program;

(2) Implementation of the proposed amendments does not require the creation of new employee positions or the elimination of existing employee positions;

(3) Implementation of the proposed amendments does not require an increase or decrease in the future legislative appropriations to the agency;

(4) The proposed amendments do not require an increase or decrease in fees paid to the agency;

(5) The proposed amendments do not create a new regulation;

(6) The proposed amendments do expand an existing regulation;

(7) The proposed amendments do not increase or decrease the number of individuals subject to the rule's applicability; and

(8) The proposed amendments would have a de minimis impact on this state's economy.

Written comments on the amendments may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. Comments must be received by 5:00 p.m., October 28, 2025.

The amendments are proposed under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

§291.120. *General.*

(a) Purpose. This subchapter applies to all classes of pharmacies except as otherwise noted.

(b) Definitions.

(1) The Texas Pharmacy Act or Act--Subtitle J, other than Chapter 567, Occupations Code, as amended.

(2) Board--The Texas State Board of Pharmacy.

(3) Common ownership--Two or more pharmacies with an identical owner of record with the board or that have owners of record with the board that are a parent, subsidiary, or affiliate of one another under §1.002, Business Organizations Code.



(4) Owner of record--The direct owner of the pharmacy provided on the pharmacy's application for a pharmacy license or most recent approved change of ownership form.

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 September 12, 2025.

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Executive Director

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For further information, please call: (512) 305-8084



## CHAPTER 297. PHARMACY TECHNICIANS AND PHARMACY TECHNICIAN TRAINEES

### 22 TAC §297.2

The Texas State Board of Pharmacy proposes amendments to §297.2, concerning Definitions. The amendments, if adopted, add definitions for the terms "common ownership" and "owner of record."

Daniel Carroll, Pharm.D., Executive Director/Secretary, has determined that, for the first five-year period the rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. Dr. Carroll has determined that, for each year of the first five-year period the rule will be in effect, the public benefit anticipated as a result of enforcing the amendments will be clear and correct regulations that reflect the Board's current practices concerning the regulation of pharmacy technicians and pharmacy technician trainees. There is no anticipated adverse economic impact on large, small or micro-businesses (pharmacies), rural communities, or local or state employment. Therefore, an economic impact statement and regulatory flexibility analysis are not required.

For each year of the first five years the proposed amendments will be in effect, Dr. Carroll has determined the following:

- (1) The proposed amendments do not create or eliminate a government program;
- (2) Implementation of the proposed amendments does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) Implementation of the proposed amendments does not require an increase or decrease in the future legislative appropriations to the agency;
- (4) The proposed amendments do not require an increase or decrease in fees paid to the agency;
- (5) The proposed amendments do not create a new regulation;
- (6) The proposed amendments do expand an existing regulation;
- (7) The proposed amendments do not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) The proposed amendments would have a de minimis impact on this state's economy.

Written comments on the amendments may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. Comments must be received by 5:00 p.m., October 28, 2025.

The amendments are proposed under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

### §297.2. Definitions.

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

(1) Act--The Texas Pharmacy Act, Chapters 551 - 566 and 568 - 569, Texas Occupations Code, as amended.

(2) Board--The Texas State Board of Pharmacy.

(3) Common ownership--Two or more pharmacies with an identical owner of record with the board or that have owners of record with the board that are a parent, subsidiary, or affiliate of one another under §1.002, Business Organizations Code.

(4) Owner of record--The direct owner of the pharmacy provided on the pharmacy's application for a pharmacy license or most recent approved change of ownership form.

(5) [(3)] Pharmacy technician--An individual who is registered with the Board as a pharmacy technician and whose responsibility in a pharmacy is to provide technical services that do not require professional judgment regarding preparing and distributing drugs and who works under the direct supervision of and is responsible to a pharmacist.

(6) [(4)] Pharmacy technician trainee--An individual who is registered with the board as a pharmacy technician trainee and is authorized to participate in a pharmacy's technician training program.

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

Filed with the Office of the Secretary of State on September 12, 2025.

TRD-202503250

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Earliest possible date of adoption: October 26, 2025

For further information, please call: (512) 305-8084



### 22 TAC §297.10

The Texas State Board of Pharmacy proposes amendments to §297.10, concerning Registration for Military Service Members, Military Veterans, and Military Spouses. The amendments, if adopted, update the alternative registration procedures, expedited registration procedures, and interim registration procedures for a military service member, military veteran, or

military spouse, in accordance with House Bill 5629, establish provisional registration procedures for a military service member, military veteran, or military spouse, in accordance with Senate Bill 1818, and make grammatical corrections.

Daniel Carroll, Pharm.D., Executive Director/Secretary, has determined that, for the first five-year period the rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the rule. Dr. Carroll has determined that, for each year of the first five-year period the rule will be in effect, the public benefit anticipated as a result of enforcing the amendments will be to provide consistency between state law and Board rules regarding the registration requirements and procedures for military service members, military veterans, and military spouses and grammatically correct regulations. There is no anticipated adverse economic impact on large, small or micro-businesses (pharmacies), rural communities, or local or state employment. Therefore, an economic impact statement and regulatory flexibility analysis are not required.

For each year of the first five years the proposed amendments will be in effect, Dr. Carroll has determined the following:

- (1) The proposed amendments do not create or eliminate a government program;
- (2) Implementation of the proposed amendments does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) Implementation of the proposed amendments does not require an increase or decrease in the future legislative appropriations to the agency;
- (4) The proposed amendments do not require an increase or decrease in fees paid to the agency;
- (5) The proposed amendments do not create a new regulation;
- (6) The proposed amendments do limit an existing regulation by exempting military service members, military veterans, and military spouses from certain registration requirements in order to comply with state law;
- (7) The proposed amendments do not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) The proposed amendments would have a de minimis impact on this state's economy.

Written comments on the amendments may be submitted to Eamon D. Briggs, Deputy General Counsel, Texas State Board of Pharmacy, 1801 Congress Avenue, Suite 13.100, Austin, Texas 78701-1319, FAX (512) 305-8061. Comments must be received by 5:00 p.m., October 28, 2025.

The amendments are proposed under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by these amendments: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

*§297.10. Registration for Military Service Members, Military Veterans, and Military Spouses.*

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Active duty--Current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, or similar military service of another state.

(2) Armed forces of the United States--The army, navy, air force, space force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) Military service member--A person who is on active duty.

(4) Military spouse--A person who is married to a military service member.

(5) Military veteran--A person who has served on active duty and who was discharged or released from active duty.

(b) Alternative registration procedure. For the purpose of §55.004, Occupations Code, [an applicant for a pharmacy technician registration who is] a military service member, military veteran, or military spouse may complete the following alternative procedures to apply for a pharmacy technician registration if the applicant holds a current registration issued by another state that is similar in scope of practice to the registration in this state and is in good standing with that state's licensing authority or within the five years preceding the application date held a pharmacy technician registration in this state [for registering as a pharmacy technician].

(1) Provisional registration. On receipt by the board of an application for a pharmacy technician registration in accordance with this subsection, the board shall issue a provisional registration to the applicant while the board processes the application. A provisional registration issued under this subsection expires on the earlier of:

(A) the date the board approves or denies the provisional registration holder's application for the registration; or

(B) the 180th date after the date the provisional registration is issued.

(2) [(4)] An applicant who holds a current registration as a pharmacy technician issued by another state but does not have a current pharmacy technician certification certificate shall meet the requirements for registration as a pharmacy technician trainee as specified in §297.3 of this chapter (relating to Registration Requirements).

(3) [(2)] An applicant who held a pharmacy technician registration in Texas that expired within the five years preceding the application date who meets the following requirements may be granted a pharmacy technician registration. The applicant:

(A) shall complete the Texas application for registration that includes the following:

- (i) name;
- (ii) addresses, phone numbers, date of birth, and social security number; and
- (iii) any other information requested on the application;

(B) shall provide documentation to include:

(i) military identification indicating that the applicant is a military service member, military veteran, or military dependent, if a military spouse; and

(ii) marriage certificate, if the applicant is a military spouse; applicant's spouse is on active duty status;

(C) be exempt from the application fees paid to the board set forth in §297.4(a) and (b)(2) of this chapter (relating to Fees);

(D) shall meet all necessary requirements in order for the board to access the criminal history records information, including submitting fingerprint information and such criminal history check does not reveal any charge or conviction for a crime that §281.64 of this title (relating to Sanctions for Criminal Offenses) indicates a sanction of denial, revocation, or suspension; and

(E) is not required to have a current pharmacy technician certification certificate.

(c) Expedited registration procedure. For the purpose of §55.005, Occupations Code, ~~[an applicant for a pharmacy technician registration who is]~~ a military service member, military veteran or military spouse ~~[and who holds a current registration as a pharmacy technician issued by another state or who held a pharmacy technician registration in Texas that expired within the five years preceding the application date]~~ may complete the following expedited procedures to apply for a pharmacy technician registration if the applicant holds a current registration issued by another state that is similar in scope of practice to the registration in this state and is in good standing with that state's licensing authority or within the five years preceding the application date held a pharmacy technician registration in this state [for registering as a pharmacy technician].

(1) The applicant shall:

(A) have a high school or equivalent diploma (e.g., GED), or be working to achieve a high school or equivalent diploma. For the purpose of this clause, an applicant for registration may be working to achieve a high school or equivalent diploma for no more than two years;

(B) have taken and passed a pharmacy technician certification examination approved by the board and have a current certification certificate;

(C) complete the Texas application for registration that includes the following information:

(i) name;

(ii) addresses, phone numbers, date of birth, and social security number; and

(iii) any other information requested on the application;

(D) meet all requirements necessary in order for the Board to access the criminal history record information, including submitting fingerprint information and paying the required fees; and

(E) shall be exempt from the registration fee as specified in §297.4(b)(2) of this chapter.

(2) Once an applicant has successfully completed all requirements of registration, and the board has determined there are no grounds to refuse registration, the applicant shall ~~[will]~~ be notified of registration as a registered pharmacy technician and of his or her pharmacy technician registration number.

(3) All applicants for renewal of an expedited pharmacy technician registration issued to a military service member, military veteran, or military spouse shall comply with the renewal procedures as specified in §297.3 of this chapter.

(d) Registration [License] renewal. As specified in §55.003, Occupations Code, a military service member who holds a pharmacy technician registration is entitled to two years of additional time to complete any requirements related to the renewal of the military service member's registration.

(1) A military service member who fails to renew their pharmacy technician registration in a timely manner because the individual was serving as a military service member shall submit to the board:

(A) name, address, and registration number of the pharmacy technician;

(B) military identification indicating that the individual is a military service member; and

(C) a statement requesting up to two years of additional time to complete the renewal.

(2) A military service member specified in paragraph (1) of this subsection shall be exempt from fees specified in §297.3(d)(3) of this chapter.

(3) A military service member specified in paragraph (1) of this subsection is entitled to two additional years of time to complete the continuing education requirements specified in §297.8 of this title (relating to Continuing Education Requirements).

(e) Interim registration for military service member or military spouse. In accordance with §55.0041, Occupations Code, a military service member or military spouse may be issued an interim pharmacy technician registration if the member or spouse currently holds a registration similar in scope of practice issued by the licensing authority of another state and is in good standing with that licensing authority as specified in §55.0042, Occupations Code. [who is currently registered in good standing by a jurisdiction with registration requirements that are substantially equivalent to the registration requirements in this state may be issued an interim pharmacy technician registration. The military service member or military spouse:]

(1) Before engaging in pharmacy technician duties, the military service member or military spouse shall submit an application that includes [shall provide documentation to include]:

(A) a copy of the member's military orders showing relocation to this state [notification of intent to practice form including any additional information requested];

(B) if the applicant is a military spouse, a copy of the military spouse's marriage certificate [proof of the military service member or military spouse's residency in this state, including a copy of the permanent change of station order for the military service member to whom the military spouse is married]; and

(C) a notarized affidavit affirming under penalty of perjury that: [copy of the military service member or military spouse's military identification card; and]

(i) the applicant is the person described and identified in the application;

(ii) all statements in the application are true, correct, and complete;

(iii) the applicant understands the scope of practice for a pharmacy technician registration in this state and will not perform outside of that scope of practice; and

(iv) the applicant is in good standing in each state in which the applicant holds or has held a pharmacy technician registration.

{(D) verification from the jurisdiction in which the military service member or military spouse holds an active pharmacy technician registration that the military service member or military spouse's registration is in good standing;}

(2) A military service member or military spouse applying for an interim registration under this subsection may not engage in pharmacy technician duties in this state until issued an interim pharmacy technician registration.}[3]

(3) For a military service member or military spouse applying for an interim registration under this subsection, the board shall: [may hold an interim pharmacy technician registration only for the period during which the military service member or military service member to whom the military spouse is married is stationed at a military installation in this state, but not to exceed three years from the date of issuance of the interim registration; and]

(A) determine whether the state in which the applicant is registered issues registrations similar in scope of practice to a pharmacy technician registration issued by the board; and

(B) notify the applicant that:

(i) the board is issuing the interim registration;

(ii) the application is incomplete; or

(iii) the board is unable to issue the interim registration because a pharmacy technician registration issued by the board is not similar in scope of practice to the applicant's registration.

(4) A military service member or military spouse may engage in pharmacy technician duties under an interim registration issued under this subsection only for the period during which the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is stationed at a military installation in this state [may not renew the interim pharmacy technician registration].

(f) Relationship to federal law. This [Subsection (e) of this] section establishes requirements and procedures authorized or required by Texas Occupations Code, Chapter 55, and does not modify or alter rights that may be provided under federal law.

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

Filed with the Office of the Secretary of State on September 12, 2025.

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Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

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For further information, please call: (512) 305-8084



## **TITLE 25. HEALTH SERVICES**

### **PART 1. DEPARTMENT OF STATE HEALTH SERVICES**

#### **CHAPTER 229. FOOD AND DRUG**

## **SUBCHAPTER II. WARNING LABEL REQUIREMENTS FOR FOOD**

### **25 TAC §§229.1001 - 229.1005**

The executive commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Department of State Health Services (DSHS), proposes new Subchapter II, §§229.1001 - 229.1005, concerning Warning Label Requirements for Food.

#### **BACKGROUND AND PURPOSE**

The proposal is necessary to comply with Senate Bill (S.B.) 25, 89th Legislature, Regular Session, 2025, which amends Health and Safety Code (HSC) Chapter 431, Subchapter D by adding §§431.0815, 431.0816, and 431.0817.

Section 431.0815 requires any food manufacturer offering food for human consumption for sale in Texas to include a warning label if the food contains certain ingredients outlined in the statute. A food manufacturer or a food retailer, who is provided content information by the manufacturer, must disclose all required labeling information to the consumer if the product is offered for sale in Texas on the manufacturer's or retailer's website. The warning label requirements apply only to food labels developed or copyrighted on or after January 1, 2027. The warning label requirements do not apply to food not offered for human consumption; food labeled, prepared, served, or sold in a restaurant or retail food establishment; a drug or dietary supplement; or products regulated by the United States Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS), or labeled with a governmental warning with a recommendation from the Surgeon General of the United States Public Health Service (USPHS).

S.B. 25 provides specific language for the required warning label and includes font size, placement, and contrast requirements when the warning label is placed on a food label. S.B. 25 includes exceptions to the warning label requirement for certain ingredients as outlined in HSC §431.0817.

#### **SECTION-BY-SECTION SUMMARY**

Proposed new Subchapter II, Warning Label Requirements for Food, adds a new subchapter in Chapter 229 for rules related to warning label requirements for food as listed below.

Proposed new §229.1001 describes the purpose of the rule, establishes the scope of the rule, and provides for the adoption of federal regulations.

Proposed new §229.1002 provides terms and definitions used throughout the subchapter.

Proposed new §229.1003 establishes exemptions for certain ingredients; foods produced in a restaurant or retail food establishment; products regulated by the United States Department of Agriculture (USDA) or Food Safety and Inspection Service (FSIS), or labeled with a governmental warning with a recommendation from the surgeon general of the United States Public Health Service (USPHS); drugs; dietary supplements; a pesticide chemical, soil or plant nutrient, or other agricultural chemical used in the production, storage, or transportation of a raw agricultural commodity; and exemptions related to a specific ingredient for food and color additive in HSC §431.0815.

Proposed new §229.1004 lists food ingredients that require a warning label and warning label requirements.

Proposed new §229.1005 establishes criminal, civil, administrative penalties, and other enforcement actions, for violations to rules in subchapter II.

#### FISCAL NOTE

Christy Havel Burton, Chief Financial Officer, has determined for each year of the first five years that the rules will be in effect, there will be an estimated additional cost to state government as a result of enforcing and administering the rules as proposed. Enforcing or administering the rules does not have foreseeable implications relating to costs or revenues of local government.

The effect on state government for each year of the first five years the proposed rules are in effect is an estimated cost of \$2,500,000 in fiscal year (FY) 2026; \$2,500,000 in FY 2027; \$2,500,000 in FY 2028; \$2,500,000 in FY 2029; and \$2,500,000 in FY 2030.

#### GOVERNMENT GROWTH IMPACT STATEMENT

DSHS 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 create new DSHS 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 DSHS;
- (5) the proposed rules will create a new regulation;
- (6) the proposed rules will expand existing regulations;
- (7) the proposed rules will not change the number of individuals subject to the rules; and
- (8) the proposed rules will not affect the state's economy.

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

Christy Havel Burton has also determined there will be an adverse economic effect on small businesses or micro-businesses, or rural communities.

DSHS estimates the number of small businesses subject to the proposed rules is 11,466. The projected economic impact for a small business is based on current licensed food manufacturers with DSHS. This estimate excludes manufacturers that are licensed and have gross annual sales greater than \$10 million.

Costs to businesses will only occur if labels are developed or copyrighted on or after January 1, 2027. If labels are never changed, businesses are not required to comply. A business may choose not to continue using any of the listed ingredients; this would not incur any additional costs for the business.

#### 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 implement legislation that does not specifically state that §2001.0045 applies to the rules.

#### PUBLIC BENEFIT AND COSTS

Timothy Stevenson, DVM, Ph.D., Deputy Commissioner, Consumer Protection Division, has determined that for each year of the first five years the rules are in effect, the public benefit will include increased awareness of food consumption by requiring a warning label on food containing specific ingredients. This will assist consumers in making informed decisions on food products to purchase or consume.

Christy Havel Burton has also determined that for the first five years the rules are in effect, persons who are required to comply with the proposed rules may incur economic costs for label development. The actual costs are unknown.

#### TAKINGS IMPACT ASSESSMENT

DSHS 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 the 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 [HHSRuleCoordinationOffice@hhs.texas.gov](mailto:HHSRuleCoordinationOffice@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 25R043" in the subject line.

#### STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075, which authorize the executive commissioner of HHSC to adopt rules and policies for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code §431.0815 and §431.241, and Texas Health and Safety Code Chapter 1001.

The new sections implement Texas Government Code §524.0151 and Texas Health and Safety Code Chapter 1001.

#### §229.1001. Purpose and Scope.

(a) This subchapter implements Texas Health and Safety Code (HSC) Chapter 431. HSC Chapter 431 requires the Department of State Health Services (DSHS) to adopt rules about warning labels on foods that have specific ingredients and requires rules for website disclosures if food that is subject to the warning label requirements is offered for sale in Texas on the manufacturer's or retailer's website.

(b) This subchapter applies to:

(1) any manufacturer that offers a food product for sale in Texas, no matter where the food product was originally made;

(2) any ingredient meant to be consumed by humans, which the United States Food and Drug Administration (FDA) requires to be listed on the food label; and

(3) food product labels developed or copyrighted on or after January 1, 2027. For purposes of this subchapter, any change to a food product label on or after January 1, 2027, must follow the rules in §229.1004 of this subchapter (relating to Warning Label Requirements) unless exempt.

(c) The department adopts by reference:

(1) 21 Code of Federal Regulations (CFR) Part 70, Color Additives, Subpart B, Packaging and Labeling, as amended;

(2) 21 CFR Part 73, Listing of Color Additives Exempt From Certification, Subpart A, Foods, as amended;

(3) 21 CFR Part 74, Listing of Color Additives Subject to Certification, Subpart A, Foods, as amended;

(4) 21 CFR Part 81, General Specifications and General Restrictions for Provisional Color Additives for Use in Foods, Drugs, and Cosmetics, as amended;

(5) 21 CFR Part 82, Listing of Certified Provisionally Listed Colors and Specifications, as amended; and

(6) 21 CFR Part 101, Food Labeling, as amended.

§229.1002. Definitions.

(a) Dietary supplement--A product a person can consume that has a "dietary ingredient" to add to the diet. A "dietary ingredient" includes vitamins and minerals, herbs, amino acids, enzymes, live bacteria (called "probiotics"), or other substances found in food. The dietary supplement can also be a mix or concentrate of any of these ingredients.

(b) Drug--Articles that are:

(1) listed in the official United States Pharmacopoeia National Formulary (USP-NF) or any of the USP-NF supplements;

(2) intended for diagnosing, curing, mitigating, treating, or preventing diseases in humans or animals;

(3) other than food, meant to influence the structure or any function of the body of humans or animals; and

(4) intended to be used as a component of any article mentioned in this definition.

(5) The term does not include devices or their parts, components, or accessories.

(6) A food for which a claim is made in accordance with Section 403(r) of the Federal Food, Drug, and Cosmetic Act (21 United States Code (U.S.C.) §301), and for which the claim is approved by the United States Secretary of Health and Human Services, is not a drug solely because the label or labeling contains such a claim.

(c) Food--Any article used by humans for food or drink, including chewing gum and items used as ingredients in other food or drink.

(d) Food manufacturer--A person who combines, purifies, processes, or packages food to sell through a wholesale outlet. This term also includes:

(1) a retail outlet that packages or labels food before selling it; and

(2) a person responsible for the purity and proper labeling of a food item by labeling the food with the person's name and address.

(e) Raw agricultural commodity--Any food in its natural state, including all fruits that can be washed, colored, or treated in their unpeeled form before being marketed. Treatment includes waxing, fumi-

gating, or removing foreign objects or other parts of the plant, such as leaves, stems, and husks. This definition excludes transforming a harvested raw agricultural commodity into processed food by actions such as cutting, cooking, heating, chopping, irradiating, or pasteurizing.

(f) Restaurant--A place where food is made and sold directly to people for immediate eating, examples include:

(1) cafeterias;

(2) lunchrooms;

(3) cafes;

(4) bistros;

(5) fast food places;

(6) food stands;

(7) saloons;

(8) taverns;

(9) bars;

(10) lounges;

(11) catering facilities;

(12) hospital kitchens;

(13) day care kitchens; and

(14) nursing home kitchens.

(15) "Restaurant" does not include places that provide food for interstate travel, central kitchens, and other similar places that don't serve food directly to the consumer.

(16) For purposes of this subchapter, a restaurant is a food establishment as defined in other department rules, including:

(A) §229.371 of this chapter (relating to Definitions);

(B) §229.471 of this chapter (relating to Definitions);

and

(C) §228.2 of this title (relating to Definitions).

(g) Retail food establishment--A place that sells food products directly to consumers as its primary function, like:

(1) grocery stores;

(2) convenience stores;

(3) vending machines; and

(4) some farm-run businesses.

(5) "Retail food establishment" includes places that make, process, pack, or store food to sell directly to consumers. The value of food products sold directly to consumers must be higher than the sales of food products to all other buyers. "Consumers" does not include businesses.

(6) For purposes of this subchapter, a retail food establishment is also known as a food establishment as defined in other department rules, including:

(A) §229.371 of this chapter;

(B) §229.471 of this chapter; and

(C) §228.2 of this title.

§229.1003. Exemptions.

(a) This subchapter does not apply to:

(1) an ingredient used in a product that is not meant for humans to consume;

(2) food labeled, prepared, served, or sold in a restaurant;

(3) food labeled, prepared, or served in a retail food establishment;

(4) a product regulated by the United States Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS);

(5) a product labeled with a governmental warning with a recommendation from the surgeon general of the United States Public Health Service (USPHS);

(6) a drug or dietary supplement; or

(7) a pesticide chemical, soil or plant nutrient, or other agricultural chemical used in the production, storage, or transportation of a raw agricultural commodity.

(b) Texas Health and Safety Code (HSC) §431.0815 and this subchapter do not apply to an ingredient, including a food additive and color additive, if a federal law or a regulation issued by the United States Food and Drug Administration (FDA) or USDA:

(1) prohibits the use of the ingredient;

(2) sets conditions for using the ingredient, such as needing a warning or disclosure statement;

(3) says an ingredient or group of ingredients is safe for people to eat; or

(4) requires a labeling statement for foods that are ultra-processed or processed.

§229.1004. Warning Label Requirements.

(a) Food that contains any of the following ingredients must include a warning label described in subsection (b) of this section:

(1) acetylated esters of mono- and diglycerides (acetic acid ester);

(2) anisole;

(3) azodicarbonamide (ADA);

(4) bleached flour;

(5) blue 1 (CAS 3844-45-9);

(6) blue 2 (CAS 860-22-0);

(7) bromated flour;

(8) butylated hydroxyanisole (BHA);

(9) butylated hydroxytoluene (BHT);

(10) calcium bromate;

(11) canthaxanthin;

(12) certified food colors by the United States Food and Drug Administration (FDA);

(13) citrus red 2 (CAS 6358-53-8);

(14) diacetyl;

(15) diacetyl tartaric and fatty acid esters of mono and diglycerides (DATEM);

(16) dimethylamylamine (DMAA);

(17) dioctyl sodium sulfosuccinate (DSS);

(18) ficin;

(19) green 3 (CAS 2353-45-9);

(20) interesterified palm oil;

(21) interesterified soybean oil;

(22) lactylated fatty acid esters of glycerol and propylene glycol;

(23) lye;

(24) morpholine;

(25) olestra;

(26) partially hydrogenated oil (PHO);

(27) potassium aluminum sulfate;

(28) potassium bromate;

(29) potassium iodate;

(30) propylene oxide;

(31) propylparaben;

(32) red 3 (CAS 16423-68-0);

(33) red 4 (CAS 4548-53-2);

(34) red 40 (CAS 25956-17-6);

(35) sodium aluminum sulfate;

(36) sodium lauryl sulfate;

(37) sodium stearyl fumarate;

(38) stearyl tartrate;

(39) synthetic trans fatty acid;

(40) thiodipropionic acid;

(41) titanium dioxide;

(42) toluene;

(43) yellow 5 (CAS 1934-21-0); or

(44) yellow 6 (CAS 2783-94-0).

(b) The warning label must include the following statement, if the food contains an ingredient listed in subsection (a) of this section: "WARNING: This product contains an ingredient that is not recommended for human consumption by the appropriate authority in Australia, Canada, the European Union, or the United Kingdom." The warning label must:

(1) be printed in a font size not smaller than the smallest font used to disclose other consumer information required by the FDA;

(2) be placed in a prominent and reasonably visible location; and

(3) have sufficiently high contrast with the immediate background to ensure the warning is likely to be seen and understood by the ordinary individual under customary conditions of purchase and use.

(c) Food manufacturers and retailers who sell their products via internet that require warning labels under subsection (a) of this section must provide all labeling information required by subsection (b) of this section to consumers by:

(1) posting a legible statement on the manufacturer's or retailer's website on which the product is offered for sale;

(2) posting pictures of the entire food product label, including the warning label on the website; or

(3) providing the information in other ways with the consumer.

§229.1005. Enforcement.

(a) Criminal penalties stated in Texas Health and Safety Code (HSC) §431.059 can be imposed for violations of this subchapter.

(b) Civil penalties stated in HSC §431.0585 can be imposed for violations of this subchapter.

(c) Administrative penalties as described in HSC §431.054, §431.055, §431.056, §431.057, and §431.058, and §229.261 of this chapter (relating to Assessment of Administrative Penalties), can be imposed for violations of the previously stated sections. Before a penalty is imposed, the person accused of a violation must be given an opportunity for a hearing.

(d) Hearings regarding administrative penalties and emergency orders will be held according to, Texas Government Code §§2001.051 - 2001.902, and the department's formal hearing rules in §§1.21, 1.23, 1.25, and 1.27 of this title (relating to Formal Hearing Procedures).

(e) The commissioner or the commissioner's designee may issue emergency orders according to HSC §431.045.

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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Cynthia Hernandez

General Counsel

Department of State Health Services

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For further information, please call: (512) 834-6670



## **TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

### **PART 19. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES**

#### **CHAPTER 705. ADULT PROTECTIVE SERVICES**

The Department of Family and Protective Services (DFPS) proposes to amend and repeal rules in Title 40, Texas Administrative Code (TAC), Chapter 705, Subchapters A, C, E, G, I, K, M and O and proposes changes to agency rules §§705.101, 705.103, 705.107, 705.303, 705.501, 705.701 - 705.703, 705.705, 705.901, 705.903, 705.1101, 705.1303, 705.1501, 705.1503, 705.1505, 705.1507, 705.1509, 705.1511, 705.1513, 705.1515, 705.1517, 705.1519, 705.1521, 705.1523, 705.1525, 705.1527, 705.1529, 705.1531 and 705.1533 in Title 40, Texas Administrative Code (TAC), Chapter 705, Subchapter G.

#### **BACKGROUND AND PURPOSE**

The purpose of the amended, and repealed rules is to reflect the current scope and authority of the APS program as a result of House Bill (H.B.) 4696, 88th Legislature, regular session, and the resulting transfer of Home and Community Support Service Agency (HCSSA) investigations, regardless of payment source (Medicaid, Medicare or private pay) to the Health and Human Services Commission (HHSC). This includes perpetrators eligible for the Employee Misconduct Registry (EMR). All references to the EMR and HHSC are being removed as they are no longer applicable to the APS program. The new, amended, and repealed rules also clean up existing rules related to emergency protective services and nomenclature related to victim/client.

#### **SECTION-BY-SECTION SUMMARY**

The proposed amendments to §705.101 make non-substantive nomenclature changes by replacing the term "an alleged victim" with the term "client"; removing definitions of "alleged victim" and "alleged victim/perpetrator"; redefining "client" and "designated perpetrator" to account for the term replacements; removing terms no longer applicable to the program; and renumbering of the term definitions.

The proposed amendments to §705.103 make non-substantive nomenclature changes by replacing the term "an alleged victim" with the term "client".

The proposed amendments to §705.107 make non-substantive nomenclature changes by replacing the term "an alleged victim" with the term "client".

The proposed amendments to §705.303 make non-substantive nomenclature changes by replacing the term "alleged victims" with the term "clients".

The proposed amendments to §705.501 make non-substantive nomenclature changes by replacing the term "an alleged victim" with the term "client".

The proposed amendment to Subchapter G replaces the title of the Subchapter from "Eligibility" to "Purchased Client Services" to clarify that the rules within the subchapter pertain to Purchased Client Services generally rather than eligibility for such.

Proposed new §705.702 combines the relevant provisions of repealed §705.703 and §705.705 related to eligibility and availability of purchased client services.

The proposed repeal of §705.701 deletes eligibility for emergency protective services as this rule is duplicative; APS provides services as authorized by Human Resources Code Chapter 48 to individuals determined to be in a state of abuse, neglect, or financial exploitation.

The proposed repeal of §705.703 is because the rule is no longer necessary as it is now incorporated into new §705.702.

The proposed repeal of §705.705 is because the rule is no longer necessary as it is now incorporated into new §705.702.

The proposed amendments to §705.901 make non-substantive nomenclature changes by replacing the term "an alleged victim" with the term "client".

The proposed amendments to §705.903 make non-substantive nomenclature changes by replacing the term "an alleged victim" with the term "client".

The proposed amendments to §705.1101 make non-substantive nomenclature changes by replacing the term "an alleged victim" with the term "client".



The proposed amendments to §705.1303 delete subsections (b), (c), and (d) as these related to the Employee Misconduct Registry which has been transferred to the Health and Human Services Commission pursuant to H.B. 4696, 88th Legislature, regular session; corresponding formatting changes are also made.

The proposed repeal of Subchapter O, Employee Misconduct Registry, is due to the transfer of the Employee Misconduct Registry which was transferred to the Health and Human Services Commission pursuant to H.B. 4696, 88th Legislature, regular session.

The proposed repeal of §705.1501 is necessary as the Employee Misconduct Registry is no longer a part of the Adult Protective Services program pursuant to H.B. 4696, 88th Legislature, regular session.

The proposed repeal of §705.1503 is necessary as the Employee Misconduct Registry is no longer a part of the Adult Protective Services program pursuant to H.B. 4696, 88th Legislature, regular session.

The proposed repeal of §705.1505 is necessary as the Employee Misconduct Registry is no longer a part of the Adult Protective Services program pursuant to H.B. 4696, 88th Legislature, regular session.

The proposed repeal of §705.1507 is necessary as the Employee Misconduct Registry is no longer a part of the Adult Protective Services program pursuant to H.B. 4696, 88th Legislature, regular session.

The proposed repeal of §705.1509 is necessary as the Employee Misconduct Registry is no longer a part of the Adult Protective Services program pursuant to H.B. 4696, 88th Legislature, regular session.

The proposed repeal of §705.1511 is necessary as the Employee Misconduct Registry is no longer a part of the Adult Protective Services program pursuant to H.B. 4696, 88th Legislature, regular session.

The proposed repeal of §705.1513 is necessary as the Employee Misconduct Registry is no longer a part of the Adult Protective Services program pursuant to H.B. 4696, 88th Legislature, regular session.

The proposed repeal of §705.1515 is necessary as the Employee Misconduct Registry is no longer a part of the Adult Protective Services program pursuant to H.B. 4696, 88th Legislature, regular session.

The proposed repeal of §705.1517 is necessary as the Employee Misconduct Registry is no longer a part of the Adult Protective Services program pursuant to H.B. 4696, 88th Legislature, regular session.

The proposed repeal of §705.1519 is necessary as the Employee Misconduct Registry is no longer a part of the Adult Protective Services program pursuant to H.B. 4696, 88th Legislature, regular session.

The proposed repeal of §705.1521 is necessary as the Employee Misconduct Registry is no longer a part of the Adult Protective Services program pursuant to H.B. 4696, 88th Legislature, regular session.

The proposed repeal of §705.1523 is necessary as the Employee Misconduct Registry is no longer a part of the Adult

Protective Services program pursuant to H.B. 4696, 88th Legislature, regular session.

The proposed repeal of §705.1525 is necessary as the Employee Misconduct Registry is no longer a part of the Adult Protective Services program pursuant to H.B. 4696, 88th Legislature, regular session.

The proposed repeal of §705.1527 is necessary as the Employee Misconduct Registry is no longer a part of the Adult Protective Services program pursuant to H.B. 4696, 88th Legislature, regular session.

The proposed repeal of §705.1529 is necessary as the Employee Misconduct Registry is no longer a part of the Adult Protective Services program pursuant to H.B. 4696, 88th Legislature, regular session.

The proposed repeal of §705.1531 is necessary as the Employee Misconduct Registry is no longer a part of the Adult Protective Services program pursuant to H.B. 4696, 88th Legislature, regular session.

The proposed repeal of §705.1533 is necessary as the Employee Misconduct Registry is no longer a part of the Adult Protective Services program pursuant to H.B. 4696, 88th Legislature, regular session.

#### FISCAL NOTE

Lea Ann Biggar, Chief Financial Officer of DFPS, has determined that for each year of the first five years that the section(s) will be in effect, there will be fiscal implications as a result of enforcing and administering the section(s) as proposed; there will be Information Technology costs of \$266,753.00 in Fiscal Year 2 and \$26,470.00 in Fiscal Year 3 with respect to capital and professional services fees. They will be no effect on local government.

#### GOVERNMENT GROWTH IMPACT STATEMENT

DFPS has determined that during the first five years that the sections will be in effect

- (1) the amended and appealed rules will not create or eliminate a government program;
- (2) implementation of the amended and appealed rules will not affect the number of employee positions or the elimination of existing employee positions;
- (3) implementation of the amended and appealed rules will not require an increase or decrease in future legislative appropriations to the agency.
- (4) the amended and appealed rules will not affect fees paid to the agency;
- (5) the amended and appealed rules will not create a new regulation;
- (6) the amended and appealed rules will not expand, limit, or repeal an existing regulation;
- (7) the amended and appealed rules will not change the number of individuals subject to the rule's applicability;
- (8) the amended and appealed rules will not affect the state's economy positively or adversely;

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

Ms. Biggar has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural

communities as the rule does not apply to small or micro-businesses, or rural communities.

## ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT

There are no anticipated economic costs to persons who are required to comply with the section(s) as proposed.

## COSTS TO REGULATED PERSONS

Texas Government Code, §2001.0045 does not apply to this rule because the rule that is adopted by the Department of Family Protective Services.

## PUBLIC BENEFIT

Ms. Biggar has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of enforcing the sections is that the public will benefit from clarity in the rules as well as compliance with H.B. 4696, 88th Legislature, regular session which required DFPS to transfer investigation authority involving Home and Community Support Service Agency investigations to the Health and Human Services Commission along with the Emergency Misconduct Registry applicable to those investigations.

## TAKINGS IMPACT ASSESSMENT

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

## PUBLIC COMMENT

DFPS invites comments on the proposed rule proposals. DFPS requests information related to the cost, benefit, or effect of the proposed new, amended, and repealed rules, including any applicable data, research, or analysis. To be considered, comments, questions, and information must be submitted no later than 30 days after the date of this issue of the *Texas Register*.

Electronic comments and questions may be submitted to Lauren Villa, Policy Attorney at [Lauren.Villa@dfps.texas.gov](mailto:Lauren.Villa@dfps.texas.gov) or [RULES@dfps.texas.gov](mailto:RULES@dfps.texas.gov). Hard copy comments may be submitted to the DFPS Rules Coordinator, Legal Services Sanjuanita Maltos, Department of Family and Protective Services E-611, P.O. Box 149030, Austin, Texas 78714-9030.

## SUBCHAPTER A. DEFINITIONS

### 40 TAC §§705.101, 705.103, 705.107

#### STATUTORY AUTHORITY

The proposed amended rules implement H.B. 4696 from the 88th Legislature, regular session.

The modification is proposed under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

#### CROSS REFERENCE TO STATUTES

The proposed rules implement Human Resources Code, Chapter 48; Family Code, Chapter 261; and Health and Safety Code, Chapters 142 and 253.

*§705.101. How are the terms in this chapter defined?*

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

(1) Administrative law judge--An attorney who serves as a hearings examiner in a due process hearing, including a release hearing [or Employee Misconduct Registry (EMR) hearing].

(2) Adult--A person aged 18 or older, or an emancipated minor.

(3) Adult with a disability--A person aged 18 or older, or an emancipated minor, with a physical, mental, or developmental disability that substantially impairs the person's ability to adequately provide for his or her own care or protection.

(4) Allegation--An assertion that a client [an alleged victim] is in a state of or at risk of harm due to abuse, neglect, or financial exploitation.

(5) Alleged perpetrator--A person who is reported to be responsible for the abuse, neglect, or financial exploitation of a client [an alleged victim].

~~[(6) Alleged victim--An adult with a disability or an adult aged 65 or older who has been reported to APS to be in a state of or at risk of harm due to abuse, neglect, or financial exploitation.]~~

~~[(7) Alleged victim/perpetrator--An adult with a disability or an adult aged 65 or older who has been reported to APS to be in a state of or at risk of self-neglect.]~~

(6) ~~[(8)]~~ APS--Adult Protective Services, a division of DFPS.

(7) ~~[(9)]~~ Capacity to consent to protective services--Having the mental and physical ability to understand the services offered and to accept or reject those services knowing the consequences of the decision.

(8) ~~[(40)]~~ Caretaker--

(A) A guardian, representative payee, or other person who by act, words, or course of conduct has acted so as to cause a reasonable person to conclude that the person has accepted the responsibility for protection, food, shelter, or care for a client [an alleged victim]; or

~~[(B) An employee of a home and community support services agency (HCSSA) providing non-Medicaid services to an alleged victim; or~~

~~[(C)]~~ A person, including a family member, privately hired and receiving monetary compensation to provide personal care services, as defined in Texas Health and Safety Code, §142.001(22-a), to a client [an alleged victim].

(9) ~~[(44)]~~ Client--An adult with a disability or an adult aged 65 or older who has been reported to APS to be in a state of or at risk of harm due to abuse, neglect, or financial exploitation [An alleged victim or alleged victim/perpetrator who has been determined by a validated finding to be in need of protective services. The alleged victim does not have to meet financial eligibility requirements].

~~[(10)]~~ ~~[(42)]~~ Commissioner--The commissioner of DFPS or the commissioner's designee.

~~[(11)]~~ ~~[(43)]~~ Designated perpetrator--An alleged perpetrator who has been determined by an APS [a] validated finding to have abused, neglected, or financially exploited a client. [A designated perpetrator may be eligible for inclusion on the Employee Misconduct Registry, when the abuse, neglect, or financial exploitation meets the definition of reportable conduct.]

[(14) Designated victim--An alleged victim with a valid abuse, neglect, or financial exploitation finding.]

[(15) Designated victim/perpetrator--An alleged victim/perpetrator with a validated self-neglect finding.]

[(12) [(46)] DFPS--Department of Family and Protective Services.

[(13) [(47)] Emancipated minor--A person under 18 years of age who has the power and capacity of an adult. This includes a minor who has had the disabilities of minority removed by a court of law or a minor who, with or without parental consent, has been married. Marriage includes common-law marriage.

[(18) Emergency protective services--Services provided to an alleged victim who is also the subject of an investigation conducted by HHSC PI under Texas Human Resources Code, Chapter 48, Subchapter F, to alleviate danger of serious harm or death.]

[(14) [(49)] Emotional harm--A highly unpleasant mental reaction with observable signs of distress, such as anguish, grief, fright, humiliation, or fury.

[(20) Employee Misconduct Registry (EMR)--A database established under Texas Health and Safety Code, Chapter 253, and maintained by HHSC that contains the names of persons who have committed reportable conduct. A person whose name is recorded in the EMR is prohibited by law from working for certain facilities or agencies in Texas, as provided under Texas Health and Safety Code, Chapter 253.]

[(21) EMR hearing--A due process hearing offered to a person who has been found to have committed reportable conduct for the purpose of appealing the finding of reportable conduct as well as the underlying finding of abuse, neglect, or financial exploitation.]

[(15) [(22)] Goods--Tangible objects such as food, clothing, shelter and other items necessary to meet one's basic needs.

[(23) HHSC--Health and Human Services Commission.]

[(24) HHSC PI--Health and Human Services Commission Regulatory Services Division Provider Investigations.]

[(25) Home and community support services agency (HCSSA)--An agency licensed under Texas Health and Safety Code, Chapter 142.]

[(16) [(26)] Intimidation--Behavior by actions or words creating fear of physical harm, death, or abandonment.

[(17) [(27)] Ongoing relationship--A personal relationship that includes:

(A) frequent and regular interaction;

(B) a reasonable assumption that the interaction will continue; and

(C) an establishment of trust, beyond a commercial or contractual agreement.

[(18) [(28)] Physical harm--Physical pain, injury, illness, or any impairment of physical condition.

[(19) [(29)] Protective services--The services furnished by DFPS or by another protective services agency to an APS client with a validated finding of abuse, neglect, or financial exploitation, [designated victim, or designated victim/perpetrator,] or to that person's relative or caretaker if DFPS determines the services are necessary to prevent the client [, designated victim, or designated victim/perpetrator] from being in or returning to a state of abuse,

neglect, or financial exploitation. These services may include social casework, case management, and arranging for psychiatric and health evaluation, home care, day care, social services, health care, respite services, and other services consistent with Texas Human Resources Code, §48.002. The term does not include the investigation of an allegation of abuse, neglect, or financial exploitation.

[(20) [(30)] Purchased client services (PCS)--A type of protective services provided in accordance with Texas Human Resources Code, §48.002(a)(5), including, but not limited to, emergency shelter, medical, and psychiatric assessments, in-home care, residential care, heavy housecleaning, minor home repairs, money management, transportation, emergency food, medication, and other supplies.

[(21) [(31)] Release hearing--A formal due process hearing conducted by an administrative law judge. A release hearing provides a designated perpetrator with an opportunity to appeal DFPS's decision to release information about him or her to persons or entities outside DFPS, except for information released as required or allowed by state or federal law or in accordance with this chapter.

[(22) [(32)] Report--An allegation of abuse, neglect, or financial exploitation, as described in Texas Human Resources Code, §48.002, which is made under Texas Human Resources Code, §48.051(a).

[(23) [(33)] Reporter--A person who makes a report to DFPS about a situation of alleged abuse, neglect, or financial exploitation of a client [an alleged victim].

[(24) [(34)] Serious harm--In danger of sustaining significant physical harm or death; or danger of imminent impoverishment or deprivation of basic needs.

[(25) [(35)] Services--Activities provided by others, including, but not limited to, cooking, cleaning, money management, medical care, or mental health care.

[(26) [(36)] Substantially impairs--When a disability grossly and chronically diminishes an adult's physical or mental ability to live independently or provide self-care as determined through observation, diagnosis, evaluation, or assessment.

[(27) [(37)] Sustained perpetrator--A designated perpetrator whose validated finding of abuse, neglect, or financial exploitation of a client [designated victim] has been sustained by an administrative law judge in a due process hearing, including a release hearing [or Employee Misconduct Registry (EMR) hearing], or if the designated perpetrator has waived the right to a hearing.

[(28) [(38)] Unreasonable confinement--An act that results in a forced isolation from the people one would normally associate with, including friends, family, neighbors, and professionals; an inappropriate restriction of movement; or the use of any inappropriate restraint.

§705.103. *How is abuse defined?*

In this chapter, when the alleged perpetrator is a caretaker, family member, or other person who has an ongoing relationship with the client [alleged victim], abuse is defined as:

(1) the negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical or emotional harm or pain to the client [alleged victim]; or

(2) sexual abuse of the client [alleged victim], including any involuntary or nonconsensual sexual conduct that would constitute an offense under Texas Penal Code, Section 21.08, (indecent exposure) or Texas Penal Code, Chapter 22, Assaultive Offenses.

§705.107. *How is financial exploitation defined?*

In this chapter, when an alleged perpetrator is a caretaker, family member, or other person who has an ongoing relationship with the client [alleged victim], financial exploitation is defined as the illegal or improper act or process of the alleged perpetrator using, or attempting to use, the resources of the client [alleged victim], including the client's [alleged victim's] Social Security number or other identifying information, for monetary or personal benefit, profit, or gain without the informed consent of the client [alleged victim].

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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Sanjuanita Maltos  
Rules Coordinator  
Department of Family and Protective Services  
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For further information, please call: (512) 945-5978



## SUBCHAPTER C. APS PROGRAM OVERVIEW

### 40 TAC §705.303

#### STATUTORY AUTHORITY

The proposed amended rules implement H.B. 4696 from the 88th Legislature, regular session.

The modification is proposed under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

#### CROSS REFERENCE TO STATUTES

The proposed rules implement Human Resources Code, Chapter 48; Family Code, Chapter 261; and Health and Safety Code, Chapters 142 and 253.

*§705.303. How does DFPS educate the public about APS?*

(a) DFPS conducts a statewide public awareness campaign to educate the public regarding abuse, neglect, and financial exploitation of clients [alleged victims] and to reduce the incidences of maltreatment involving adults with disabilities and adults aged 65 or older.

(b) Based on available funding, DFPS utilizes a selection of:

- (1) public service announcements;
- (2) program brochures and literature;
- (3) a prevention website; and
- (4) speaking engagements, by enlisting the assistance of community organizations.

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

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## SUBCHAPTER E. ALLEGATION PRIORITIES

### 40 TAC §705.501

#### STATUTORY AUTHORITY

The amended rules implement H.B. 4696 from the 88th Legislature, regular session.

The modification is proposed under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

#### CROSS REFERENCE TO STATUTES

The proposed rules implement Human Resources Code, Chapter 48; Family Code, Chapter 261; and Health and Safety Code, Chapters 142 and 253.

*§705.501. How are allegations prioritized?*

(a) APS assigns the following priorities to reported allegations:

(1) Priority I--Allegation that the client [alleged victim] is in a state of serious harm or is in danger of death from abuse or neglect.

(2) Priority II--Allegation that the client [alleged victim] is abused, neglected, or financially exploited and, as a result, is at risk of serious harm.

(3) Priority III--Allegation that the client [alleged victim] is in a state of abuse or neglect when the severity and immediacy of the allegation do not meet the definitions in paragraphs (1) or (2) of this subsection.

(4) Priority IV--Allegation that the client [alleged victim] is financially exploited when there is no serious harm.

(b) APS establishes the timeframe for conducting the initial face-to-face contact with the client [alleged victim] based on the priority assigned to the allegation(s).

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

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## SUBCHAPTER G. ELIGIBILITY

## 40 TAC §§705.701, 705.703, 705.705

### STATUTORY AUTHORITY

The proposed repealed rules implement H.B. 4696 from the 88th Legislature, regular session.

The modification is proposed under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

### CROSS REFERENCE TO STATUTES

The proposed rules implement Human Resources Code, Chapter 48; Family Code, Chapter 261; and Health and Safety Code, Chapters 142 and 253.

*§705.701. Who is eligible for emergency protective services?*

*§705.703. Who is eligible for purchased client services?*

*§705.705. When are purchased client services available?*

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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Sanjuanita Maltos

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Department of Family and Protective Services

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## 40 TAC §705.702

### STATUTORY AUTHORITY

The proposed new rule implements H.B. 4696 from the 88th Legislature, regular session.

The modification is proposed under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

### CROSS REFERENCE TO STATUTES

The proposed rule implements Human Resources Code, Chapter 48; Family Code, Chapter 261; and Health and Safety Code, Chapters 142 and 253.

*§705.702. Who is eligible for purchased client services?*

(a) Purchased client services (PCS) are services provided in accordance with Human Resources Code §48.002(a)(5), including, but not limited to, emergency shelter, medical and psychiatric assessments, in-home care, residential care, heavy housecleaning, minor home repairs, money management, transportation, emergency food, medication, and other supplies.

(b) APS shall provide PCS, including contracted services, to adults who are elderly or have a disability that have been determined

by APS to be in need of protective services in accordance with Human Resources Code §48.002(a)(5) and §48.205. APS must develop a service plan for the client indicating that PCS are necessary to remedy abuse, neglect, or financial exploitation.

(c) Other state and local resources must be used before purchased client services are expended in accordance with Human Resources Code §48.205.

(d) DFPS service plans that include the use of PCS are subject to the availability of service providers, availability of funds and use of other available resources.

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

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## SUBCHAPTER I. FAMILY VIOLENCE

### 40 TAC §§705.901, §705.903

#### STATUTORY AUTHORITY

The proposed amended rules implement H.B. 4696 from the 88th Legislature, regular session.

The modification is proposed under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

#### CROSS REFERENCE TO STATUTES

The proposed rules implement Human Resources Code, Chapter 48; Family Code, Chapter 261; and Health and Safety Code, Chapters 142 and 253.

*§705.901. What actions does APS perform when clients [alleged victims] are also victims of family violence?*

(a) When APS staff validates an allegation that a client [an alleged victim] is a victim of family violence as specified in Texas Family Code, §71.004, APS staff:

(1) documents that the client [alleged victim] is a victim of family violence; and

(2) provides the client [alleged victim] with written information in the client's [alleged victim's] preferred language, as available, concerning community services.

(b) Statistical compilations of the documented findings are included in DFPS's annual report.

*§705.903. Can DFPS apply for protective orders?*

When APS staff validates an allegation that a client [an alleged victim] is a victim of family violence as specified in Texas Family Code,

§71.004, DFPS may apply for a protective order to protect the victim. Before DFPS files the protective order, APS staff contacts the victim and a non-abusive adult member of the household, if available:

- (1) to notify them of DFPS's intent to file a protective order; and
- (2) to request assistance in developing a safety plan for the protection of the victim and any non-abusive household members.

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 September 12, 2026

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Sanjuanita Maltos

Rules Coordinator

Department of Family and Protective Services

Earliest possible date of adoption: October 26, 2025

For further information, please call: (512) 945-5978



## SUBCHAPTER K. INVESTIGATIONS

### 40 TAC §705.1101

#### STATUTORY AUTHORITY

The proposed amended rules implement H.B. 4696 from the 88th Legislature, regular session.

The modification is proposed under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

#### CROSS REFERENCE TO STATUTES

The proposed rules implement Human Resources Code, Chapter 48; Family Code, Chapter 261; and Health and Safety Code, Chapters 142 and 253.

*§705.1101. What assessments does APS use?*

- (a) APS uses a series of three assessments.

(1) Safety assessment. When APS investigates, APS uses a safety assessment to determine if the client [alleged victim] is in imminent risk of abuse, neglect, or financial exploitation, or is in a state of abuse, neglect, or financial exploitation and needs protective services. A safety assessment helps APS determine current danger factors and if immediate intervention is necessary to mitigate them.

(2) Risk of recidivism assessment: If APS validates abuse, neglect, or financial exploitation, APS uses a risk of recidivism assessment to help determine whether the client is at low, moderate, or high risk of being a client [an alleged victim] within the next 12 months.

(3) Strengths and needs assessment: If APS validates abuse, neglect, or financial exploitation and provides protective services, APS uses a strengths and needs assessment to help develop a service plan appropriate to the client's needs.

- (b) Each assessment is comprehensive, and at a minimum, assesses:

- (1) environmental conditions;

- (2) financial condition;
- (3) physical, medical, and mental health conditions;
- (4) social interaction and support; and
- (5) need for legal intervention.

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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Rules Coordinator

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## SUBCHAPTER M. RELEASE HEARINGS

### 40 TAC §705.1303

#### STATUTORY AUTHORITY

The proposed amended rules implement H.B. 4696 from the 88th Legislature, regular session.

The modification is proposed under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

#### CROSS REFERENCE TO STATUTES

The proposed rules implement Human Resources Code, Chapter 48; Family Code, Chapter 261; and Health and Safety Code, Chapters 142 and 253.

*§705.1303. Does the designated perpetrator have the right to appeal?*

[(a)] When APS staff validates an allegation of abuse, neglect, or financial exploitation against a designated perpetrator and an entity or employer (such as a contracting agency or senior center) allows such designated perpetrator to have access to adults with disabilities, adults aged 65 or older, or children, then the APS caseworker may notify the entity of the findings by complying with this subchapter. If the findings are to be released to any entity or employer, the designated perpetrator must be given prior written notification, except in emergencies, and an opportunity to request an Administrative Review of Investigative Findings and a hearing before the State Office of Administrative Hearings.

[(b) If the designated perpetrator is an employee as defined in §705.1505 of this chapter (relating to How are the terms in this subchapter defined?) and subject to placement on the Employee Misconduct Registry established under Texas Health and Safety Code, Chapter 253, the perpetrator may request a hearing as described in Subchapter O of this chapter (relating to Employee Misconduct Registry).]

[(c) A designated perpetrator who is offered an EMR hearing under subsection (b) of this section may not also request a release hearing, as described in this chapter, relating to the same allegations of abuse, neglect, or financial exploitation.]

[(d) DFPS may elect to offer due process for an emergency release in an EMR hearing, as described in Subchapter O of this chapter (relating to Employee Misconduct Registry).]

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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Rules Coordinator

Department of Family and Protective Services

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## SUBCHAPTER O. EMPLOYEE MISCONDUCT REGISTRY

**40 TAC §§705.1501, 705.1503, 705.1505, 705.1507, 705.1509, 705.1511, 705.1513, 705.1515, 705.1517, 705.1519, 705.1521, 705.1523, 705.1525, 705.1527, 705.1529, 705.1531, 705.1533**

### STATUTORY AUTHORITY

The proposed repealed rules implement H.B. 4696 from the 88th Legislature, regular session.

The modification is proposed under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

### CROSS REFERENCE TO STATUTES

The proposed rules implement Human Resources Code, Chapter 48; Family Code, Chapter 261; and Health and Safety Code, Chapters 142 and 253.

*§705.1501. What is the purpose of this subchapter?*

*§705.1503. To which investigations does this subchapter apply?*

*§705.1505. How are the terms in this subchapter defined?*

*§705.1507. How is reportable conduct defined for the purpose of this subchapter?*

*§705.1509. What notice does DFPS provide to an employee before the employee's name is submitted to the Employee Misconduct Registry?*

*§705.1511. How is the Notice of Finding provided to an employee, and who is responsible for ensuring that DFPS has a valid mailing address for an employee?*

*§705.1513. How does an employee dispute a finding of reportable conduct and what happens if the Request for EMR Hearing is not filed or not filed properly?*

*§705.1515. What is the deadline for filing the Request for EMR Hearing?*

*§705.1517. Is the finding of reportable conduct ever reversed without conducting a hearing?*

*§705.1519. When and where will the EMR hearing take place and who conducts the hearing?*

*§705.1521. May an employee or DFPS request that the EMR hearing be rescheduled?*

*§705.1523. May an employee withdraw a Request for EMR Hearing after it is filed?*

*§705.1525. What happens if a party fails to appear at a pre-hearing conference or a hearing on the merits?*

*§705.1527. How is the EMR conducted?*

*§705.1529. How and when is the decision made after the EMR hearing?*

*§705.1531. How is judicial review requested and what is the deadline?*

*§705.1533. What action does DFPS take when an employee's administrative case is fully resolved or has reached final disposition?*

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 September 12, 2025.

TRD-202503245

Sanjuanita Maltos

Rules Coordinator

Department of Family and Protective Services

Earliest possible date of adoption: October 26, 2025

For further information, please call: (512) 945-5978



# WITHDRAWN RULES

Withdrawn Rules include proposed rules and emergency rules. A state agency may specify that a rule is withdrawn immediately or on a later date after filing the notice with the Texas Register. A proposed rule is withdrawn six months after the date of publication of the proposed rule in the Texas Register if a state agency has failed by that time to adopt, adopt as amended, or withdraw the proposed rule. Adopted rules may not be withdrawn. (Government Code, §2001.027)

## TITLE 22. EXAMINING BOARDS

### PART 10. TEXAS FUNERAL SERVICE COMMISSION

#### CHAPTER 210. NON-TRANSPLANT WHOLE BODY DONATIONS

##### SUBCHAPTER B. AUTHORIZATION & REGISTRATION FOR THE RECEIPT, USE AND DISTRIBUTION OF DONOR WHOLE BODIES OR BODY PARTS

#### 22 TAC §210.27

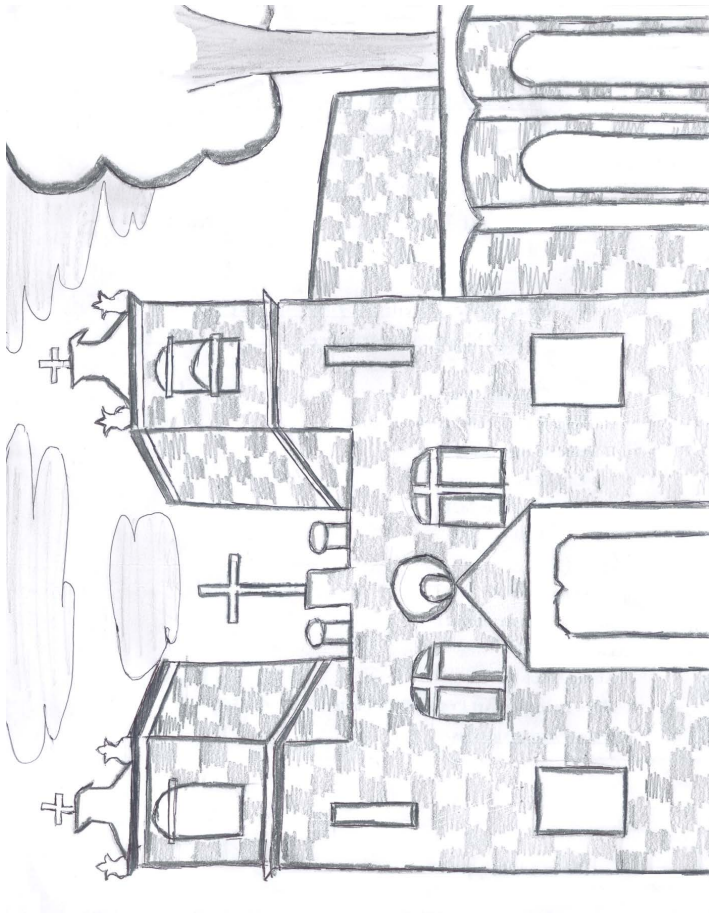
Proposed new §210.27, published in the March 7, 2025 issue of the *Texas Register* (50 TexReg 1760), is withdrawn. The agency failed to adopt the proposal within six months of publication. (See Government Code, §2001.027, and 1 TAC §91.38(d).)

Published by the Office of the Secretary of State on September 9, 2025.

TRD-202503202







# ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

## TITLE 16. ECONOMIC REGULATION

### PART 2. PUBLIC UTILITY COMMISSION OF TEXAS

#### CHAPTER 24. SUBSTANTIVE RULES APPLICABLE TO WATER AND SEWER SERVICE PROVIDERS

#### SUBCHAPTER F. CUSTOMER SERVICE AND PROTECTION

##### 16 TAC §24.167

The Public Utility Commission of Texas (commission) adopts amendments to 16 Texas Administrative Code (TAC) §24.167 relating to Discontinuance of Service with no changes to the proposed text as published in the July 25, 2025 issue of the *Texas Register* (50 TexReg 4147). The rule will not be republished. Unamended §24.167 specified "[p]ayment by check which has been rejected for insufficient funds ..." which leaves other forms of payment unaddressed. Similarly, the tariff forms had a "returned check charge" line item, but did not specify what happens if a customer's credit card or debit card payment is declined. The adopted rule removes the word "check" in reference to rejected payments to clarify that other forms of rejected payments are included. The amendment is adopted under Project No. 58270.

The commission received no comments in regard to this project and adopts the rule with no changes to the proposal.

##### Statutory Authority

The amendment is proposed under Texas Water Code (TWC) §13.001, which provides the commission jurisdiction over a water and sewer utility; §13.004, which provides the commission with jurisdiction over certain water supply or sewer service corporations; §13.041(b), which provides the commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

Cross reference to statutes: Texas Water Code §13.001, 13.004, and 13.041(b).

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

Filed with the Office of the Secretary of State on September 11, 2025.

TRD-202503231

Andrea Gonzalez

Rules Coordinator

Public Utility Commission of Texas

Effective date: October 1, 2025

Proposal publication date: July 25, 2025

For further information, please call: (512) 936-7244

### PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

#### CHAPTER 118. LASER HAIR REMOVAL

The Texas Commission of Licensing and Regulation (Commission) adopts new rules at 16 Texas Administrative Code (TAC), Chapter 118, Subchapter A, §§118.1 - 118.3; Subchapter B, §§118.10, 118.12, and 118.14; Subchapter C, §§118.20, 118.21, 118.27 - 118.29; Subchapter D, §118.30; Subchapter G, §118.60 and §118.61; Subchapter H, §118.70; and Subchapter I, §118.80 and §118.81; and adopts the repeal of existing rules at §§118.1 - 118.3, 118.10, 118.20, 118.30 - 118.35, 118.40, 118.50, 118.60, 118.61, 118.70, 118.71, 118.80, 118.90, 118.91, 118.100, and 118.110, with the addition of subchapters to an existing chapter, regarding the Laser Hair Removal program, without changes to the proposed text as published in the May 30, 2025, issue of the *Texas Register* (50 TexReg 3171). These rules will not be republished.

The Commission also adopts new rules at 16 TAC Chapter 118, Subchapter A, §118.4; Subchapter B, §118.11 and §118.13; Subchapter C, §§118.22, 118.25, and 118.26; Subchapter E, §118.40; and Subchapter F, §118.50 and §118.51, regarding the Laser Hair Removal program, with changes to the proposed text as published in the May 30, 2025, issue of the *Texas Register* (50 TexReg 3171). These rules will be republished.

##### EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 118, implement Texas Health and Safety Code, Chapter 401, Subchapter M, Laser Hair Removal; and Texas Occupations Code, Chapter 51, the enabling statute of the Texas Commission of Licensing and Regulation (Commission) and the Department.

The adopted rules are necessary to implement changes recommended as a result of the required four-year rule review conducted under Texas Government Code §2001.039. The Department's Notice of Intent to Review 16 TAC, Chapter 118, was published in the September 3, 2021, issue of the *Texas Register* (46 TexReg 5597). At its meeting on January 25, 2022, the Commission readopted the rule chapter in its entirety without changes. The readoption notice was published in the February 25, 2022, issue of the *Texas Register* (47 TexReg 988). The Department

did not receive any public comments in response to the Notice of Intent to Review.

The adopted rules include changes recommended by Department staff during the rule review process to reorganize and streamline the entire chapter. These recommendations include changes to consolidate the existing rules, reorganize provisions by subject matter, eliminate duplicative provisions, and apply plain language principles to improve clarity.

#### SECTION-BY-SECTION SUMMARY

The adopted rules repeal all sections under 16 TAC, Chapter 118, which include §§118.1 - 118.3; 118.10; 118.20; 118.30 - 118.35; 118.40; 118.50; 118.60; 118.61; 118.70; 118.71; 118.80; 118.90; 118.91; 118.100; and 118.110.

The adopted rules add new Subchapter A, General Provisions.

The adopted rules repeal existing §118.1, Authority. The provision in this repealed rule has been updated and supplemented under new §118.1.

The adopted rules add new §118.1, Authority. This new rule includes provisions from existing §118.1, which is being repealed, and establishes that Chapter 118 is promulgated under Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M.

The adopted rules repeal existing §118.2, Purpose.

The adopted rules repeal existing §118.3, Scope. The provision in this repealed rule has been updated and supplemented under new §118.2.

The adopted rules add new §118.2, Scope. This new rule includes provisions from existing §118.3, which is being repealed, and establishes who the chapter applies to and that a certification issued under this chapter only authorizes a person to perform nonablative cosmetic Laser Hair Removal (LHR). The adopted rules also establish that this chapter applies to a person who receives, possesses, uses, owns, or acquires an LHR device, even if that person does not hold an LHR facility license.

The adopted rules add new §118.3, Definitions. This new rule includes provisions from existing §118.10, which is being repealed, and adds several definitions, including "Alternate consulting physician," "Certifying entity," "Delegate," "LHR facility license," "Operate an LHR facility," "Serious injury," and "Training program." The adopted rules amend several definitions, including "Consulting physician," "Direct supervision," "Individual LHR Certification," "Laser hair removal procedure," "Operator," "Person," and "Physician." The adopted rules also remove several definitions, including "Applicant," "Certificate of LHR registration," "Certified individual," "Contract," "Laser safety officer," "Living quarters," "Mobile LHR facility," and "Registrant."

The adopted rules add new §118.4, Laser Hair Removal Procedure, and establish that a laser hair removal procedure involves removal of hair from four body areas. The adopted rules establish what areas of the body are considered one procedure, and what areas may be split into right and left sides and count as more than one single procedure if done simultaneously. A technical correction was made to the proposed rules as published to add punctuation missing from the end of §118.4(b)(4), which is reflected in the adopted rules.

The adopted rules add new Subchapter B, Laser Hair Removal Facility.

The adopted rules repeal existing §118.10, Definitions. The provision in this repealed rule has been updated and supplemented under new §118.3.

The adopted rules add new §118.10, LHR Facility--License Requirements and Application. This new rule includes provisions from existing §118.30, which is being repealed, and establishes that a separate LHR facility license is required for each LHR facility and establishes when an LHR facility license is not required. The adopted rules establish the eligibility requirements for an LHR facility license and establish that a person may not operate an LHR facility unless the person holds a license issued by the department.

The adopted rules add new §118.11, LHR Facility--License Term; Renewal. This new rule includes provisions from existing §118.40, which is being repealed, and establishes that an LHR facility license is valid for two years and establishes the process for renewing an LHR facility license. The adopted rules establish that an LHR facility must end the use of all LHR devices if the license is not renewed. A technical correction was made to the proposed rules as published to correct the punctuation at the end of §118.11(b)(2), which is reflected in the adopted rules.

The adopted rules add new §118.12, LHR Facility--Responsibilities. This new rule includes provisions from existing §118.31, which is being repealed, and establishes that a LHR facility must notify the department within 30 days after certain changes and must follow adverse reporting requirements. The adopted rules also establish the protocols if a LHR facility loses the services of the consulting physician and/or the alternate consulting physician. The adopted rules establish that a LHR facility must maintain a physical inventory of all devices; must maintain records of receipt, transfer, and disposal for each device; must not make false or misleading claims or advertisements; must post a warning sign containing radiation and complaint information. Lastly, the adopted rules establish that a LHR facility license is not transferable, and that the facility must not continue to offer services if the facility loses the services of the LHR professional.

The adopted rules add new §118.13, LHR Facility--Consulting Physician. This new rule includes provisions from existing §118.60, which is being repealed, and establishes the contents of the required written contract between a LHR facility and a consulting physician. The adopted rules establish the requirements of a protocol between the consulting physician and LHR facility and establish the contents of a protocol, including the level of licensure required for each LHR procedure. A minor style change was made to the proposed rules as published regarding the numerical reference under §118.13(a)(3), which is reflected in the adopted rules.

The adopted rules add new §118.14, LHR Facility--Audits. This new rule includes provisions from existing §118.61, which is being repealed, and establishes that the consulting physician must conduct audits of the LHR facility to verify that operations are being conducted in accordance with the protocols established by the contract. The adopted rules establish the requirements for an audit, including that it must be unannounced, it may be conducted by the consulting physician, and it must be recorded.

The adopted rules add new Subchapter C, Laser Hair Removal Individual Certification.

The adopted rules repeal existing §118.20, Prohibitions. The provision in this repealed rule has been updated and supplemented under new §118.50.

The adopted rules add new §118.20, LHR Individual Certification--Requirements and Application. This new rule includes provisions from existing §118.33, which is being repealed, and establishes the requirements that all applicants for an individual LHR certification must follow.

The adopted rules add new §118.21, LHR Individual Certification--Responsibilities. This new rule includes provisions from existing §118.33, which is being repealed, and establishes the responsibilities of certified individuals, including that certifications are not transferable, that each certification must be displayed in an open public area of the LHR facility, and that the certified individual must present proof of licensure or certification to the department, upon request.

The adopted rules add new §118.22, Certification Term; Renewal. This new rule includes provisions from existing §118.33, which is being repealed, and establishes that an individual certification issued by the department is valid for two years and establishes the requirements for renewing an individual LHR certification. A minor style change was made to the proposed rules as published regarding the numerical reference under §118.22(a), which is reflected in the adopted rules. A technical correction was also made to the proposed rules as published to change "license holder" to "certificate holder" under §118.22(d), which is reflected in the adopted rules.

The adopted rules add new §118.25, Continuing Education Requirements. This new rule includes provisions from existing §118.35, which is being repealed, and establishes that each individual who holds an individual LHR certification must obtain eight hours of continuing education per certification term on certain topics. The rules establish that the continuing education hours may be obtained online. A minor style change was made to the proposed rules as published regarding the numerical reference under §118.25(a), which is reflected in the adopted rules.

The adopted rules add new §118.26, LHR Individual Certification--Apprentice-in-Training. This new rule includes provisions from existing §118.33, which is being repealed, and establishes that an applicant for an apprentice-in-training certification must be at least 18 years old; have 40 hours of training in specific topics; and must submit proof of successful completion of a training program approved by the department. The adopted rules establish that an apprentice-in-training must not perform LHR procedures unless under the direct supervision of a senior LHR technician or a LHR professional. A minor style change was made to the proposed rules as published regarding the numerical reference under §118.26(a)(3)(A), which is reflected in the adopted rules.

The adopted rules add new §118.27, LHR Individual Certification--Technician. This new rule includes provisions from existing §118.33, which is being repealed, and establishes that an applicant for a LHR technician certification must hold a current apprentice-in-training certification and have performed at least 100 LHR procedures under the direct supervision of a senior LHR technician or a LHR professional within the 12 months of submitting an application. The adopted rules also establish the requirements of a supervisor who directly supervises the activities of a LHR Technician.

The adopted rules add new §118.28, LHR Individual Certification--Senior LHR Technician. This new rule includes provisions from existing §118.33 and §118.34, which are being repealed, and establishes that an applicant for a senior LHR technician

certification must hold a current LHR technician certification and have directly supervised at least 100 LHR procedures. The adopted rules also establish the requirements of a supervisor who performs the direct supervision activities of a senior LHR technician.

The adopted rules add new §118.29, LHR Individual Certification--LHR Professional. This new rule includes provisions from existing §118.33 and §118.34, which are being repealed, and establishes that an applicant for a LHR professional certification must hold a current senior LHR technician certification; be certified by a certifying entity approved by the department; and pass a department approved test. The adopted rules also establish the requirements of a supervisor who performs the direct supervision activities of a LHR professional.

The adopted rules add new Subchapter D, Apprentice Training Programs.

The adopted rules repeal existing §118.30, Laser Hair Removal Facility Certificate--Requirements and Application. The provision in this repealed rule has been updated and supplemented under new §118.10.

The adopted rules add new §118.30, Apprentice Training Programs. This new rule includes provisions from existing §118.33, which is being repealed, and establishes that training must be obtained from a department-approved training program and that programs must follow specific education requirements. The adopted rules establish the application requirements and eligibility requirements for training programs.

The adopted rules repeal existing §118.31, Laser Hair Removal Facility--Responsibilities. The provision in this repealed rule has been updated and supplemented under new §118.12.

The adopted rules repeal existing §118.32, Laser Safety Officer--Designation and Responsibilities.

The adopted rules repeal existing §118.33, Laser Hair Removal Individual Certificate--Requirements and Application. The provisions in this repealed rule have been updated and supplemented under new §118.20-§118.22 and §§118.26-118.30.

The adopted rules repeal existing §118.34, Laser Hair Removal Professionals and Senior Laser Hair Removal Technicians--Auditing and Supervision Requirements. The provisions in this repealed rule have been updated and supplemented under new §118.28 and §118.29.

The adopted rules repeal existing §118.35, Continuing Education Requirements. The provision in this repealed rule has been updated and supplemented under new §118.25.

The adopted rules add new Subchapter E, Requirements for Certifying Entities and Examinations.

The adopted rules repeal existing §118.40, License Terms; Renewals. The provision in this repealed rule has been updated and supplemented under new §118.11.

The adopted rules add new §118.40, Requirements for Certifying Entities and Examinations. This new rule includes provisions from existing §118.50, which is being repealed, and establishes the requirements a certifying entity must meet and establishes the requirements a certification program must meet. Minor style changes were made to the proposed rules as published regarding the two numerical references under §118.40(b)(6), which are reflected in the adopted rules.

The adopted rules add new Subchapter F, Laser Hair Removal Devices.

The adopted rules repeal existing §118.50, Requirements for Certifying Entities and Examinations. The provision in this repealed rule has been updated and supplemented under new §118.40.

The adopted rules add new §118.50, LHR Devices--General and Operating Requirements. This new rule includes provisions from existing §118.70, which is being repealed, and establishes requirements for use of an LHR device in an LHR facility, including minimum requirements for a prescription from a licensed physician for the purchase of an LHR device. The adopted rules include other requirements such as establishing a controlled area within a room in which LHR devices are used; that protective eyewear must be worn by all individuals using an LHR device and all individuals present; and that an LHR facility must not be used for living or sleeping purposes. Minor style changes were made to the proposed rules as published regarding the numerical references under §118.50(c)(6) and (i)(5), which are reflected in the adopted rules.

The adopted rules add new §118.51, LHR Devices--Stolen, Lost, or Missing. This new rule includes provisions from existing §118.71, which is being repealed, and establishes the procedures to report a stolen, lost, or missing device. The adopted rules establish the information that must be included in the report, including a description of the device and a description of the circumstances under which the loss occurred. Minor style changes were made to the proposed rules as published regarding the numerical references under §118.51(a), (b), and (c), which are reflected in the adopted rules.

The adopted rules add new Subchapter G, Records Requirements.

The adopted rules repeal existing §118.60, Consulting Physician--Responsibilities and Protocols. The provision in this repealed rule has been updated and supplemented under new §118.13.

The adopted rules add new §118.60, Records Retention Requirements. This new rule includes provisions from existing §118.100, which is being repealed, and establishes that records must be properly maintained, made available upon department request, and retained for specific amounts of time.

The adopted rules repeal existing §118.61, Consulting Physician--Audits of LHR Facility Protocols and Operations. The provision in this repealed rule has been updated and supplemented under new §118.14.

The adopted rules add new §118.61, Disclosures and Confidentiality Requirements. This new rule includes provisions from existing §118.110, which is being repealed, and establishes that client records must not be disclosed unless certain factors are met.

The adopted rules add new Subchapter H, Fees.

The adopted rules repeal existing §118.70, Laser Hair Removal Devices--General and Operating Requirements. The provision in this repealed rule has been updated and supplemented under new §118.50.

The adopted rules add new §118.70, Fees. The adopted rules include provisions from existing §118.80, which is being repealed, and establish the fees for the licenses and certifications in this chapter.

The adopted rules repeal existing §118.71, Laser Hair Removal Devices--Stolen, Lost, or Missing. The provision in this repealed rule has been updated and supplemented under new §118.51.

The adopted rules add new Subchapter I, Enforcement.

The adopted rules repeal existing §118.80, Fees. The provision in this repealed rule has been updated and supplemented under new §118.70.

The adopted rules add new §118.80, Administrative Penalties and Sanctions. The adopted rules include provisions from existing §118.90, which is being repealed, and establish that violations of provisions of the Texas Occupations Code, Health and Safety Code, this chapter, or any other rule or order may result in penalties and/or sanctions.

The adopted rules add new §118.81, Enforcement Authority. The adopted rules include provisions from existing §118.91, which is being repealed, and establish the enforcement authority to enforce Texas Health and Safety Code Chapter 401, Subchapter M and this chapter.

The adopted rules repeal existing §118.90, Administrative Penalties and Sanctions. The provision in this repealed rule has been updated and supplemented under new §118.80.

The adopted rules repeal existing §118.91, Enforcement Authority. The provision in this repealed rule has been updated and supplemented under new §118.81.

The adopted rules repeal existing §118.100, Records Retention Requirements. The provision in this repealed rule has been updated and supplemented under new §118.60.

The adopted rules repeal existing §118.110, Disclosures and Confidentiality Requirements. The provision in this repealed rule has been updated and supplemented under new §118.61.

## PUBLIC COMMENTS

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the May 30, 2025, issue of the *Texas Register* (50 TexReg 3171). The public comment period closed on June 30, 2025. The Department did not receive any comments from interested parties on the proposed rules.

## COMMISSION ACTION

At its meeting on August 21, 2025, the Commission adopted the proposed rules with changes to §§118.4, 118.11, 118.13, 118.22, 118.25, 118.26, 118.40, 118.50 and 118.51, as published in the *Texas Register*. These changes are explained in the Section-by-Section Summary.

**16 TAC §§118.1 - 118.3, 118.10, 118.20, 118.30 - 118.35, 118.40, 118.50, 118.60, 118.61, 118.70, 118.71, 118.80, 118.90, 118.91, 118.100, 118.110**

## STATUTORY AUTHORITY

The adopted repeals are repealed under Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted repeals are those set forth in Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M.

No other statutes, articles, or codes are affected by the adopted repeals.

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## SUBCHAPTER A. GENERAL PROVISIONS

### 16 TAC §§118.1 - 118.4

#### STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M. No other statutes, articles, or codes are affected by the adopted rules.

#### *§118.4. Laser Hair Removal Procedure.*

(a) A laser hair removal procedure is the removal of hair from one of the following four body areas, conducted during the same or separate appointment by one person:

- (1) head and neck;
- (2) upper extremities, to include hands, arms (including armpits), and shoulders;
- (3) torso, to include front and back (including pelvic region and buttocks); or
- (4) lower extremities, to include legs and feet.

(b) The following areas are considered one procedure, regardless of how many individual body parts are treated within that area:

- (1) forehead, glabella, cheeks, nose, upper lip, chin, sideburns, ears, front of neck, and back of neck;
- (2) hands, fingers, armpits, shoulders;
- (3) areolas, chest (man), abdomen, bikini or Brazilian, upper back lower back, buttocks, midline; and
- (4) knees, feet, toes.

(c) The following areas may be split into right and left sides and count as more than one single procedure if done simultaneously.

- (1) Upper arms;
- (2) Lower arms;
- (3) Upper legs; and

- (4) Lower legs.

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## SUBCHAPTER B. LASER HAIR REMOVAL FACILITY

### 16 TAC §§118.10 - 118.14

#### STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M. No other statutes, articles, or codes are affected by the adopted rules.

#### *§118.11. LHR Facility--License Term; Renewal.*

(a) An LHR facility license issued by the department is valid for two years.

(b) Each applicant for renewal of an LHR facility license must:

- (1) complete an application on department approved forms; and
- (2) submit the renewal fee(s) specified under §118.70.

(c) If an LHR facility does not submit an application for renewal of the LHR facility license, the LHR facility must on or before the expiration date of the LHR facility license:

- (1) end use of all LHR devices; and
- (2) submit to the department a record of the disposition of the LHR devices, and if transferred, to whom the devices were transferred, as specified in §118.12(f).

(d) Expiration of the LHR facility license does not relieve the LHR facility owner or operator of the requirements of this chapter.

#### *§118.13. LHR Facility--Consulting Physician.*

(a) A LHR facility must have a written contract with a consulting physician. The LHR facility's contract with its consulting physician must provide the following:

- (1) The consulting physician must be available for emergency consultation with the facility as appropriate to the circumstances, including, if the physician considers it necessary, an emergency appointment with the client. This responsibility may be met through

telemedicine in accordance with Texas Occupations Code, Chapter 111;

(2) If the consulting physician is unavailable for an emergency consultation, the alternate consulting physician must be available for the consultation with the facility relating to care for the client;

(3) The consulting physician and alternate consulting physician must have a non-residential primary practice site located within 75 miles of the LHR facility; and

(4) The consulting physician must be responsible for reviewing all adverse events, serious injuries, and for determining whether such events are reportable in accordance with applicable laws.

(b) The protocols required in accordance with §118.10 are:

(1) written instructions agreed upon and signed and dated by the consulting physician and the LHR facility operator;

(2) maintained at the LHR facility; and

(3) reviewed and signed by the consulting physician and LHR operator at least annually.

(c) The protocols required in accordance with §118.10, must include at least the following:

(1) the level of licensure which is required for each LHR procedure;

(2) the circumstances or conditions under which each procedure is to be performed;

(3) specific instructions to be followed for individual LHR certification who are working under direct supervision or who are giving direct supervision;

(4) conditions under which emergency consultation is required;

(5) designated settings, in accordance with the manufacturer's instructions, at which the LHR device can be expected to safely remove hair; and

(6) list of medications taken by the client that must be reported to the consulting physician before LHR services are provided or that, if taken by the client, preclude a LHR procedure from being performed.

(d) The requirements in this section do not relieve a consulting physician or another health care professional from complying with applicable regulations prescribed by a state or federal agency.

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## SUBCHAPTER C. LASER HAIR REMOVAL INDIVIDUAL CERTIFICATION

### 16 TAC §§118.20 - 118.22, 118.25 - 118.29

#### STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M.

No other statutes, articles, or codes are affected by the adopted rules.

#### *§118.22. Certification Term; Renewal.*

(a) An individual LHR certification issued by the department is valid for two years.

(b) Each applicant for renewal of an individual LHR certification must:

(1) complete an application on department approved forms; and

(2) submit the renewal fee(s) specified under §118.70.

(c) Each applicant for renewal of an individual LHR certification must also successfully pass a criminal history background check.

(d) Expiration of an individual LHR certification does not relieve the certificate holder of the requirements of this section.

(e) Renewals for LHR professionals must provide proof of current certification.

#### *§118.25. Continuing Education Requirements.*

(a) General Requirements. Each individual who holds an individual LHR certification issued by the department must obtain eight hours of continuing education (CE) hours per certification term to include the following LHR related topics:

(1) refresher training in the topics specified in §118.26;

(2) LHR technology updates;

(3) applicable regulatory changes; and

(4) other health and safety related topics.

(b) Web-Based Training. The continuing education hours required by this section may be obtained by web-based online training.

#### *§118.26. LHR Individual Certification--Apprentice-in-Training.*

(a) LHR Apprentice-In-Training Certification Requirements. An applicant for an LHR apprentice-in-training certification must:

(1) be at least 18 years of age.

(2) have at least 24 hours of training in:

(A) LHR device safety;

(B) laser physics;

(C) skin typing;

(D) skin reactions;

- (E) treatment protocols;
- (F) burns;
- (G) eye protection;
- (H) emergencies; and
- (I) post-treatment protocols.

(3) have an additional 16 hours of training in:

(A) cardio-pulmonary resuscitation (a valid cardio-pulmonary resuscitation certificate may be used to satisfy up to eight hours of the training required by this subparagraph);

(B) review of client's pre-existing conditions to determine if consultation with a consulting physician is needed for possible diagnosis or treatment;

(C) review of client's previous LHR procedures by another modality;

(D) review of client's current medications to determine if any medications need to be brought to the attention of the consulting physician based on established protocols;

(E) proper signage and posting;

(F) use of an LHR device; and

(G) anesthesia used in conjunction with LHR procedures.

(b) LHR Apprentice-In-Training Certification Submission Requirement. An applicant for an LHR apprentice-in-training certification must submit proof of successful completion of a training program approved by the department covering the topics listed in §118.26(a)(2). An individual must not perform LHR procedures unless under the direct supervision of a senior LHR technician or an LHR professional.

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## SUBCHAPTER D. APPRENTICE TRAINING PROGRAMS

### 16 TAC §118.30

#### STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M.

No other statutes, articles, or codes are affected by the adopted rules.

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## SUBCHAPTER E. REQUIREMENTS FOR CERTIFYING ENTITIES AND EXAMINATIONS

### 16 TAC §118.40

#### STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M.

No other statutes, articles, or codes are affected by the adopted rules.

*§118.40. Requirements for Certifying Entities and Examinations.*

(a) A certifying entity must meet the following requirements:

(1) apply on a department approved application for approval and follow all education requirements set out in this chapter;

(2) be a non-governmental organization such as a society, association, business, or school with an interest in the field of laser hair removal or whose members participate in or have an interest in the field of laser hair removal;

(3) if a society or association, not restrict its membership due to race, color, religion, age, national origin or disability and also make its memberships available to the general public nationwide;

(4) if a society or association, have a certification program open to nonmembers as well as members;

(5) be an incorporated nationally recognized entity in good standing involved in setting national standards of practice within its fields of expertise;

(6) have an adequate staff, a viable system for financing its operations, and a policy- and decision- making review board;



(7) have a set of written organizational by-laws and policies that provide adequate assurance of lack of conflict of interest and include a system for monitoring and enforcing these by-laws and policies;

(8) have a committee whose members carry out their responsibilities impartially to review and approve their certification guidelines and procedures and advise the organization's staff in implementing the certification program;

(9) have a committee whose members carry out their responsibilities to impartially review complaints against certified individuals and then determine appropriate sanctions;

(10) have written procedures describing all aspects of its certification program including its administration, and maintain records of the current status of an individual's certification;

(11) have procedures to ensure certified individuals are provided due process with respect to the administration of a certification program, including the certification process and the imposition of any sanctions against certified individuals;

(12) have procedures for proctoring examinations, including qualifications for proctors. These procedures must ensure that the individuals proctoring each examination are not employed by the same company or corporation (or a wholly-owned subsidiary of such company or corporation) as any of the examinees;

(13) exchange information about certified individuals with the agency and other certifying entities and allow periodic review of its certification program and related records by the agency; and

(14) provide a description to the agency of its procedures for choosing examination sites and for providing an appropriate examination environment.

(b) To be approved by the department, a certification program must meet the following requirements:

(1) require applicants for certification to:

(A) receive training in the topics specified in §118.26(a); and

(B) satisfactorily complete a written examination covering these topics;

(2) require applicants for certification to provide documentation that demonstrates that the applicant has:

(A) received training in the topics specified in §118.26(a); and

(B) satisfactorily completed a minimum period of LHR apprentice-in-training certification requirements;

(3) include procedures to ensure that all examination questions are protected from disclosure, as prescribed by 16 Texas Administrative Code §60.54;

(4) include procedures for denying an application and revoking, suspending, and reinstating a certificate;

(5) include procedures for notifying each applicant of current guidelines to determine eligibility in the educational program, as prescribed by Texas Occupations Code §53.152;

(6) provide a certification period of at least three years, but not more than five years;

(7) include procedures for renewing certifications and, if the procedures allow renewals without examination, require evidence

of recent full-time employment and continuing education hours as required by this chapter;

(8) provide a timely response to inquiries from members of the public about an individual's certification status; and

(9) issue a certificate of completion that includes:

(A) the issue date;

(B) the expiration date; and

(C) a statement that the certification program was completed in accordance with Texas Health and Safety Code, Chapter 401, Subchapter M, and the rules under 16 Texas Administrative Code, Chapter 118.

(c) An examination administered or used by a certifying entity must be designed to test an individual's knowledge and understanding of at least the topics specified in §118.26(a).

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## SUBCHAPTER F. LASER HAIR REMOVAL DEVICES

### 16 TAC §118.50, §118.51

#### STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M.

No other statutes, articles, or codes are affected by the adopted rules.

#### §118.50. LHR Devices--General and Operating Requirements.

(a) An LHR device used in an LHR facility must follow all applicable federal and state laws and regulations.

(b) An LHR device used by an LHR facility must be purchased either by a physician (such as the consulting physician or alternate consulting physician) or by an LHR facility pursuant to a written prescription or other order of a licensed physician in Texas.

(c) A prescription or other order from a licensed physician for the purchase of an LHR device must include at a minimum:

(1) the date the physician issued the order;

(2) the name and quantity of the LHR device(s) authorized to be purchased;

(3) the name, address, and telephone number of the registered LHR facility authorized to purchase and own the laser;

(4) the intended use of the device is limited to nonablative laser hair removal;

(5) the name, address, and telephone number of the physician at the physician's usual place of business, legibly printed or stamped;

(6) a statement that the prescription is valid up to 12 months from the date of issue; and

(7) the signature of the authorizing physician.

(d) An LHR device must not be used for LHR procedures unless:

(1) the LHR device is approved for laser hair removal or reduction by the FDA for that purpose; and

(2) the LHR device is operated only at the settings expected to safely remove hair, in accordance with the manufacturer's instructions and protocols established by the consulting physician in accordance with this chapter and other applicable law regulating devices.

(e) Individuals operating each laser presently being used or listed on the current inventory, must be provided with written instructions for safe use, including clear warnings and precautions to be taken when using the LHR device.

(f) Each individual receiving the instructions must document that they have read and understand the instructions. The instructions and the documentation that each individual has read and understands the instructions must be maintained in accordance with §118.60.

(g) A controlled area must be established within a room in which LHR devices are used and the LHR devices must be secure from unauthorized removal.

(h) Each LHR device must incorporate a key-actuated or computer-actuated master control. The key must be removable and the LHR device must not be operable when the key is removed. When the LHR device is not being prepared for operation or is unattended, the controlled area must be secured to prevent unauthorized access.

(i) Protective eyewear must be worn by all individuals using an LHR device and all individuals present, including clients, in the room where an LHR device is being used. Protective eyewear devices must meet the following requirements:

(1) provide a comfortable and appropriate fit all around the area of the eye;

(2) be in proper condition to ensure the optical filter(s) and frame provide the required optical density or greater at the desired wavelengths, and retain all protective properties during its use;

(3) be suitable for the specific wavelength of the laser and be of optical density adequate for the energy involved;

(4) have the optical density or densities and associated wavelength(s) permanently labeled on the filters or eyewear; and

(5) be examined, at intervals not to exceed 12 months, to ensure the reliability of the protective filters and integrity of the protective filter frames. Unreliable eyewear must be discarded. Documentation of the examination must be made and maintained in accordance with §118.60.

(j) Each client must be provided with a written statement outlining the relevant risks associated with LHR procedures, including a warning that failure to use the eye protection provided to the client by the LHR facility may result in damage to the eyes.

(k) Compliance with the written statement requirement specified in subsection (j), does not affect the liability of the LHR facility operator or a manufacturer of a LHR device.

(l) Each LHR facility licensed by the department to offer LHR procedures using LHR devices in accordance with this chapter must confine use and possession of the LHR devices to the location and purpose authorized in the LHR facility application. If an LHR facility operator owns multiple LHR facilities, the operator may transfer an LHR device from facility to facility that the operator owns if each facility is licensed.

(m) An individual must not operate an LHR device with the intent to treat an illness, disease, injury, or physical defect or deformity unless the individual is:

(1) a physician;

(2) acting under a physician's order; or

(3) authorized under other law to treat the illness, disease, injury, or physical defect or deformity in that manner.

(n) A person who violates subsection (m), is practicing medicine in violation of Occupations Code, Title 3, Subtitle B, and is subject to the penalties under that subtitle and under Health and Safety Code §401.522.

(o) An LHR facility must not be used for living or sleeping purposes, or any other purpose that would tend to make the premises unsanitary, unsafe, or endanger the health and safety of the public. A facility that is attached to a residence must have an entrance that is separate and distinct from the residential entrance. Any door between a residence and a licensed facility must be closed during business hours.

#### *§118.51. LHR Devices--Stolen, Lost, or Missing.*

(a) Each LHR facility licensed by the department must report to the Department of State Health Services - Radiation Control Program a stolen, lost, or missing LHR device within 24 hours after its occurrence becomes known to the person.

(b) Each person or facility required to make a report must, within 30 days after making the initial report, make a written report to the Department of State Health Services - Radiation Control Program that includes the following information:

(1) a description of the LHR device involved, including the manufacturer, model, serial number, and class;

(2) a description of the circumstances under which the loss or theft occurred;

(3) a statement of disposition, or probable disposition, of the LHR device involved;

(4) actions that has been taken, or will be taken, to recover the LHR device; and

(5) procedures or measures that has been taken to prevent the loss or theft of LHR devices in the future.

(c) After filing the written report, the person must also report additional substantive information on the loss or theft within 30 days after the person learns of such information.

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## SUBCHAPTER G. RECORDS REQUIREMENTS

### 16 TAC §118.60, §118.61

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The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M. No other statutes, articles, or codes are affected by the adopted rules.

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## SUBCHAPTER H. FEES

### 16 TAC §118.70

#### STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M. No other statutes, articles, or codes are affected by the adopted rules.

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## SUBCHAPTER I. ENFORCEMENT

### 16 TAC §118.80, §118.81

#### STATUTORY AUTHORITY

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The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapter 51, and Texas Health and Safety Code, Chapter 401, Subchapter M. No other statutes, articles, or codes are affected by the adopted rules.

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## TITLE 19. EDUCATION

### PART 2. TEXAS EDUCATION AGENCY

#### CHAPTER 53. REGIONAL EDUCATION SERVICE CENTERS

##### SUBCHAPTER AA. COMMISSIONER'S RULES

### 19 TAC §53.1002, §53.1021

The Texas Education Agency (TEA) adopts amendments to §53.1002 and §53.1021, concerning regional education service centers (RESCs). The amendments are adopted without

changes to the proposed text as published in the July 11, 2025 issue of the *Texas Register* (50 TexReg 3984) and will not be republished. The amendments clarify existing rules, reflect current RESC practices, allow electronic application submissions, and replace the Performance Standards and Indicators Manual with a reference to online metrics.

**REASONED JUSTIFICATION:** Section 53.1002 allows the commissioner of education to appoint a non-voting charter school representative to the board of an RESC if at least one open-enrollment charter school operates in the region and outlines the eligibility, application, and appointment process for that role.

The adopted amendment to §53.1002 clarifies the term limits for charter members serving on RESC boards to ensure consistent understanding and implementation of the rule. Additionally, the amendment permits applicants to submit their applications electronically to the commissioner, which will reduce the administrative burden and result in time and cost savings for both applicants and RESCs. A cross reference was also updated to reflect a reorganization of charter school rules in 19 TAC Chapter 100.

Section 53.1021 authorizes the commissioner to establish and communicate performance standards and indicators for evaluating RESCs and their executive directors, as outlined in the manual formerly adopted as Figure: 19 TAC §53.1021(b).

The adopted amendment removes the figure containing the outdated Performance Standards and Indicators Manual. This manual has been replaced by a new version that reflects more relevant and accurate metrics. The new manual will be published on the TEA website rather than included as a figure in the rule, allowing for easier updates and improved accessibility. Section 53.1021(c), which references the outdated manual, has been removed.

**SUMMARY OF COMMENTS AND AGENCY RESPONSES:** The public comment period on the proposal begins July 11, 2025, and ends August 11, 2025. No public comments were received.

**STATUTORY AUTHORITY.** The amendments are adopted under Texas Education Code (TEC), §8.001, which provides the commissioner of education with authority to decide any matter concerning the operation or administration of regional education service centers (RESCs); TEC, §8.003, which provides the commissioner of education with rulemaking authority regarding the local selection, appointment, and continuity of membership of RESC boards of directors; TEC, §8.101, which provides that the commissioner of education shall establish performance standards and indicators for evaluating RESCs; and TEC, §12.104, which provides that the commissioner of education with rulemaking authority to provide for the representation of open-enrollment charter schools in RESCs.

**CROSS REFERENCE TO STATUTE.** The amendments implement Texas Education Code, §§8.001, 8.003, 8.101, and 12.104.

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

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## CHAPTER 100. CHARTERS

### SUBCHAPTER AA. COMMISSIONER'S RULES CONCERNING OPEN-ENROLLMENT CHARTER SCHOOLS

#### DIVISION 3. COMMISSIONER ACTION, PERFORMANCE MONITORING, AND INTERVENTION

##### **19 TAC §§100.1033, 100.1035, 100.1037, 100.1039**

The Texas Education Agency (TEA) adopts new §100.1033 and amendments to §§100.1035, 100.1037, and 100.1039, concerning commissioner action, performance monitoring, and intervention for open-enrollment charter schools. New §100.1033 and the amendments to §100.1037 and §100.1039 are adopted without changes to the proposed text as published in the March 21, 2025 issue of the *Texas Register* (50 TexReg 2019) and will not be republished. The amendment to §100.1035 is adopted with changes to the proposed text as published in the March 21, 2025 issue of the *Texas Register* (50 TexReg 2019) and will be republished. The adopted revisions establish performance frameworks for charter schools established under Texas Education Code (TEC), Chapter 12, Subchapter G, including adult charter schools and adult charter schools in correctional facilities, by defining evaluation criteria in the new Adult Charter School Performance Framework (ACSPF) Manual. The manual ties charter amendments, renewals, and expansions to these performance standards, including enrollment caps and discretionary renewal. The adopted revisions also update existing rules regarding expansion and renewal to reference the new performance frameworks.

**REASONED JUSTIFICATION:** The revisions add new §100.1033 to specify performance frameworks for Subchapter G charter schools and amend §§100.1035, 100.1037, and 100.1039 to include information relevant to Subchapter G charter schools.

New §100.1033(a) establishes performance frameworks for adult charter schools, including adult charter schools in correctional facilities. It provides the foundation for creating the ACSPF Manual, detailing the timeframe for updates, performance domains, criteria for assigning performance levels, and indicators used to evaluate academic, operational, and governance performance.

New §100.1033(b) details the measures the ACSPF Manual includes for Subchapter G charter schools. It also encompasses performance domains that evaluate academic growth, career readiness, one-year post-graduation outcomes, longitudinal postsecondary results, longitudinal wage and career growth, and operational performance.

New §100.1033(c) outlines the performance levels for charter schools in the ACSPF report according to the criteria defined in

the ACSPPF Manual. These criteria include academic, financial, operational, and governance indicators.

The proposed amendment to §100.1035(b)(3) adds language to include Subchapter G charter schools, incorporating their performance under §100.1033 into the evaluation criteria for charter amendment requests.

The adopted amendment to §100.1035(c)(1)(B) inserts language that establishes a deadline for when expansion requests must be submitted for Subchapter G charter schools.

Based on public comment, §100.1035(c)(5)(C)(vi) has been amended at adoption to reference the ACSPPF and §100.1033 to provide clarification on the use of the ACSPPF tier rating for discretionary expansion.

The adopted amendment to §100.1035(c)(5)(A)(i) adds language that grants the commissioner authority to approve expansion amendment requests related to increasing maximum allowable enrollment, with a specific limitation that Subchapter G charter schools cannot exceed an enrollment cap of 2,000 students.

The adopted amendment to §100.1037(d)(2)(A) inserts language that requires the commissioner to consider the results of a Subchapter G charter school's annual evaluation under the ACSPPF Manual when evaluating a petition for discretionary renewal.

The adopted amendment to §100.1037 adds new subsection (f) to specify the criteria, requirements, or special conditions Subchapter G charter schools must meet to qualify for renewal.

New §100.1037(f)(1) is added to clarify the process for discretionary renewal. This change allows adult high school charters to submit petitions for discretionary renewal, which must be evaluated through the discretionary renewal process. Under this new paragraph, these schools are not eligible to apply for expedited renewal.

New §100.1037(f)(2) is added to establish the criteria for discretionary renewal. It clarifies the standard by which the commissioner will evaluate petitions for discretionary renewal. The overall evaluation process is based on the academic performance criteria outlined in the ACSPPF Manual.

New §100.1037(f)(3) clarifies the commissioner's authority to revoke a Subchapter G charter school's charter if the charter school's adult education program fails to meet the minimum performance standards established in the ACSPPF for three consecutive school years after the second year of operation.

The proposed amendment to §100.1039(3)(F) inserts language specifying that Subchapter G charter schools must meet the performance measures outlined in the ACSPPF or risk revocation of their charter.

**SUMMARY OF COMMENTS AND AGENCY RESPONSES:** The public comment period on the proposal began March 21, 2025, and ended April 21, 2025. Following is a summary of public comments received and agency responses.

**Comment:** The Schulman, Lopez, Hoffer & Adelstein law firm commented in support of the creation of the ACSPPF Manual, emphasizing its importance for guiding adult charter schools, including those in correctional facilities. They urged TEA to include input from experienced stakeholders, specifically leaders from Goodwill Excel Center, New Heights, and Texas Works, in the manual's development. The commenters also expressed con-

cern about two proposed performance metrics: longitudinal postsecondary results and wage/career growth. They recommended that, since there are currently no systems to collect this data effectively, these metrics be exempted from accountability ratings until reliable methods and infrastructure are established.

**Response:** The agency disagrees with exempting the longitudinal postsecondary results and wage/career growth from the ACSPPF Manual. TEA is required by TEC, §12.262, to include the metrics for longitudinal postsecondary results and wage/career growth and will work with Subchapter G adult high school charter school program schools to collect this data.

**Comment:** The Schulman, Lopez, Hoffer & Adelstein law firm commented in opposition to the proposed cap of 2,000 students for Subchapter G adult charter schools, as outlined in §100.1035(c)(5)(A)(i). They stated that this cap is unnecessary, especially since traditional Subchapter D charter schools have no such limit, and that it would hinder the ability of proven operators to meet the educational needs of Texas's large adult population without high school diplomas. The commenters recommend increasing the cap to 3,500 students per operator and suggested allowing waivers for high-performing schools (Tier 1 or Tier 2 under §100.1033(c)) to exceed the cap.

**Response:** The agency disagrees with increasing the enrollment limit of 2,000 students to 3,500 students. TEA set this threshold after conversations with stakeholders and will evaluate whether or not to raise it based on the performance of adult charter schools over a period of time.

**Comment:** The Schulman, Lopez, Hoffer & Adelstein law firm objected to proposed new §100.1037(f)(1), which would prevent Subchapter G adult charter schools from applying for expedited renewal, a process available to other open-enrollment charter schools. They recommend creating criteria that would allow high-performing adult charter schools to qualify for expedited renewal consideration, promoting fairness and recognizing school quality.

**Response:** The agency disagrees with the recommendation that adult charter schools be allowed to qualify for expedited renewal. TEA will evaluate whether or not to establish expedited renewal based on the performance of adult charter schools over a period of time.

**Comment:** The Goodwill Excel Center for Adults requested that TEA formally include stakeholder input, including the Adult High School Advisory Committee established under TEC, §12.254, in the initial development of and subsequent annual updates to the ACSPPF Manual.

**Response:** The agency agrees that TEA should formally include stakeholder input, including the Adult High School Advisory Committee established under TEC, §12.254, in subsequent annual updates. TEA has already developed the initial framework with the Adult High School Advisory Committee.

**Comment:** The Goodwill Excel Center for Adults commented on §100.1033(b), requesting TEA and the Adult High School Advisory Committee closely consider the feasibility and appropriate weight of longitudinal wage and career advancement measures. The commenter stated that while these are critical indicators of success for adult learners, data collection is complex. The commenter believes TEA can coordinate with relevant state agencies to access employment data that can support more accurate and consistent measurement in this area.

Response: The agency agrees that longitudinal wage and career advancement measures are critical indicators and that data collection is complex. TEA will work with appropriate entities as necessary to collect the most accurate and reliable information.

Comment: The Goodwill Excel Center for Adults recommended amending §100.1035(c)(4)(A)(iii) to incorporate performance frameworks specific to Subchapter G charter schools when considering eligibility for expedited expansion.

Response: The agency disagrees with amending §100.1035(c)(4)(A)(iii) to include a reference to Subchapter G schools as this section is about the expedited expansion of Subchapter D open-enrollment charter schools. TEA has revised §100.1035(c)(5)(C)(vi) at adoption to provide clarification of the use of the ACSPP tier rating for discretionary expansion.

Comment: The Goodwill Excel Center for Adults commented on §100.1035(c)(5)(A)(i), proposing a waiver process for the 2,000-student enrollment cap for adult high schools that meet Tier 1 or 2 performance standards.

Response: The agency disagrees with providing a waiver process for the enrollment cap of 2,000 students. TEA set this threshold after conversation with stakeholders and will evaluate whether or not to raise it based on the performance of adult charter schools over a period of time. A Subchapter G charter school already has the ability to request a waiver of the rule through TEA's waiver process.

Comment: The Goodwill Excel Center for Adults commented on §100.1035(c)(6)(A)(iii), requesting that Subchapter G charter schools not be inadvertently excluded from funding opportunities, such as Charter School Program (CSP), due to differences in accountability metrics. For context, the commenter noted that one of their campuses was identified in 2024 for Comprehensive Support and Improvement (CSI) due to a low graduation rate, which they explained was a challenge due to the realities of serving adult learners who require flexibility to earn their diplomas. The commenter also stated that adult high schools do not operate on a traditional 4-year cohort model, making direct comparisons to standard graduation metrics misaligned and misleading. They urged TEA to provide technical assistance, develop differentiated accountability, and advocate for fair inclusion of Subchapter G adult high schools in funding opportunities.

Response: The agency provides the following clarification. The CSP grant requirements established in rule are based on an approved application for funding with the U.S. Department of Education (ED). TEA has sought clarification from ED regarding the ability to include these types of charter schools in its grant program and will evaluate whether or not to include Subchapter G charter schools in its next application to ED for CSP grant funds.

Comment: The Goodwill Excel Center for Adults recommended that criteria be established in §100.1037 that allow high-quality adult high schools to qualify for expedited charter renewal.

Response: The agency disagrees with the recommendation that adult charter schools be allowed to qualify for expedited renewal. TEA will evaluate whether or not to establish expedited renewal based on the performance of adult charter schools over a period of time.

STATUTORY AUTHORITY. The new section and amendments are adopted under Texas Education Code (TEC), §12.262, which requires the commissioner, working alongside the advisory committee established under TEC, §12.254, to develop and adopt an

accountability framework. This framework must establish standards to evaluate the performance of adult education programs operating under charters granted under TEC, Chapter 12, Subchapter G; and TEC, §12.265, which requires the commissioner to adopt rules necessary to administer the program under TEC, Chapter 12, Subchapter G, including rules to implement and administer TEC, §12.262, and allows the commissioner to establish maximum number of students who may be enrolled in an adult education program under TEC, Subchapter G.

CROSS REFERENCE TO STATUTE. The new section and amendments implement Texas Education Code, §12.262 and §12.265.

*§100.1035. Charter Amendment.*

(a) Subject to the requirements of this section, the terms of an open-enrollment charter may be revised with the consent of the charter holder by expansion or non-expansion amendment as approved by the commissioner of education.

(b) Information relevant to all amendment requests.

(1) Filing of amendment request. Prior to implementation, the charter holder shall file a request, in the form prescribed, with the Texas Education Agency (TEA) division responsible for charter schools.

(2) Board resolution. The request must be attached to a written resolution adopted by the governing body of the charter holder and signed by a majority of the members indicating approval of the requested amendment.

(3) Relevant information considered. As directed by the commissioner, a charter holder requesting an amendment shall submit current information required by the prescribed amendment form, as well as any other information requested by the commissioner. In considering the amendment request, the commissioner may consider any relevant information concerning the charter holder, including its performance on the Charter School Performance Frameworks (CSPF) adopted by rule in §100.1031 of this title (relating to Performance Frameworks for Subchapters D and E Charter Schools) and §100.1033 of this title (relating to Performance Frameworks for Subchapter G Charter Schools); student and other performance; compliance, staff, financial, and organizational data; and other information.

(4) Best interest of students. The commissioner may approve an amendment only if the charter holder meets all applicable requirements, and only if the commissioner determines that the amendment is in the best interest of students. The commissioner may consider the performance of all charters operated by the same charter holder in the decision to finally grant or deny an amendment.

(5) Conditional approval. The commissioner may grant the amendment without condition or may require compliance with such conditions and/or requirements as may be in the best interest of students.

(6) Required forms and formats. The TEA division responsible for charter schools may develop and promulgate, from time to time, forms or formats for requesting charter amendments under this section. If a form or format is promulgated for a particular type of amendment, it must be used to request an amendment of that type.

(7) Ineligibility. The commissioner will not consider any amendment that is submitted by a charter holder that has been notified by the commissioner of the commissioner's intent to allow the expiration of the charter or intent to revoke the charter. This subsection does not limit the commissioner's authority to accept the surrender of a charter.

(c) Expansion amendments.

(1) Timeline for submission. A charter holder may submit a request for approval for an expansion amendment:

(A) up to 36 months before the date on which the expansion will be effective; and

(B) no later than the first day of March before the school year for which the expansion will be effective or no later than June 30 of each year for which the expansion will be effective for Subchapter G charter schools.

(2) Notification.

(A) Upon receipt of an expansion amendment request by a charter holder, the TEA division responsible for charter schools will notify the following:

(i) the superintendent and the board of trustees of each school district from which the proposed open-enrollment charter school or campus is likely to draw students, as defined in §100.1013 of this title (relating to Notification of Charter Application); and

(ii) each member of the legislature that represents the geographic area to be served by the proposed school or campus, as defined in §100.1013 of this title.

(B) To be considered a school district for purposes related to land development standards, licensing, zoning, and various purposes and services, a charter school must meet the notification requirements as outlined in §100.1209 of this title (relating to Municipal Ordinances).

(C) Should a change in the location of a campus be approved after notification but prior to opening, the commissioner of education or the commissioner's designee is required to notify as required by subparagraph (A) of this paragraph based on the zip code of the new location.

(3) Expansion types. A charter holder of an open-enrollment charter may submit, as described by this section, a request for approval for either:

(A) expedited expansion; or

(B) discretionary expansion.

(4) Expedited expansion amendments. An expedited expansion amendment allows for the establishment of a new charter campus under Texas Education Code (TEC), §12.101(b-4).

(A) In order to submit an expedited expansion amendment, the charter school must meet the following requirements:

(i) an accreditation status of Accredited;

(ii) currently has at least 50% of its student population in grades assessed under TEC, Chapter 39, Subchapter B, or has had at least 50% of the students in the grades assessed enrolled in the school for at least three years;

(iii) is currently evaluated under the standard accountability procedures for evaluation under TEC, Chapter 39, and received a district rating in the highest or second highest performance rating category under TEC, Chapter 39, Subchapter C, for three of the last five ratings;

(iv) at least 75% of the campuses rated under the charter school also received a rating in the highest or second highest performance rating category in the most recent ratings; and

(v) no campus received a rating in the lowest performance rating category in the most recent ratings.

(B) Unless the commissioner provides written notice that the charter holder does not meet the requirements outlined in TEC, §12.101(b-4), within 60 days of the date the charter holder submits a completed expedited expansion amendment, the amendment is considered enacted. If the commissioner denies the amendment, the commissioner must identify the legal and factual basis for denial, including the specific criteria under TEC, §12.101(b-4), that was not met.

(5) Discretionary expansion amendments. A discretionary expansion amendment permits commissioner-approved changes to the terms of an open-enrollment charter school related to expansion.

(A) Discretionary expansion amendment types. There are three types of discretionary amendments.

(i) Maximum enrollment. The commissioner may approve an expansion amendment request seeking to increase maximum allowable enrollment. For Subchapter G charter schools, the maximum enrollment may not exceed more than 2,000 students.

(ii) Grade span. The commissioner may approve an expansion amendment request seeking to extend the grade levels it serves only if it is accompanied by appropriate educational plans for the additional grade levels in accordance with Chapter 74, Subchapter A, of this title (relating to Required Curriculum), and such plan has been reviewed and approved by the charter governing board.

(iii) Adding a campus or site. The commissioner may approve an expansion amendment request seeking to add a new campus or site under a campus only if it meets the following criteria:

(I) the charter holder has operated at least one charter school campus in Texas for a minimum of three consecutive years; and

(II) a new site under an existing campus will be located within 25 miles of the campus with which it is associated.

(B) Board certification. Before voting to request a discretionary expansion amendment, the charter holder governing board must certify that they have considered a business plan and has determined by majority vote of the board that the growth proposed is financially prudent relative to the financial and operational strength of the charter school and includes such a statement in the board resolution. The commissioner may request submission of the business plan, which must be comprised of the following components:

(i) a statement discussing the need for the expansion;

(ii) a statement discussing the current and projected financial condition of the charter holder and charter school;

(iii) an unaudited statement of financial position for the current fiscal year;

(iv) an unaudited statement of financial activities for the current fiscal year;

(v) an unaudited statement of cash flows for the current fiscal year;

(vi) a pro forma budget that includes the costs of operating the charter school, including the implementation of the expansion amendment;

(vii) a statement or schedule that identifies the assumptions used to calculate the charter school's estimated Foundation School Program revenues;

(viii) a statement discussing the use of debt instruments to finance part or all of the charter school's incremental costs;

(ix) a statement discussing the incremental cost of acquiring additional facilities, furniture, and equipment to accommodate the anticipated increase in student enrollment;

(x) a statement discussing the incremental cost of additional on-site personnel and identifying the additional number of full-time equivalents that will be employed;

(xi) the required statement that the growth proposed is financially prudent relative to the financial and operational strength of the charter school;

(xii) there are no instances of nepotism, conflicts of interest, or revelations in criminal history checks that deemed any board member or employee ineligible to serve as reported in the Governance Reporting Forms submitted to TEA for the previous three years; and

(xiii) the charter holder meets all other requirements applicable to expansion amendment requests and other amendments.

(C) Requirements. The commissioner may approve a discretionary expansion amendment only if:

(i) the expansion will be effective no earlier than the start of the fourth full school year at the affected charter school. This restriction does not apply if the affected charter school has a district rating of an A, B, or C and is operated by a charter holder that operates multiple charter campuses and all of that charter holder's most recent campus ratings of an A, B, or C;

(ii) the charter school has an accreditation status of Accredited;

(iii) the most recent district rating for the charter school is an A, B, or C;

(iv) the most recent district financial accountability rating for the charter school in the Financial Integrity Rating System of Texas for charter schools is "satisfactory" as defined by §100.1001(9) of this title (relating to Definitions);

(v) a charter holder that operates multiple charter campuses meets the criteria in subclause (I) or (II) of this clause. When calculating the percentages described, campuses that receive a 'Not Rated' rating shall not be included in the calculation.

(I) At least 90% of the campuses that receive an accountability rating are rated as an A, B, or C.

(II) If 75-89% of campuses that receive an accountability rating under the charter school are rated as an A, B, or C, the charter holder must provide additional information with the expansion request; and

(vi) the most recent designation for the charter school under the CSPF or Adult Charter School Performance Framework is "Tier 1" or "Tier 2" as defined by §100.1031 or §100.1033 of this title.

(D) Discretionary expansion amendment determination timeline. Notice of the commissioner's decision regarding a discretionary expansion amendment will be made within 60 calendar days of the date the charter holder submits a completed amendment request. The notice of the commissioner's determination may be sent electronically.

(6) High-quality campus designation. A high-quality campus designation is a separate designation and must be requested prior to the opening of a new campus associated with an approved expansion amendment. Charter holders of charter schools that receive high-quality campus designation from the commissioner will be eligible to par-

ticipate in the charter school program competitive grant process when federal funding for the Texas charter school program is available.

(A) The commissioner may approve a high-quality campus designation for a charter only if:

(i) the charter holder meets all requirements applicable to an expansion amendment set forth in this section and has operated at least one charter school campus in Texas for a minimum of five consecutive years;

(ii) the charter school has been evaluated under the accountability rating system established in §97.1001 of this title (relating to Accountability Rating System), has an accreditation status of Accredited, is currently evaluated under the standard accountability procedures, currently has an "A" or "B" rating at the local education agency level, and has an "A" or "B" rating in the previous two years in which ratings were issued with each campus that received a rating and operated under the charter also receiving an "A" or "B" rating as defined by §100.1001(8) of this title in the most recent state accountability ratings;

(iii) no charter campus has been identified for federal interventions in the most current report;

(iv) the charter school is not under any sanction imposed by TEA authorized under TEC, Chapter 39; Chapter 97, Subchapter EE, of this title (relating to Accreditation Status, Standards, and Sanctions); or federal requirements;

(v) is rated "Tier 1" in the most recent CSPF and meets the requirements of federal law and TEC, §12.111(a)(3) and (4);

(vi) the charter holder completes an application approved by the commissioner;

(vii) the amendment complies with all requirements of this paragraph; and

(viii) the commissioner determines that the designation is in the best interest of students.

(B) In addition to the requirements of subparagraph (A) of this paragraph, the commissioner may approve a high-quality campus designation only if the campus with the proposed designation:

(i) satisfies each element of the definition of a public charter school as set forth in federal law, including:

(I) admits students on the basis of a lottery, consistent with Elementary and Secondary Education Act, §4303(c)(3)(A), if more students apply for admission than can be accommodated; or

(II) in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in subclause (I) of this clause;

(ii) is separate and distinct from the existing charter school campus(es) established under the open-enrollment charter school with a separate facility and county-district-campus number; and

(iii) holds a valid charter contract issued by TEA.

(C) In making the findings required by subparagraph (B)(i) and (iii) of this paragraph, the commissioner shall consider:

(i) the terms of the open-enrollment charter school as a whole, as modified by the high-quality campus designation; and



(ii) whether the campus with the proposed designation shall be established and recognized as a separate school under Texas law.

(D) Failure to meet any standard or requirement for high-quality campus designation or agreed to in a performance agreement shall mean the immediate termination of any federal charter school program grant and/or any waiver exempting a charter from some of the expansion amendment requirements that may have been granted to a charter holder as a result of the high-quality campus designation.

(E) Notice of the commissioner's decision regarding a high-quality campus designation will be made within 60 calendar days of the date the charter holder submits a completed request. The notice of the commissioner's determination may be sent electronically.

(d) Non-expansion amendment. A non-expansion amendment permits changes to the terms of an open-enrollment charter school not related to expansion.

(1) Timeline for submission. All non-expansion amendments may be filed with the commissioner at any time throughout the year.

(2) Non-expansion amendment types. A non-expansion amendment is either material or non-material.

(A) Material non-expansion amendments include changes to the terms of an open-enrollment charter, including the following: relocation of a campus, campus or charter dormancy, closing or returning an active campus or site, charter holder governance, articles of incorporation, corporate bylaws, management company, admission and enrollment policy, shared services cooperatives or shared services agreements, and curriculum programs not already approved by TEA.

(i) Relocation amendment. A material non-expansion amendment to relocate solely permits a charter holder to relocate an existing campus or site to an alternate address while serving the same students and grade levels without a significant disruption to the delivery of the educational services. The alternate address of the relocation shall not be in excess of 25 miles from the existing campus address.

(ii) Material charter language change. Any material non-expansion amendment that requires changes to charter language shall set forth the text and page references in electronic format of the current open-enrollment charter language to be changed, and the text proposed as the new open-enrollment charter language.

(B) Non-material non-expansion amendments include changes to the terms of an open-enrollment charter, including the following: charter holder name, charter school (district) name, charter campus name, grade levels served on a campus, campus start date change, closing or returning a dormant campus or site, and fiscal year change.

(C) Any non-expansion amendment not identified in subparagraph (A) or (B) of this paragraph is subject to commissioner determination as material or non-material.

(D) The following timelines apply to non-expansion amendment requests.

(i) Charter holders that submit material non-expansion requests will receive notice of the commissioner's decision within 60 calendar days of a completed amendment request.

(ii) Charter holders that submit non-material non-expansion requests may proceed with the request 30 calendar days af-

ter the date the charter holder submits a completed amendment request unless otherwise notified by the commissioner.

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

Filed with the Office of the Secretary of State on September 8, 2025.

TRD-202503190

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: September 28, 2025

Proposal publication date: March 21, 2025

For further information, please call: (512) 475-1497



## TITLE 34. PUBLIC FINANCE

### PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

#### CHAPTER 16. COMPTROLLER GRANT PROGRAMS

##### SUBCHAPTER C. TEXAS OPIOID ABATEMENT FUND PROGRAM

###### 34 TAC §§16.200, 16.208, 16.211

The Comptroller of Public Accounts adopts amendments to §16.200, concerning definitions, §16.208, concerning grant application review, and §16.211, concerning allowable costs, without changes to the proposed text as published in the May 16, 2025, issue of the *Texas Register* (50 TexReg 2950). The rules will not be republished.

The comptroller amends these sections to make the Opioid Abatement Fund Council's evaluation and review of grant applications more efficient and to prevent excessive costs due to the external peer review of large numbers of grant applications.

The amendments to §16.200 update definitions.

The amendments to §16.208(a) change the application review process to allow grant applications to either be reviewed internally by program staff or through a peer review process based on the value of the grant.

The amendments to §16.211(b) change the grant disbursement process to allow the council to disburse funds on a reimbursement or on an as needed basis as determined by the council to effectuate the purposes of the grant.

The comptroller did not receive any comments regarding adoption of the amendments.

The amendments are adopted under Government Code, §403.511, which authorizes the comptroller to adopt rules to implement Government Code, Chapter 403, Subchapter R, concerning the statewide opioid settlement agreement.

The amendments implement Government Code, Chapter 403, Subchapter R, concerning the statewide opioid settlement agreement.

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

Filed with the Office of the Secretary of State on September 11, 2025.

TRD-202503234

Victoria North

General Counsel for Fiscal and Agency Affairs

Comptroller of Public Accounts

Effective date: October 1, 2025

Proposal publication date: May 16, 2025

For further information, please call: (512) 475-2220



## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### PART 11. TEXAS JUVENILE JUSTICE DEPARTMENT

#### CHAPTER 344. EMPLOYMENT, CERTIFICATION, AND TRAINING SUBCHAPTER E. TRAINING AND CONTINUING EDUCATION

##### 37 TAC §344.620, §344.622

The Texas Juvenile Justice Department (TJJD) adopts amendments to 37 TAC §344.620, Mandatory Training Topics for Certification Exam for Juvenile Probation Officers, and §344.622, Mandatory Training Topics for Certification Exam for Juvenile Supervision Officers, without changes to the proposed text as published in the August 1, 2025, issue of the *Texas Register* (50 TexReg 5039). The rules will not be republished.

##### SUMMARY OF CHANGES

Amendments to §344.620 and §344.622 include adding *human trafficking* and *mental health screening instruments* and removing *cultural competency* from the list of mandatory training topics for the certification exams for both juvenile probation officers and juvenile supervision officers. Amendments to §344.620 also include adding *responsivity* to the *risk and needs assessment, case planning, and case management* training topic.

##### PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

##### STATUTORY AUTHORITY

The amended sections are adopted under §221.002, Human Resources Code, which requires the TJJD Board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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

Filed with the Office of the Secretary of State on September 15, 2025.

TRD-202503257

Jana Jones

General Counsel

Texas Juvenile Justice Department

Effective date: December 1, 2025

Proposal publication date: August 1, 2025

For further information, please call: (512) 490-7278



## CHAPTER 380. RULES FOR STATE-OPERATED PROGRAMS AND FACILITIES SUBCHAPTER A. ADMISSION, PLACEMENT, RELEASE, AND DISCHARGE DIVISION 5. PROGRAM COMPLETION AND RELEASE

### 37 TAC §380.8565, §380.8569

The Texas Juvenile Justice Department (TJJD) adopts amendments to 37 TAC §380.8565, Discharge of Youth with Determinate Sentences upon Transfer to TDCJ or Expiration of Sentence, and §380.8569, Transfer of Youth with Determinate Sentences Adjudicated for Capital Murder, with minor changes in punctuation to the proposed text as published in the August 1, 2025, issue of the *Texas Register* (50 TexReg 5040). The rules will be republished.

##### SUMMARY OF CHANGES

Amendments to §380.8565 and §380.8569 include: (1) removing the requirement for a youth with a determinate sentence to have spent at least six months in high-restriction facilities before TJJD may request a hearing to transfer the youth to the Texas Department of Criminal Justice-Correctional Institutions Division (TDCJ-CID) if the youth, while assigned to a residential facility, engaged in conduct that meets the elements of the offense of assault of a public servant; and (2) clarifying that one of the behavioral criteria for requesting a TDCJ-CID transfer hearing for a youth with a determinate sentence is that the youth *engaged in conduct meeting the elements* of a felony or Class A misdemeanor (rather than *committed* a felony or misdemeanor) while assigned to a residential facility.

##### PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

##### STATUTORY AUTHORITY

The amended sections are adopted under §242.003, Human Resources Code, which requires the board to adopt rules appropriate to the proper accomplishment of TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs.

*§380.8565. Discharge of Youth with Determinate Sentences upon Transfer to TDCJ or Expiration of Sentence.*

(a) Purpose. This rule establishes criteria and an approval process for:

(1) requesting court approval to transfer sentenced offenders to adult prison; and

(2) discharging sentenced offenders:

(A) whose sentences have expired; or

(B) who did not previously qualify for release or transfer by completing required programming.

(b) Applicability.

(1) This rule applies only to the disposition of a youth's determinate sentence(s).

(2) This rule applies only to sentenced offenders.

(3) This rule does not apply to:

(A) sentenced offenders who qualify for release or transfer to parole by completing required programming. See §380.8559 of this chapter; or

(B) sentenced offenders adjudicated for capital murder. See §380.8569 of this chapter.

(c) General Requirements.

(1) By law, a sentenced offender is transferred from the custody of the Texas Juvenile Justice Department (TJJD) no later than the youth's 19th birthday.

(2) The youth must serve the entire minimum period of confinement that applies to the committing offense in a high-restriction facility unless:

(A) the youth is transferred by the committing court to the Texas Department of Criminal Justice-Correctional Institutions Division (TDCJ-CID);

(B) the youth is approved by the committing court to attain parole status before completing the minimum period of confinement;

(C) the youth's sentence expires before the minimum period of confinement expires; or

(D) the executive director waives the requirement that the youth be assigned to a high-restriction facility. This subparagraph does not allow a youth to be placed on parole status.

(3) TJJD reviews each youth's progress:

(A) six months after admission to TJJD;

(B) when the minimum period of confinement is complete;

(C) when the youth becomes 16 years of age;

(D) when the youth becomes 18 years of age and again at 18 years and six months of age to determine eligibility or make a recommendation for transfer to TDCJ-CID or to the Texas Department of Criminal Justice-Parole Division (TDCJ-PD);

(E) within 45 days after revocation of parole, if applicable; and

(F) at other times as appropriate, such as after a major rule violation is proven at a Level II hearing.

(4) TJJD jurisdiction is terminated and a youth is discharged when:

(A) the youth is transferred to TDCJ; or

(B) the youth's sentence has expired, except when the youth is committed to TJJD under concurrent determinate and indeterminate commitment orders as described in §380.8525 of this chapter.

(d) Transfer Criteria.

(1) Transfer to TDCJ-CID for Youth Whose Conduct Occurs While on Parole Status. TJJD may request a juvenile court hearing

to recommend transfer of a youth to TDCJ-CID if all of the following criteria are met:

(A) the youth's parole has been revoked or the youth has been adjudicated or convicted of a felony offense occurring while on parole status;

(B) the youth is at least age 16;

(C) the youth has not completed the sentence; and

(D) the youth's conduct indicates that the welfare of the community requires the transfer.

(2) Transfer to TDCJ-CID for Youth Whose Conduct Occurs While in a High-Restriction Facility. TJJD may request a juvenile court hearing to recommend transfer of a youth in a high-restriction facility to TDCJ-CID if the following criteria are met:

(A) the youth is at least age 16; and

(B) except as provided by subparagraph (D)(i) of this paragraph, the youth has spent at least six months in high-restriction facilities, which is counted as follows:

(i) if the youth received a determinate sentence for conduct that occurred in the community, the six months begins upon admission to TJJD; or

(ii) if the youth received a determinate sentence for conduct that occurred in a TJJD or contract facility, the six months begins upon the youth's initial admission to TJJD, regardless of whether the initial admission resulted from a determinate or indeterminate commitment; and

(C) the youth has not completed the sentence; and

(D) the youth meets at least one of the following behavior criteria:

(i) the youth has engaged in conduct meeting the elements of a felony or Class A misdemeanor while assigned to a residential facility; however, if the conduct meets the elements of the offense of assault of a public servant as defined in §22.01, Penal Code, the six-month requirement in subparagraph (B) of this paragraph does not apply; or

(ii) the youth has committed major rule violations as proven at a Level II due process hearing on three or more occasions; or

(iii) the youth has engaged in conduct that has resulted in at least five security program admissions or extensions in one month or ten in three months (see §380.9740 of this chapter for information on the security program); or

(iv) the youth has demonstrated an unwillingness to progress in the rehabilitation program due to persistent non-compliance with objectives; and

(E) alternative interventions have been tried without success; and

(F) the youth's conduct indicates that the welfare of the community requires the transfer.

(3) Transfer to TDCJ-PD for Youth in Residential Facilities. A youth in a residential facility who has not met program completion criteria in §380.8559 of this chapter and who has not received court approval for transfer to TDCJ-CID must be transferred to TDCJ-PD no later than the youth's 19th birthday.

(4) Transfer to TDCJ-PD for Youth on TJJD Parole. A youth on TJJD parole must be transferred to TDCJ-PD no later than the youth's 19th birthday.

(e) Transfer Recommendation for Youth Who Will Not Complete the Minimum Period of Confinement before Age 19. TJJD requests a court hearing for any youth who cannot complete the minimum period of confinement by the 19th birthday. The purpose of the hearing is to determine whether the youth will be transferred to TDCJ-CID or to TDCJ-PD. Notwithstanding the criteria in subsection (d)(2) of this section, TJJD considers the following factors in forming a recommendation for the committing court:

- (1) length of stay in TJJD;
- (2) youth's progress in the rehabilitation program;
- (3) youth's behavior while in TJJD;
- (4) youth's offense/delinquent history; and
- (5) any other relevant factors, such as:

(A) risk factors and protective factors the youth possesses as identified in the youth's psychological evaluation;

(B) the welfare of the community; and

(C) participation in or completion of statutorily required rehabilitation programming, including but not limited to:

(i) participation in a reading improvement program for identified youth to the extent required under §380.9155 of this chapter;

(ii) participation in a positive behavior support system to the extent required under §380.9155 of this chapter; and

(iii) completion of at least 12 hours of a gang intervention education program, if required by court order.

(f) Discharge Criteria. TJJD discharges youth from its jurisdiction when one of the following occurs:

(1) expiration of the sentence imposed by the juvenile court, unless the youth is under concurrent commitment orders as described in §380.8525 of this chapter; or

(2) the youth has been transferred to TDCJ-CID under court order or transferred to TDCJ-PD.

(g) Approval Process for Transfer to TDCJ-CID or TDCJ-PD.

(1) Before staff submit a recommendation for transfer to TDCJ-CID or TDCJ-PD, a determinate sentence review shall be held.

(2) TJJD notifies the youth and the youth's parent/guardian of a pending determinate sentence review. The notification informs the recipients that they have the opportunity to present information in person or to submit written comments to TJJD. The notification also specifies the date by which the comments or the request to present in-person information must be received.

(3) Approval from the final decision authority is required before requesting a hearing with the committing juvenile court or initiating a transfer to TDCJ-PD.

(4) A hearing with the committing juvenile court shall be requested when a youth cannot complete the minimum period of confinement before age 19.

(5) The final decision authority ensures the youth's community reentry/transition plan adequately addresses risk factors before approving the transfer from a high-restriction facility to TDCJ-PD.

(6) A youth may not be transferred to TDCJ-CID unless the committing juvenile court orders the transfer.

(h) Active Warrants. At least ten calendar days before the youth's transfer or release, TJJD notifies any entity that has issued an active warrant for the youth.

*§380.8569. Transfer of Youth with Determinate Sentences Adjudicated for Capital Murder.*

(a) Purpose. This rule establishes criteria and the approval process for transferring sentenced offenders adjudicated for capital murder to the Texas Department of Criminal Justice-Parole Division (TDCJ-PD) or the Texas Department of Criminal Justice-Correctional Institutions Division (TDCJ-CID).

(b) Applicability. This rule applies only to sentenced offenders adjudicated for capital murder.

(c) General Provisions.

(1) A detainer or bench warrant is not an automatic bar to earned release. The Texas Juvenile Justice Department (TJJD) releases youth to authorities pursuant to a warrant.

(2) TJJD reviews each youth's progress:

(A) six months after admission to TJJD;

(B) when the youth becomes 16 years of age;

(C) when the youth becomes 18 years of age and again at 18 years and six months of age to determine eligibility or make a recommendation for transfer to TDCJ-CID or TDCJ-PD; and

(D) at other times as appropriate, such as after a major rule violation has been proven at a Level II hearing.

(3) Youth whose committing offense is capital murder must serve the entire minimum period of confinement applicable to the youth's committing offense in high-restriction facilities unless:

(A) the youth is transferred by the committing court to TDCJ-CID;

(B) the youth is approved by the committing court to attain parole status before completion of the minimum period of confinement; or

(C) the youth's sentence expires before the minimum period of confinement expires.

(4) A youth who has not received court approval to transfer to TDCJ-CID must be transferred to TDCJ-PD no later than age 19.

(5) TJJD jurisdiction is terminated and a youth is discharged when:

(A) the youth is transferred to TDCJ; or

(B) the youth's sentence has expired, except when the youth is committed to TJJD under concurrent determinate and indeterminate commitment orders as described in §380.8525 of this chapter.

(d) Recommendation for Committing Court upon Termination of TJJD's Jurisdiction. TJJD makes a recommendation to the committing court for transfer to TDCJ-PD or TDCJ-CID before a youth turns 19. TJJD considers the following factors in forming its recommendation:

(1) length of stay in TJJD;

(2) youth's progress in the rehabilitation program;

(3) youth's behavior while in TJJD;

(4) youth's offense/delinquent history; and

(5) any other relevant factors, such as:

(A) risk factors and protective factors the youth possesses, as identified in the psychological evaluation;

(B) the welfare of the community; and

(C) participation in or completion of statutorily required rehabilitation programming, including but not limited to:

(i) participation in a reading improvement program for identified youth to the extent required under §380.9155 of this chapter;

(ii) participation in a positive behavior support system to the extent required under §380.9155 of this chapter; and

(iii) completion of at least 12 hours of a gang intervention education program, if required by court order.

(e) Transfer to TDCJ-CID before Termination of TJJD's Jurisdiction. TJJD may request a juvenile court hearing to recommend transfer of a youth in a high-restriction facility to TDCJ-CID if the following criteria are met:

(1) the youth is at least age 16; and

(2) except as provided by paragraph (4)(A) of this subsection, the youth has spent at least six months in high-restriction facilities, which is counted as follows:

(A) if the youth received a determinate sentence for conduct that occurred in the community, the six months begins upon admission to TJJD; or

(B) if the youth received a determinate sentence for conduct that occurred in a TJJD or contract facility, the six months begins upon the youth's initial admission to TJJD, regardless of whether the initial admission resulted from a determinate or indeterminate commitment; and

(3) the youth has not completed the sentence; and

(4) the youth meets at least one of the following behavior criteria:

(A) the youth has engaged in conduct meeting the elements of a felony or Class A misdemeanor while assigned to a residential facility; however, if the conduct meets the elements of the offense of assault of a public servant as defined in §22.01, Penal Code, the six-month requirement in paragraph (2) of this subsection does not apply; or

(B) the youth has committed major rule violations as proven at a Level II hearing on three or more occasions; or

(C) the youth has engaged in conduct that has resulted in at least five security program admissions or extensions in one month or ten in three months (see §380.9740 of this chapter for information on the security program); or

(D) the youth has demonstrated an unwillingness to progress in the rehabilitation program due to persistent non-compliance with objectives; and

(5) alternative interventions have been tried without success; and

(6) the youth's conduct indicates that the welfare of the community requires the transfer.

(f) Approval Process for Transfer to TDCJ-CID or TDCJ-PD.

(1) Before staff submit a recommendation for transfer to TDCJ-CID or TDCJ-PD, a determinate sentence review shall be held.

(2) TJJD notifies the youth and the youth's parent/guardian of a pending determinate sentence review. The notification informs the recipients that they have the opportunity to present information in person or to submit written comments to TJJD. The notification also specifies the date by which the comments or the request to present in-person information must be received.

(3) Approval from the final decision authority is required before requesting a hearing with the committing juvenile court.

(4) The final decision authority ensures the youth's community reentry/transition plan adequately addresses risk factors before approving the transfer from a high-restriction facility to TDCJ-PD.

(5) A youth may not be transferred to TDCJ-CID unless the committing juvenile court orders the transfer.

(g) Active Warrants. At least ten calendar days before the youth's transfer, TJJD notifies any entity that has issued an active warrant for the youth.

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

Filed with the Office of the Secretary of State on September 11, 2025.

TRD-202503232

Jana Jones

General Counsel

Texas Juvenile Justice Department

Effective date: October 1, 2025

Proposal publication date: August 1, 2025

For further information, please call: (512) 490-7278



## CHAPTER 385. AGENCY MANAGEMENT AND OPERATIONS

### SUBCHAPTER A. CONTRACTS

#### 37 TAC §385.1101

The Texas Juvenile Justice Department (TJJD) adopts amendments to 37 TAC §385.1101, Contract Authority and Responsibilities, without changes to the proposed text as published in the August 1, 2025, issue of the *Texas Register* (50 TexReg 5048). The rule will not be republished.

#### SUMMARY OF CHANGES

Amendments to §385.1101 include adding the following to the list of items that staff must present to the TJJD board for approval: (1) any change order or amendment that extends the length of or postpones the completion of a board-approved contract for six months or more; (2) any change order or amendment to a board-approved contract that increases the total contract amount by at least 10% by substituting certain goods, materials, products, or services; and (3) any change order or amendment with a financial increase that causes the total contract value to meet or exceed the threshold requiring board approval for that contract type.

#### PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

## STATUTORY AUTHORITY

The amended section is adopted under §242.003, Human Resources Code, which requires the board to adopt rules appropriate to the proper accomplishment of TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs.

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

Filed with the Office of the Secretary of State on September 15, 2025.

TRD-202503255

Jana Jones

General Counsel

Texas Juvenile Justice Department

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Proposal publication date: August 1, 2025

For further information, please call: (512) 490-7278





# TRANSFERRED RULES

The Government Code, §2002.058, authorizes the Secretary of State to remove or transfer rules within the Texas Administrative Code when the agency that promulgated the rules is abolished. The Secretary of State will publish notice of rule transfer or removal in this section of the *Texas Register*. The effective date of a rule transfer is the date set by the legislature, not the date of publication of notice. Proposed or emergency rules are not subject to administrative transfer.

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## Texas Lottery Commission

### Rule Transfer

During the 89th Legislative Session, the Texas Legislature passed Senate Bill 3070, addressing the abolishment of the Texas Lottery Commission (TLC) and the transfer of the administration of the state lottery and the licensing and regulation of charitable bingo to the Texas Department of Licensing and Regulation (TDLR). All the TLC rules in Texas Administrative Code, Title 16, Part 9, are being transferred to the TDLR under Texas Administrative Code, Title 16, Part 4, as follows: Chapters 401 and 403 are being transferred to Chapter 140, and Chapter 402 is being transferred to Chapter 141.

The rules will be transferred in the Texas Administrative Code effective October 1, 2025.

The following table outlines the rule transfer:

Figure: 16 TAC Chapters 401, 402, and 403

TRD-202503284

## Texas Department of Licensing and Regulation

### Rule Transfer

During the 89th Legislative Session, the Texas Legislature passed Senate Bill 3070, addressing the abolishment of the Texas Lottery Commission (TLC) and the transfer of the administration of the state lottery and the licensing and regulation of charitable bingo to the Texas Department of Licensing and Regulation (TDLR). All the TLC rules in Texas Administrative Code, Title 16, Part 9, are being transferred to the TDLR under Texas Administrative Code, Title 16, Part 4, as follows: Chapters 401 and 403 are being transferred to Chapter 140, and Chapter 402 is being transferred to Chapter 141.

The rules will be transferred in the Texas Administrative Code effective October 1, 2025.

The following table outlines the rule transfer:

Figure: 16 TAC Chapters 401, 402, and 403

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Figure: 16 TAC Chapters 401, 402, and 403

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| <b>Current Rules</b><br><b>Title 16. Economic Regulations</b><br><b>Part 9. Texas Lottery Commission</b> | <b>Move to</b><br><b>Title 16. Economic Regulations</b><br><b>Part 4. Texas Department of Licensing and Regulation</b> |
| <b>CHAPTER 401. ADMINISTRATION OF STATE LOTTERY ACT</b>  | <b>CHAPTER 140. ADMINISTRATION OF TEXAS LOTTERY AND CHARITABLE BINGO</b>   |
| <b>SUBCHAPTER A. PROCUREMENT</b>   | <b>SUBCHAPTER A. LOTTERY PROCUREMENT</b>   |
| §401.101. Lottery Procurement Procedures.  | §140.101. Lottery Procurement Procedures.  |
| §401.102. Protests of the Terms of a Formal Competitive Solicitation.                                    | §140.102. Protests of the Terms of a Formal Competitive Solicitation.  |
| §401.103. Protests of Contract Award.  | §140.103. Protests of Contract Award.  |
| §401.104. Contract Monitoring Roles and Responsibilities.  | §140.104. Contract Monitoring Roles and Responsibilities.  |
| §401.105. Major Procurement Approval Authority, Responsibilities and Reporting.                          | §140.105. Major Procurement Approval Authority, Responsibilities and Reporting.  |
| <b>SUBCHAPTER B. LICENSING OF SALES AGENTS</b>   | <b>SUBCHAPTER B. LICENSING OF SALES AGENTS</b>   |
| §401.152. Application for License.   | §140.152. Application for License.   |
| §401.153. Qualifications for License.  | §140.153. Qualifications for License.  |
| §401.155. Expiration of License.   | §140.155. Expiration of License.   |
| §401.156. Renewal of License.  | §140.156. Renewal of License.  |
| §401.157. Provisional License.   | §140.157. Provisional License.   |
| §401.158. Suspension or Revocation of License.   | §140.158. Suspension or Revocation of License.   |
| §401.159. Summary Suspension of License.   | §140.159. Summary Suspension of License.   |
| §401.160. Standard Penalty Chart.  | §140.160. Standard Penalty Chart.  |
| <b>SUBCHAPTER C. PRACTICE AND PROCEDURE</b>  | <b>SUBCHAPTER C. TEXAS LOTTERY AND CHARITABLE BINGO – PRACTICE AND PROCEDURE</b>                                       |
| §401.201. Intent and Scope of Rules.   | §140.201. Intent and Scope of Rules.   |
| §401.202. Construction of Rules.   | §140.202. Construction of Rules.   |
| §401.203. Contested Cases.   | §140.203. Contested Cases.   |
| §401.205. Initiation of a Hearing.   | §140.205. Initiation of a Hearing.   |
| §401.207. Written Answer; Default Proceedings.   | §140.207. Written Answer; Default Proceedings.   |
| §401.211. Law Governing Contested Cases.   | §140.211. Law Governing Contested Cases.   |
| §401.216. Subpoenas, Depositions, and Orders to Allow Entry.   | §140.216. Subpoenas, Depositions, and Orders to Allow Entry.   |
| §401.220. Motion for Rehearing.  | §140.220. Motion for Rehearing.  |
| §401.227. Definitions.   | §140.227. Definitions.   |
| <b>SUBCHAPTER D. LOTTERY GAME RULES</b>  | <b>SUBCHAPTER D. LOTTERY GAME RULES</b>  |

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| §401.301. General Definitions.   | §140.301. General Definitions.   |
| §401.302. Scratch Ticket Game Rules.   | §140.302. Scratch Ticket Game Rules.   |
| §401.303. Grand Prize Drawing Rule.  | §140.303. Grand Prize Drawing Rule.  |
| §401.304. Draw Game Rules (General).   | §140.304. Draw Game Rules (General).   |
| §401.305. "Lotto Texas" Draw Game Rule.  | §140.305. "Lotto Texas" Draw Game Rule.  |
| §401.306. Video Lottery Games.   | §140.306. Video Lottery Games.   |
| §401.307. "Pick 3" Draw Game Rule.   | §140.307. "Pick 3" Draw Game Rule.   |
| §401.308. "Cash Five" Draw Game Rule.  | §140.308. "Cash Five" Draw Game Rule.  |
| §401.309. Assignability of Prizes.   | §140.309. Assignability of Prizes.   |
| §401.310. Payment of Prize Payments Upon Death of Prize Winner.  | §140.310. Payment of Prize Payments Upon Death of Prize Winner.  |
| §401.312. "Texas Two Step" Draw Game Rule.   | §140.312. "Texas Two Step" Draw Game Rule.   |
| §401.313. Promotional Drawings.  | §140.313. Promotional Drawings.  |
| §401.314. Retailer Bonus Programs.   | §140.314. Retailer Bonus Programs.   |
| §401.315. "Mega Millions" Draw Game Rule.  | §140.315. "Mega Millions" Draw Game Rule.  |
| §401.316. "Daily 4" Draw Game Rule.  | §140.316. "Daily 4" Draw Game Rule.  |
| §401.317. "Powerball" Draw Game Rule.  | §140.317. "Powerball" Draw Game Rule.  |
| §401.318. Withholding of Delinquent Child-Support Payments from Lump-sum and Periodic Installment Payments of Lottery Winnings in Excess of Six Hundred Dollars.                               | §140.318. Withholding of Delinquent Child-Support Payments from Lump-sum and Periodic Installment Payments of Lottery Winnings in Excess of Six Hundred Dollars.                               |
| §401.319. Withholding of Child-Support Payments from Periodic Installment Payments of Lottery Winnings.  | §140.319. Withholding of Child-Support Payments from Periodic Installment Payments of Lottery Winnings.  |
| §401.320. "All or Nothing" Draw Game Rule.   | §140.320. "All or Nothing" Draw Game Rule.   |
| §401.321. Scratch Tickets Containing Non-English Words.  | §140.321. Scratch Tickets Containing Non-English Words.  |
| §401.324. Prize Winner Election to Remain Anonymous.   | §140.324. Prize Winner Election to Remain Anonymous..  |
| <b>SUBCHAPTER E. RETAILER RULES</b>  | <b>SUBCHAPTER E. RETAILER RULES</b>  |
| §401.351. Proceeds from Ticket Sales.  | §140.351. Proceeds from Ticket Sales.  |
| §401.352. Settlement Procedures.   | §140.352. Settlement Procedures.   |
| §401.353. Retailer Settlements, Financial Obligations, and Commissions.  | §140.353. Retailer Settlements, Financial Obligations, and Commissions.  |
| §401.355. Restricted Sales.  | §140.355. Restricted Sales.  |
| §401.357. Texas Lottery as Retailer.   | §140.357. Texas Lottery as Retailer.   |
| §401.360. Payment of Prizes.   | §140.360. Payment of Prizes.   |
| §401.361. Required Purchases of Lottery Tickets.   | §140.361. Required Purchases of Lottery Tickets.   |
| §401.362. Retailer's Financial Responsibility for Lottery Tickets Received and Subsequently Damaged or Rendered Unsaleable, for Winning Lottery Tickets Paid and for Lottery-Related Property. | §140.362. Retailer's Financial Responsibility for Lottery Tickets Received and Subsequently Damaged or Rendered Unsaleable, for Winning Lottery Tickets Paid and for Lottery-Related Property. |

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| §401.363. Retailer Record.  | §140.363. Retailer Record.  |
| §401.364. Training.   | §140.364. Training.   |
| §401.366. Compliance with All Applicable Laws.  | §140.366. Compliance with All Applicable Laws.  |
| §401.368. Lottery Ticket Vending Machines.  | §140.368. Lottery Ticket Vending Machines.  |
| §401.370. Retailer's Financial Responsibility for Lottery Tickets Received and Subsequently Stolen or Lost. | §140.370. Retailer's Financial Responsibility for Lottery Tickets Received and Subsequently Stolen or Lost. |
| §401.371. Collection of Delinquent Obligations for Lottery Retailer Related Accounts.                       | §140.371. Collection of Delinquent Obligations for Lottery Retailer Related Accounts.                       |
| §401.372. Display of License.   | §140.372. Display of License.   |
| <b>SUBCHAPTER F. ADA REQUIREMENTS</b>   | <b>SUBCHAPTER F. TEXAS LOTTERY ADA REQUIREMENTS</b>   |
| §401.401. Definitions.  | §140.401. Definitions.  |
| §401.402. General Requirements.   | §140.402. General Requirements.   |
| §401.403. Readily Achievable Barrier Removal.   | §140.403. Readily Achievable Barrier Removal.   |
| §401.404. Priority of ADA Compliance by Lottery Licensees.  | §140.404. Priority of ADA Compliance by Lottery Licensees.  |
| §401.405. Alternatives to Barrier Removal.  | §140.405. Alternatives to Barrier Removal.  |
| §401.406. Future Alterations to a Lottery Licensed Facility.  | §140.406. Future Alterations to a Lottery Licensed Facility.  |
| §401.407. Complaints Relating to Non-accessibility.   | §140.407. Complaints Relating to Non-accessibility.   |
| §401.408. Requests for Hearings.  | §140.408. Requests for Hearings.  |
| <b>SUBCHAPTER G. LOTTERY SECURITY</b>   | <b>SUBCHAPTER G. TEXAS LOTTERY AND CHARITABLE BINGO – GENERAL ADMINISTRATION</b>                            |
| §401.501. Lottery Security.   | §140.501. Lottery Security.   |
| <b>CHAPTER 402. CHARITABLE BINGO OPERATIONS DIVISION</b>  | <b>CHAPTER 141. CHARITABLE BINGO OPERATIONS</b>   |
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| §402.101. Advisory Opinions.  | §141.101. Advisory Opinions.  |
| §402.102. Bingo Advisory Committee.   | §141.102. Bingo Advisory Committee.   |
| §402.103. Training Program.   | §141.103. Training Program.   |
| §402.104. Delinquent Obligations.   | §141.104. Delinquent Obligations.   |
| §402.105. Postmarks, Receipt Marks, Timely Filing of Forms, Reports, Applications and Payment of Fees.      | §141.105 Postmarks, Receipt Marks, Timely Filing of Forms, Reports, Applications and Payment of Fees.       |
| <b>SUBCHAPTER B. CONDUCT OF BINGO</b>   | <b>SUBCHAPTER B. CONDUCT OF BINGO</b>   |
| §402.200. General Restrictions on the Conduct of Bingo.   | §141.200. General Restrictions on the Conduct of Bingo.   |
| §402.201. Prohibited Bingo Occasion.  | §141.201. Prohibited Bingo Occasion.  |

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| §402.202. Transfer of Funds.  | §141.202. Transfer of Funds.  |
| §402.203. Unit Accounting.  | §141.203. Unit Accounting.  |
| §402.204. Prohibited Price Fixing.  | §141.204. Prohibited Price Fixing.  |
| §402.205. Unit Agreements.  | §141.205. Unit Agreements.  |
| §402.210. House Rules.  | §141.210. House Rules.  |
| §402.211. Other Games of Chance.  | §141.211. Other Games of Chance.  |
| §402.212. Promotional Bingo.  | §141.212. Promotional Bingo.  |
| <b>SUBCHAPTER C. BINGO GAMES AND EQUIPMENT</b>                                  | <b>SUBCHAPTER C. BINGO GAMES AND EQUIPMENT</b>                                  |
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| §402.301. Approval of Pull-Tab Bingo Tickets.                                   | §141.301. Approval of Pull-Tab Bingo Tickets.                                   |
| §402.302. Pull-Tab Bingo Manufacturing Requirements.                            | §141.302. Pull-Tab Bingo Manufacturing Requirements.                            |
| §402.303. Pull-Tab Bingo Sales and Redemption.                                  | §141.303. Pull-Tab Bingo Sales and Redemption.                                  |
| §402.304. Pull-Tab Bingo Record Keeping.  | §141.304. Pull-Tab Bingo Record Keeping.  |
| §402.305. Pull-Tab Bingo Styles of Play.  | §141.305. Pull-Tab Bingo Styles of Play.  |
| §402.306. Bingo Card/Paper Definitions.   | §141.306. Bingo Card/Paper Definitions.   |
| §402.307. Bingo Card/Paper Approval.  | §141.307. Bingo Card/Paper Approval.  |
| §402.308. Bingo Card/Paper Manufacturing Requirements.                          | §141.308. Bingo Card/Paper Manufacturing Requirements.                          |
| §402.309. Bingo Card/Paper Record Keeping.                                      | §141.309. Bingo Card/Paper Record Keeping.                                      |
| §402.310. Bingo Card/Paper Styles of Play.                                      | §141.310. Bingo Card/Paper Styles of Play.                                      |
| §402.311. Pull-Tab or Instant Bingo Dispensers.                                 | §141.311. Pull-Tab or Instant Bingo Dispensers.                                 |
| §402.321. Card-Minding Systems--Definitions.                                    | §141.321. Card-Minding Systems--Definitions.                                    |
| §402.322. Card-Minding Systems--Site System Standards.                          | §141.322. Card-Minding Systems--Site System Standards.                          |
| §402.323. Card-Minding Systems--Device Standards.                               | §141.323. Card-Minding Systems--Device Standards.                               |
| §402.324. Card-Minding Systems--Approval of Card-Minding Systems.               | §141.324. Card-Minding Systems--Approval of Card-Minding Systems.               |
| §402.325. Card-Minding Systems--Licensed Authorized Organizations Requirements. | §141.325. Card-Minding Systems--Licensed Authorized Organizations Requirements. |
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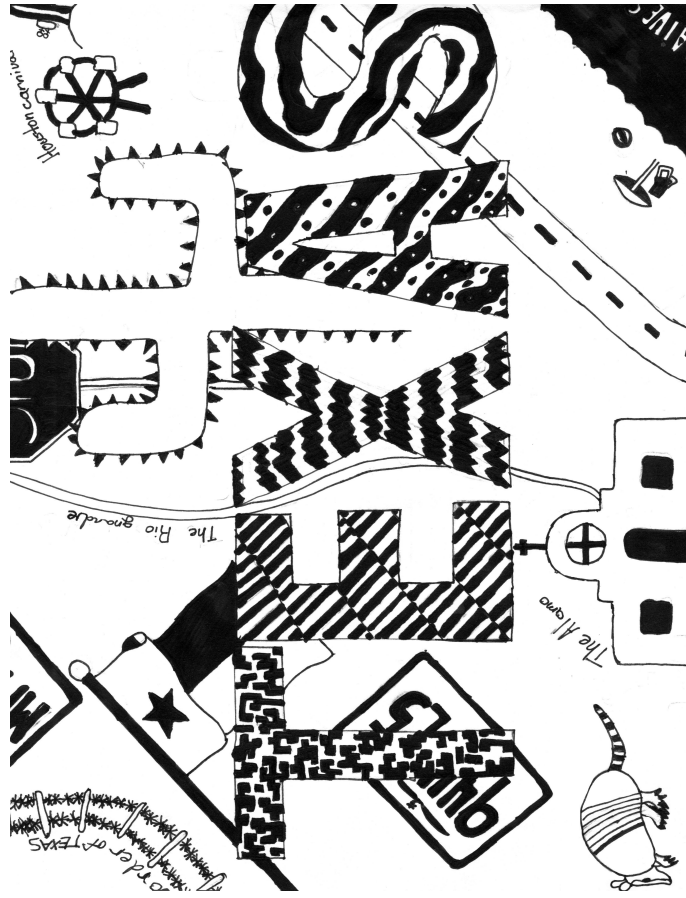


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# REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

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## Proposed Rule Review

Texas Board of Nursing

### Title 22, Part 11

In accordance with Government Code §2001.039, the Texas Board of Nursing (Board) files this notice of intention to review and consider for re-adoption, re-adoption with amendments, or repeal, the following chapters contained in Title 22, Part 11, of the Texas Administrative Code, pursuant to the 2026 rule review plan adopted by the Board at its July 2025 meeting.

Chapter 225. RN Delegation to Unlicensed Personnel and Tasks Not Requiring Delegation in Independent Living Environments for Clients with Stable and Predictable Conditions (§§225.1 - 225.15)

Chapter 228. Pain Management (§228.1, §228.2)

In conducting its review, the Board will assess whether the reasons for originally adopting these chapters continue to exist. Each section of these chapters will be reviewed to determine whether it is obsolete, whether it reflects current legal and policy considerations and current procedures and practices of the Board, and whether it is in compliance

with Chapter 2001 of the Government Code (Administrative Procedure Act).

The public has thirty (30) days from the publication of this rule review in the *Texas Register* to comment and submit any response or suggestions. Written comments may be submitted to Dusty Johnston, General Counsel, Texas Board of Nursing, 1801 Congress Ave., Suite 10-200, Austin, Texas 78701, by email to [dusty.johnston@bon.texas.gov](mailto:dusty.johnston@bon.texas.gov), or by fax to Dusty Johnston at (512) 305-8101. Any proposed changes to this chapter as a result of this review will be published separately in the Proposed Rules section of the *Texas Register* and will be open for an additional comment period prior to the final adoption or repeal by the Board.

TRD-202503271

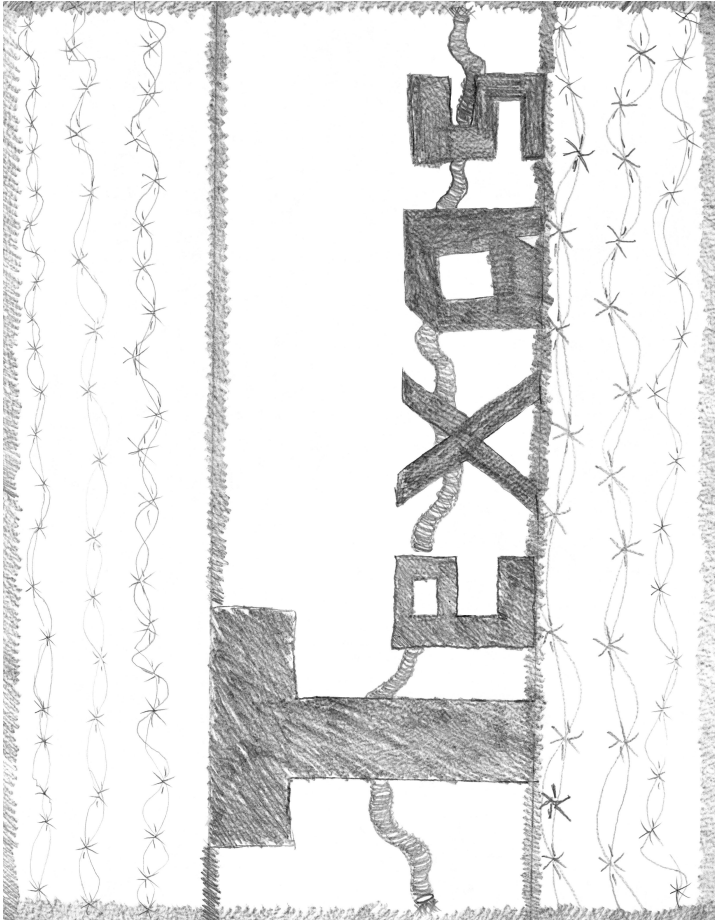
Dusty Johnston

General Counsel

Texas Board of Nursing

Filed: September 16, 2025

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# IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

## Office of the Attorney General

### Texas Health and Safety Code and Texas Water Code Settlement Notice

The State of Texas gives notice of the following proposed resolution of an environmental enforcement action under the Texas Health and Safety Code and the Texas Water Code. Before the State may enter into a voluntary settlement agreement, pursuant to section 7.110 of the Texas Water Code, the State shall permit the public to comment in writing. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreement if the comments disclose facts or considerations indicating that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the law.

Case Title and Court: *Harris County, Texas and the State of Texas, a Necessary and Indispensable Party v. Lighthill Properties, L.L.C., Royal Gunite, L.L.C., and Ruben Meza*; Cause No. 2023-73837; in the 269th District Court of Harris County, Texas.

Background: Defendants Ruben Meza and Lighthill Properties, L.L.C. own property in Houston, Texas, on which Mr. Meza and defendant Royal Gunite, L.L.C. operated a gunite manufacturing and pool business in a manner that did not comply with various state environmental laws, regulations, and local code provisions. Harris County, Texas filed suit against Defendants for violations of the Texas Clean Air Act, the Texas Solid Waste Disposal Act, the Used Oil Collection, Management, and Recycling Act, the Texas Water Code, related state regulations, and local code provisions. The State of Texas, acting on behalf of the Texas Commission on Environmental Quality, joined the lawsuit as a necessary and indispensable party. After the lawsuit was filed, Royal Gunite, L.L.C. and Ruben Meza remedied the state-law violations alleged in the lawsuit. The State, Harris County, Royal Gunite, L.L.C., and Ruben Meza have reached an agreement to resolve the pending claims against defendants Royal Gunite, L.L.C. and Ruben Meza only.

Proposed Settlement: The State, Harris County, Royal Gunite, L.L.C., and Ruben Meza propose an Agreed Final Judgment that awards the State and Harris County the following monetary judgments against Royal Gunite, L.L.C. and Ruben Meza: \$10,000.00 in civil penalties for the state-law claims, to be split equally between the State and Harris County, and \$5,000.00 in attorney's fees to the State. A settlement between Harris County and defendants Royal Gunite, L.L.C. and Ruben Meza for the local-code claims is described in the proposed Agreed Final Judgment.

For a complete description of the proposed settlement, the Agreed Final Judgment should be reviewed in its entirety. Requests for copies of the proposed judgment and settlement, and written comments on the same, should be directed to Michael Burcham, Assistant Attorney General, Office of the Texas Attorney General, P. O. Box 12548, MC-066, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0911, email: michael.burcham@oag.texas.gov. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-202503265

Justin Gordon  
General Counsel  
Office of the Attorney General  
Filed: September 15, 2025

## Comptroller of Public Accounts

### Certification of the Average Closing Price of Gas and Oil - August 2025

The Comptroller of Public Accounts, administering agency for the collection of the Oil Production Tax, has determined, as required by Tax Code, §202.058, that the average taxable price of oil for reporting period August 2025 is \$39.33 per barrel for the three-month period beginning on May 1, 2025, and ending July 31, 2025. Therefore, pursuant to Tax Code, §202.058, oil produced during the month of August 2025, from a qualified low-producing oil lease, is not eligible for credit on the oil production tax imposed by Tax Code, Chapter 202.

The Comptroller of Public Accounts, administering agency for the collection of the Natural Gas Production Tax, has determined, as required by Tax Code, §201.059, that the average taxable price of gas for reporting period August 2025 is \$1.46 per mcf for the three-month period beginning on May 1, 2025, and ending July 31, 2025. Therefore, pursuant to Tax Code, §201.059, gas produced during the month of August 2025, from a qualified low-producing well, is eligible for a 100% credit on the natural gas production tax imposed by Tax Code, Chapter 201.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of West Texas Intermediate crude oil for the month of August 2025 is \$64.02 per barrel. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall not exclude total revenue received from oil produced during the month of August 2025, from a qualified low-producing oil well.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of gas for the month of August 2025 is \$2.90 per MMBtu. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall exclude total revenue received from gas produced during the month of August 2025, from a qualified low-producing gas well.

Inquiries should be submitted to Jenny Burleson, Director, Tax Policy Division, P.O. Box 13528, Austin, Texas 78711-3528.

Issued in Austin, Texas, on September 17, 2025.

TRD-202503295  
Jenny Burleson  
Director, Tax Policy  
Comptroller of Public Accounts  
Filed: September 17, 2025

## Office of Consumer Credit Commissioner

## Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003, §303.009, and §304.003 Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 09/22/25 - 09/28/25 is 18.00% for consumer<sup>1</sup> credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 09/22/25 - 09/28/25 is 18.00% for commercial<sup>2</sup> credit.

The postjudgment interest rate as prescribed by §304.003 for the period of 10/01/25 - 10/31/25 is 7.50%.

<sup>1</sup> Credit for personal, family, or household use.

<sup>2</sup> Credit for business, commercial, investment, or other similar purpose.

TRD-202503283

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: September 16, 2025



## Credit Union Department

### Application to Amend Articles of Incorporation

Notice is given that the following application has been filed with the Credit Union Department (Department) and is under consideration.

An application was received from Texas Dow Employees Credit Union, Lake Jackson, Texas. The credit union is proposing to change a change in place of business.

Comments or a request for a meeting by any interested party relating to an application must be submitted in writing within 30 days from the date of this publication. Any written comments must provide all the information that the interested party wishes the Department to consider in evaluating the application. All information received will be weighed during consideration of the merits of an application. Comments or a request for a meeting should be addressed to the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699.

TRD-202503279

Michael S. Riepen

Commissioner

Credit Union Department

Filed: September 16, 2025



### Application to Expand Field of Membership

Notice is given that the following application has been filed with the Credit Union Department (Department) and is under consideration.

An application was received from Associated Credit Union of Texas, League City, Texas, to expand its field of membership. The proposal would permit members of the ACU of Texas Community Foundation who are residents or businesses located in Texas to be eligible for membership in the credit union.

Comments or a request for a meeting by any interested party relating to an application must be submitted in writing within 30 days of the date of this publication. Credit unions that wish to comment on any application must also complete a Notice of Protest form. The form may be obtained by contacting the Department at (512) 837-9236 or downloading the form at <http://www.cud.texas.gov/page/bylaw-charter-applications>. Any written comments must provide all the information that the

interested party wishes the Department to consider in evaluating the application. All information received will be weighed during consideration of the merits of an application. Comments or a request for a meeting should be addressed to the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699.

TRD-202503278

Michael S. Riepen

Commissioner

Credit Union Department

Filed: September 16, 2025



## Notice of Final Action Taken (September)

In accordance with the provisions of 7 TAC §91.103, the Credit Union Department provides notice of the final action taken on the following applications:

Field of Membership - Approved

InTouch CU #1 - See *Texas Register* dated on July 25, 2025.

InTouch CU #2 - See *Texas Register* dated on July 25, 2025.

TRD-202503277

Michael S. Riepen

Commissioner

Credit Union Department

Filed: September 16, 2025



## Texas Commission on Environmental Quality

### Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **October 27, 2025**. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at Enforcement Division,

MC 128, P.O. Box 13087, Austin, Texas 78711-3087 and must be postmarked by 5:00 p.m. on **October 27, 2025**. Written comments may also be sent to the enforcement coordinator by email to [ENF-COMNT@tceq.texas.gov](mailto:ENF-COMNT@tceq.texas.gov) or by facsimile machine at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed contact information; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: Altus Midstream Processing LP; DOCKET NUMBER: 2024-1816-AIR-E; IDENTIFIER: RN110059250; LOCATION: Balmorhea, Reeves County; TYPE OF FACILITY: oil and gas processing plant; PENALTY: \$5,250; ENFORCEMENT COORDINATOR: John Burkett, (512) 239-4169; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, REGION 12 - HOUSTON.

(2) COMPANY: Caprock Enterprises LP and Wood Chippers LLC; DOCKET NUMBER: 2023-1681-MLM-E; IDENTIFIER: RN111659835; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: unauthorized municipal solid waste disposal site; PENALTY: \$18,166; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3756, REGION 05 - TYLER.

(3) COMPANY: City of Hidalgo; DOCKET NUMBER: 2023-0602-MWD-E; IDENTIFIER: RN101919975; LOCATION: Hidalgo, Hidalgo County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$65,600; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$65,600; ENFORCEMENT COORDINATOR: Kolby Farren, (512) 239-2098; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, REGION 12 - HOUSTON.

(4) COMPANY: City of Clyde; DOCKET NUMBER: 2024-1789-PWS-E; IDENTIFIER: RN101410751; LOCATION: Clyde, Callahan County; TYPE OF FACILITY: public water supply; PENALTY: \$20,665; ENFORCEMENT COORDINATOR: Taner Hengst, (512) 239-1143; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(5) COMPANY: City of Rio Hondo; DOCKET NUMBER: 2024-0108-MWD-E; IDENTIFIER: RN101920478; LOCATION: Rio Hondo, Cameron County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$40,625; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$40,625; ENFORCEMENT COORDINATOR: Mistie Gonzales, (254) 761-3056; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, REGION 09 - WACO.

(6) COMPANY: City of San Augustine; DOCKET NUMBER: 2023-1543-MWD-E; IDENTIFIER: RN101389930; LOCATION: San Augustine, San Augustine County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$18,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$14,500; ENFORCEMENT COORDINATOR: Harley Hobson, (512) 239-1337; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(7) COMPANY: City of Tyler; DOCKET NUMBER: 2025-0537-MWD-E; IDENTIFIER: RN102916459; LOCATION: Tyler, Smith County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$23,250; ENFORCEMENT COORDINATOR: Kolby Farren, (512) 239-2098; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(8) COMPANY: Frito-Lay, Inc.; DOCKET NUMBER: 2024-1632-PST-E; IDENTIFIER: RN102431483; LOCATION: Dallas, Dal-

las County; TYPE OF FACILITY: former fleet refueling facility; PENALTY: \$34,786; ENFORCEMENT COORDINATOR: Ken Moller, (512) 239-6111; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(9) COMPANY: H & L New Gulf, Inc.; DOCKET NUMBER: 2025-0548-PWS-E; IDENTIFIER: RN102683349; LOCATION: Boling, Wharton County; TYPE OF FACILITY: public water supply; PENALTY: \$156; ENFORCEMENT COORDINATOR: Tessa Bond, (512) 239-1269; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(10) COMPANY: Javier Valles; DOCKET NUMBER: 2025-0514-PWS-E; IDENTIFIER: RN112094412; LOCATION: Midland, Midland County; TYPE OF FACILITY: public water supply; PENALTY: \$1,750; ENFORCEMENT COORDINATOR: Anjali Talpallikar, (512) 239-2507; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(11) COMPANY: L AND M Commercial Properties, L.P.; DOCKET NUMBER: 2025-0803-PST-E; IDENTIFIER: RN102267168; LOCATION: Livingston, Polk County; TYPE OF FACILITY: temporarily Out-of-service underground storage tank system; PENALTY: \$6,989; ENFORCEMENT COORDINATOR: Ramya Wendt, (512) 239-2513; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(12) COMPANY: Lonestar Fiberglass Components of Texas, LLC; DOCKET NUMBER: 2024-1534-AIR-E; IDENTIFIER: RN110860343; LOCATION: New Braunfels, Comal County; TYPE OF FACILITY: fiberglass production facility; PENALTY: \$5,250; ENFORCEMENT COORDINATOR: Michael Wilkins, (325) 698-6134; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, REGION 03 - ABILENE.

(13) COMPANY: Luminant Generation Company LLC; DOCKET NUMBER: 2024-0423-IWD-E; IDENTIFIER: RN102563426; LOCATION: Graham, Young County; TYPE OF FACILITY: steam electric station; PENALTY: \$15,478; ENFORCEMENT COORDINATOR: Kolby Farren, (512) 239-2098; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, REGION 12 - HOUSTON.

(14) COMPANY: MEMORIAL HEALTH SYSTEM OF EAST TEXAS; DOCKET NUMBER: 2024-1883-PST-E; IDENTIFIER: RN105683270; LOCATION: Livingston, Polk County; TYPE OF FACILITY: hospital emergency generator; PENALTY: \$7,126; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 425-6010; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(15) COMPANY: MVP Players, LLC; DOCKET NUMBER: 2024-1968-WR-E; IDENTIFIER: RN111149233; LOCATION: Midlothian, Ellis County; TYPE OF FACILITY: golf course; PENALTY: \$3,300; ENFORCEMENT COORDINATOR: Alejandra Basave, (713) 767-3751; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(16) COMPANY: Oil Patch Petroleum, Inc.; DOCKET NUMBER: 2023-1708-PST-E; IDENTIFIER: RN100536572; LOCATION: Corpus Christi, Nueces County; TYPE OF FACILITY: common carrier; PENALTY: \$8,173; ENFORCEMENT COORDINATOR: Lauren Little, (817) 588-5888; REGIONAL OFFICE: 1101 East Arkansas Lane Arlington, Texas 76010-6499, REGION 04 - DALLAS/FORT WORTH.

(17) COMPANY: Raven Butene-1, LLC; DOCKET NUMBER: 2022-0192-IWD-E; IDENTIFIER: RN100209899; LOCATION: Baytown, Harris County; TYPE OF FACILITY: olefins production plant; PENALTY: \$6,375; SUPPLEMENTAL ENVIRONMENTAL

PROJECT OFFSET AMOUNT: \$2,550; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1486, REGION 12 - HOUSTON.

(18) COMPANY: Regal Rexnord Corporation; DOCKET NUMBER: 2022-0716-AIR-E; IDENTIFIER: RN102155470; LOCATION: McAllen, Hidalgo County; TYPE OF FACILITY: aluminum manufacturing plant; PENALTY: \$27,000; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(19) COMPANY: Shah B. Bari and Suzana Saladin; DOCKET NUMBER: 2025-0767-PWS-E; IDENTIFIER: RN101249167; LOCATION: Katy, Harris County; TYPE OF FACILITY: public water supply; PENALTY: \$2,375; ENFORCEMENT COORDINATOR: Kaisie Hubschmitt, (512) 239-1482; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(20) COMPANY: TNPC, LLC; DOCKET NUMBER: 2023-0899-AIR-E; IDENTIFIER: RN100792829; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: chemical blending facility; PENALTY: \$3,375; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET AMOUNT: \$1,350; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(21) COMPANY: The Goodyear Tire & Rubber Company; DOCKET NUMBER: 2023-0063-AIR-E; IDENTIFIER: RN102561925; LOCATION: Beaumont, Jefferson County; TYPE OF FACILITY: chemical plant; PENALTY: \$21,563; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(22) COMPANY: Trent Water Works, Inc.; DOCKET NUMBER: 2025-0604-PWS-E; IDENTIFIER: RN102679263; LOCATION: Brazoria, Brazoria County; TYPE OF FACILITY: public water supply; PENALTY: \$1,000; ENFORCEMENT COORDINATOR: Wyatt Throm, (512) 239-1120; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(23) COMPANY: Vopak Terminal Deer Park Inc.; DOCKET NUMBER: 2024-1458-AIR-E; IDENTIFIER: RN100225093; LOCATION: Deer Park, Harris County; TYPE OF FACILITY: storage terminal; PENALTY: \$70,200; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

TRD-202503270

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: September 16, 2025



## Enforcement Orders

An agreed order was adopted regarding KERRVILLE RV PARK LLC, Docket No. 2023-0513-MLM-E on September 16, 2025 assessing \$10,860 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pack Ellis, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202503291

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 17, 2025



## Notice of an Application for a Temporary Water Use Permit Application No. 14121

Notices Issued September 9, 2025

Lower Colorado River Authority (LCRA), P.O. Box 220, Austin, Texas 78767 seeks a temporary water use permit, for a period of up to three years, to authorize the existing gate at Lane City Dam to be in the up or closed position at times during the period from October 16 to March 14 while rehabilitation work is performed at and adjacent to Lane City Dam on the Colorado River, Colorado River Basin in Wharton County. More information on the application and how to participate in the permitting process is given below.

The application and fees were received on April 14, 2025. The application was declared administratively complete and accepted for filing with the Office of the Chief Clerk on May 8, 2025.

The Executive Director completed the technical review of the application and prepared a draft permit. The draft permit, if granted, would include special conditions including, but not limited to, maintaining the water level of the pool of Lane City Dam with water from Arbuckle Reservoir and/or supplied under an LCRA Board commitment to offset any impacts to State water. The application, technical memoranda, and Executive Director's draft permit are available for viewing on the TCEQ webpage at: [https://www.tceq.texas.gov/permitting/water\\_rights/wr-permitting/view-wr-pend-apps](https://www.tceq.texas.gov/permitting/water_rights/wr-permitting/view-wr-pend-apps). Alternatively, you may request a copy of the documents by contacting the TCEQ Office of the Chief Clerk by phone at (512) 239-3300 or by mail at TCEQ OCC, Notice Team (MC-105), P.O. Box 13087, Austin, Texas 78711.

Written public comments and requests for a public meeting should be submitted to the Office of the Chief Clerk, at the address provided in the information section below, by September 24, 2025. A public meeting is intended for the taking of public comment and is not a contested case hearing. A public meeting will be held if the Executive Director determines that there is a significant degree of public interest in the application.

The TCEQ may grant a contested case hearing on this application if a written hearing request is filed by September 24, 2025. The Executive Director may approve the application unless a written request for a contested case hearing is filed by September 24, 2025.

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" (4) a brief and specific description of how you would be affected by the application in a way not common to the general public; and (5) the location and distance of your property relative to the proposed activity. You may also submit proposed conditions for the requested permit which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments, or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at <https://www14.tceq.texas.gov/epic/eComment/> by entering WRTP 14121 in the search field. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address.

For additional information, individual members of the general public may contact the Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our website at [www.tceq.texas.gov](http://www.tceq.texas.gov). Si desea información en español, puede llamar al (800) 687-4040 o por el internet al [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202503290

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 17, 2025



### Notice of District Petition - D-08142025-043

Notice issued September 17, 2025

TCEQ Internal Control No. D-08142025-043: TLM - GP TOWNSEN RD LLC, a Texas limited liability company (Petitioner) filed a petition for creation of Montgomery County Municipal Utility District No. 256 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ.

The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 94.067 acres located within Montgomery County, Texas; and (4) none of the land within the proposed District is located within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the general nature of the work proposed to be done by the District, as contemplated at the present time, is the: 1) purchase, construct, acquire, maintain, own, operate, repair, improve and extend of a waterworks and sanitary sewer system for residential and commercial purposes; 2) construct, acquire, improve, extend, maintain, and operate works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the District; 3) control, abate and amend local storm waters or other harmful excesses of waters; and 4) such other purchase, construction, acquisition, improvement, maintenance and operation of such additional facilities, systems, plants and enterprises, road facilities, and park and recreational facilities, as shall be consistent with all of the purposes for which the District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$20,445,000 (\$14,770,000 for water, wastewater, and drainage plus \$1,200,000 for recreation plus \$4,475,000 for roads).

### INFORMATION SECTION

To view the complete issued notice, view the notice on our website at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://www.tceq.texas.gov/agency/cc/pub_notice.html) or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing re-

quest is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202503293

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 17, 2025



### Notice of District Petition - D-08282025-051

Notice issued September 17, 2025

TCEQ Internal Control No. D-08282025-051: BR Estates at Rio Honda LLC, a Texas limited liability company (Petitioner) filed a petition for creation of Cameron County Municipal Utility District No. 1 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land in the proposed District; (2) there is one lienholder, TS Bank (as lender to Petitioner), on the property to be included in the proposed District and the aforementioned entity has consented to the petition; (3) the proposed District will contain approximately 1,323.946 acres located within Cameron County, Texas; and (4) none of the land within the proposed district is located within corporate limits or extraterritorial jurisdiction of any city. The petition further states that the work proposed to be done by the District at the present time is to purchase, construct, acquire, provide, operate, maintain, repair, improve, or extend, inside or outside of its boundaries, any and all works, improvements, facilities, systems, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, industrial, and commercial purposes; to collect, transport, process, dispose of, and control domestic, industrial, and commercial wastes; to gather, conduct, divert, abate, amend, and control local storm water or other local harmful excesses of water or provide adequate drainage in the District; and to purchase, construct, acquire, provide, operate, maintain, repair,



improve, or extend, inside or outside of its boundaries, such additional facilities, systems, plants, equipment, appliances, and enterprises as shall be consonant with the purposes for which the District is created, all as more particularly described in an engineer's report filed simultaneously with the filing of this Petition, to which reference is hereby made for a more detailed description. Additional work and services which may be performed by the District include the purchase, construction, acquisition, provision, operation, maintenance, repair, improvement, extension, and development of a roadway system.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$111,770,000. The financial analysis in the application was based on an estimated \$78,690,000 (\$51,320,000 for water, wastewater, and drainage plus \$27,370,000 for roads) at the time of submittal.

#### INFORMATION SECTION

To view the complete issued notice, view the notice on our website at [www.tceq.texas.gov/agency/cc/pub\\_notice.html](http://www.tceq.texas.gov/agency/cc/pub_notice.html) or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

TRD-202503292

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 17, 2025



Notice of Hearing: Blizexas, LLC; SOAH Docket No. 582-25-26946; TCEQ Docket No. 2025-0543-MWD; TPDES Permit No. WQ0016111001

#### APPLICATION.

Blizexas, LLC, 258 Union Avenue, Los Gatos, California 95032, has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit, TCEQ Permit No. WQ0016111001, to authorize the disposal of treated domestic wastewater at a daily average flow not to exceed 12,000 gallons per day via subsurface drip irrigation system with a minimum area of 2.75 acres of public access land. This permit will not authorize a discharge of pollutants into water in the state.

The wastewater treatment facility and disposal site will be located approximately 0.25 mile east of the intersection of Crumley Ranch Road and Fitzhugh Road, in Hays County, Texas 78737. The wastewater treatment facility and disposal site will be located in the drainage basin of Barton Creek in Segment No. 1430 of the Colorado River Basin. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bb-ddd360f8168250f&marker=-98.025555%2C30.245555&level=12>

The TCEQ Executive Director has completed the technical review of the application and prepared a draft permit. The draft permit, if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this permit, if issued, meets all statutory and regulatory requirements. The permit application, Executive Director's preliminary decision, and draft permit are available for viewing and copying at Dripping Springs Community Library, 501 Sportsplex Drive, Dripping Springs, Texas.

#### CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing via Zoom videoconference. A Zoom meeting is a secure, free meeting held over the internet that allows video, audio, or audio/video conferencing.

**10:00 a.m. - October 23, 2025**

**To join the Zoom meeting via computer:**

<https://soah-texas.zoomgov.com/>

Meeting ID: 161 169 6676

Password: TCE946

or

**To join the Zoom meeting via telephone:**

**(669) 254-5252 or (646) 828-7666**

Meeting ID: 161 169 6676

Password: 705322

**For questions regarding the preliminary hearing, visit the SOAH website at: <http://www.soah.texas.gov/>**

**or call SOAH at (512) 475-4993.**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding, which will occur at a later date, will be similar to a civil trial in state district court. The hearing will address the disputed issues of fact identified in the TCEQ order concerning this application issued on August 13, 2025. In addition to these issues, the judge may consider additional issues if certain factors are met.

The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 26, Texas Water Code; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1

TAC Chapter 155. The hearing will be held unless all timely hearing requests have been withdrawn or denied.

To request to be a party, you must attend the hearing and show you would be adversely affected by the application in a way not common to members of the general public. Any person may attend the hearing and request to be a party. Only persons named as parties may participate at the hearing.

In accordance with 1 Texas Administrative Code §155.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at [www.soah.texas.gov](http://www.soah.texas.gov), or in printed format upon request to SOAH."

#### INFORMATION.

If you need more information about the hearing process for this application, please call the Public Education Program, toll free, at (800) 687-4040. General information about the TCEQ can be found at our website at [www.tceq.texas.gov](http://www.tceq.texas.gov).

Further information may also be obtained from Blizexas, LLC, at the address stated above or by calling Mr. Bill LeClerc at (978) 877-1798.

Persons with disabilities who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-4993, at least one week prior to the hearing.

Issued: September 8, 2025

TRD-202503218

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: September 10, 2025



#### Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **October 27, 2025**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and

searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on October 27, 2025**. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: City of Bailey; DOCKET NUMBER: 2021-1190-MWD-E; TCEQ ID NUMBER: RN101609055; LOCATION: located approximately 900 feet west of Farm-to-Market Road 816 and 3,000 feet southwest of the intersection of Farm-to-Market Road 816 and State Highway 11 in Bailey, Fannin County; TYPE OF FACILITY: a wastewater treatment plant; PENALTY: \$43,125; Supplemental Environmental Project offset amount of \$43,125 applied to Sanitary Sewer Collection Inspection and Improvements; STAFF ATTORNEY: Taylor Pearson, Litigation, MC 175, (512) 239-5937; REGIONAL OFFICE: Dallas-Fort Worth Regional Office, 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(2) COMPANY: JSK Alliance Inc dba On The Road 102; DOCKET NUMBER: 2024-0217-PST-E; TCEQ ID NUMBER: RN109965418; LOCATION: 2909 East Denman Avenue in Lufkin, Angelina County; TYPE OF FACILITY: an underground storage tank system and a convenience store with retail sales of gasoline; PENALTY: \$4,902; STAFF ATTORNEY: A'twar Wilkins, Litigation, MC 175, (512) 239-6515; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(3) COMPANY: Ramendu at Lyndon Investment LLC; DOCKET NUMBER: 2021-0120-EAQ-E; TCEQ ID NUMBER: RN111099321; LOCATION: northeast corner of Lyndon Lane and Morris Road in Austin, Williamson County; TYPE OF FACILITY: a construction site; PENALTY: \$2,500; STAFF ATTORNEY: Benjamin Pence, Litigation, MC 175, (512) 239-2157; REGIONAL OFFICE: Austin Regional Office, 12100 Park 35 Circle, Building A, Room 179, Austin, Texas 78753, (512) 339-2929.

(4) COMPANY: Heron Rodriguez and Gloria Rodriguez; DOCKET NUMBER: 2024-0694-PWS-E; TCEQ ID NUMBER: RN111924064; LOCATION: 200 County Road 314 in Jarrell, Williamson County; TYPE OF FACILITY: a public water system; PENALTY: \$8,591; STAFF ATTORNEY: Marilyn Norrod, Litigation, MC 175, (512) 239-5916; REGIONAL OFFICE: Austin Regional Office, 12100 Park 35 Circle, Building A, Room 179, Austin, Texas 78753, (512) 339-2929.

TRD-202503276

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: September 16, 2025



#### Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Orders (DOs). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests

a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **October 27, 2025**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of each proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the DO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed DO's identifying information, such as its docket number. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on October 27, 2025**. The commission's attorneys are available to discuss the DOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: Fernando Gonzalez; DOCKET NUMBER: 2022-0106-MSW-E; TCEQ ID NUMBER: RN 111120028; LOCATION: 419 Farm-to-Market Road 480 in Center Point, Kerr County; TYPE OF FACILITY: an unauthorized municipal solid waste disposal site; PENALTY: \$3,750; STAFF ATTORNEY: William Hogan, Litigation, MC 175, (512) 239-5918; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(2) COMPANY: Permian Lodging Big Spring LLC; DOCKET NUMBER: 2021-1081-MWD-E; TCEQ ID NUMBER: RN111189767; LOCATION: 5101 East Midway Road in Big Spring, Howard County; TYPE OF FACILITY: a wastewater treatment facility; PENALTY: \$44,554; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: Midland Regional Office, ClayDesta Plaza, 10 Desta Drive, Suite 350E, Midland, Texas 79705, (432) 570-1359.

TRD-202503275

Gitanjali Yadav

Deputy Director, Litigation

Texas Commission on Environmental Quality

Filed: September 16, 2025



Notice of Public Hearing and Comment Period on Proposed Renewal/Revision of Air Quality General Operating Permit, Number 518

The Texas Commission on Environmental Quality (TCEQ, commission) is providing an opportunity for public comment and a notice and comment hearing (hearing) on the draft Air Quality General Operating

Permit (GOP) Number 518. The draft GOP contains revisions based on recent federal rule changes, which include updates to the Statement of Basis, the requirements tables, and the terms. This renewal also corrects typographical errors and updates language for administrative preferences.

The draft GOP is subject to a 30-day comment period. During the comment period, any person may submit written comments on the draft GOP.

The commission will hold a hybrid virtual and in-person public hearing in Austin, Texas on Monday, October 27, 2025, at 2:00 p.m. in Building F, room 2210, at TCEQ's central office located at 12100 Park 35 Circle, Austin. The hearing will be structured for the receipt of oral or written comments by interested persons. Open discussion will not be permitted during the hearing; however, commission staff members will be available to discuss the draft GOP 30 minutes prior to the hearing.

Individuals who plan to attend the hearing virtually and want to provide oral comments and/or want their attendance on record must register by Thursday, October 23, 2025. To register for the hearing, please email [Rules@tceq.texas.gov](mailto:Rules@tceq.texas.gov) and provide the following information: your name, your affiliation, your email address, your phone number, and whether you plan to provide oral comments during the hearing. Instructions for participating in the hearing will be sent on Friday, October 24, 2025, to those who register for the hearing.

Members of the public who do not wish to provide oral comments but would like to view the hearing virtually may do so at no cost at:

<https://events.teams.microsoft.com/event/f71c9228-ad64-45ee-969c-2d110a7d9585@871a83a4-a1ce-4b7a-8156-3bcd93a08fba>

Persons who have special communication or other accommodation needs who are planning to attend the hearing should contact 1-800-RELAY-TX (TDD). Requests should be made as far in advance as possible.

Written comments may be submitted to Gwen Ricco, Office of Legal Services, MC 205, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to [fax4808@tceq.texas.gov](mailto:fax4808@tceq.texas.gov). Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2024-044-OTH-NR.

The comment period closes at 11:59 p.m. on October 27, 2025.

Copies of the draft GOP may be obtained from the commission website at [https://www.tceq.texas.gov/permitting/air/nav/air\\_genop-permits.html](https://www.tceq.texas.gov/permitting/air/nav/air_genop-permits.html).

For further information, please contact Katy Montgomery at (512) 239-4017. Si desea información en español, puede llamar al (800) 687-4040.

TRD-202503236

Charmaine Backens

Deputy Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: September 12, 2025



## Texas Health and Human Services Commission

### Correction of Error

The Texas Health and Human Services Commission (HHSC) adopted an amendment to 26 TAC §263.101 in the September 12, 2025, issue of the *Texas Register* (50 TexReg 6019). Due to an error by the Texas

Register, the amendment was published with an incorrect rule number that appeared before the preamble and in the first paragraph of the preamble. The rule number and first paragraph should read as follows:

26 TAC §263.101

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts an amendment to §263.101, concerning Eligibility Criteria for HCS Program Services and CFC Services.

TRD-202503233

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**Department of State Health Services**

Licensing Actions for Radioactive Materials

During the second half of August 2025, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Section has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radioactive Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: (512) 206-3760, or by e-mail to: RAMlicensing@dshs.texas.gov.

| <b>AMENDMENTS TO EXISTING LICENSES ISSUED</b> |  |                |                         |                  |                |
|---|--|----------------|-------------------------|------------------|----------------|
| Location of Use/Possession of Material        | Name of Licensed Entity  | License Number | City of Licensed Entity | Amendment Number | Date of Action |
| AUSTIN  | AUSTIN CARDIOLOGY CLINIC PLLC  | L07196         | AUSTIN                  | 02               | 08/22/25       |
| CARROLLTON                                    | EUROFINS ENVIRONMENT TESTING RADON LLC   | L02814         | CARROLLTON              | 22               | 08/22/25       |
| HOUSTON                                       | MICHELE P SARTORI MD   | L06591         | HOUSTON                 | 02               | 08/22/25       |
| HOUSTON                                       | PROGRESSIVE MEDICAL CLINIC LLP   | L06256         | HOUSTON                 | 03               | 08/25/25       |
| HOUSTON                                       | CHCA WEST HOUSTON LP DBA HCA HOUSTON HEALTHCARE WEST                             | L06055         | HOUSTON                 | 32               | 08/19/25       |
| IRVING  | BAYLOR MEDICAL CENTER AT IRVING DBA BAYLOR SCOTT & WHITE MEDICAL CENTER – IRVING | L02444         | IRVING                  | 134              | 08/19/25       |
| MCKINNEY                                      | COLUMBIA MEDICAL CENTER OF MCKINNEY SUBSIDIARY LP DBA MEDICAL CENTER OF MCKINNEY | L02415         | MCKINNEY                | 55               | 08/21/25       |
| PLANO   | ORANO MED THERANOSTICS LLC   | L07255         | PLANO                   | 01               | 08/19/25       |
| PORT ARTHUR                                   | BASF TOTAL ENERGIES PETROCHEMICALS LLC   | L05914         | PORT ARTHUR             | 14               | 08/21/25       |
| SAN ANTONIO                                   | UROLOGY SAN ANTONIO PA   | L06047         | SAN ANTONIO             | 11               | 08/19/25       |
| THE WOODLANDS                                 | ACCLAIMED CARDIOVASCULAR CENTER PA ACCLAIMED HEART AND VASCULAR CENTER           | L06438         | THE WOODLANDS           | 07               | 08/21/25       |

| <b>AMENDMENTS TO EXISTING LICENSES ISSUED</b> |                               |                |                         |                  |                |
|---|-------------------------------|----------------|-------------------------|------------------|----------------|
| Location of Use/Possession of Material        | Name of Licensed Entity       | License Number | City of Licensed Entity | Amendment Number | Date of Action |
| THROUGHOUT TX                                 | ESCOT NDE INC                 | L05002         | CORPUS CHRISTI          | 39               | 08/19/25       |
| THROUGHOUT TX                                 | QC LABORATORIES INC           | L05956         | HOUSTON                 | 16               | 08/26/25       |
| THROUGHOUT TX                                 | TERRACON CONSULTANTS INC      | L05268         | HOUSTON                 | 83               | 08/20/25       |
| THROUGHOUT TX                                 | TURNER SPECIALTY SERVICES LLC | L05417         | NEDERLAND               | 62               | 08/21/25       |

| <b>RENEWAL OF LICENSES ISSUED</b>      |  |                |                         |                  |                |
|--|--|----------------|-------------------------|------------------|----------------|
| Location of Use/Possession of Material | Name of Licensed Entity                    | License Number | City of Licensed Entity | Amendment Number | Date of Action |
| THROUGHOUT TX                          | WILLIAMS BROTHERS CONSTRUCTION COMPANY INC | L04823         | HOUSTON                 | 14               | 08/20/25       |

| <b>TERMINATIONS OF LICENSES ISSUED</b> |                                |                |                         |                  |                |
|--|--------------------------------|----------------|-------------------------|------------------|----------------|
| Location of Use/Possession of Material | Name of Licensed Entity        | License Number | City of Licensed Entity | Amendment Number | Date of Action |
| THROUGHOUT TX                          | K ALLRED OILFIELD SERVICES LLC | L07178         | MIDLAND                 | 04               | 08/19/25       |

TRD-202503296  
Molly Fudell  
Deputy General Counsel  
Department of State Health Services  
Filed: September 17, 2025

◆ ◆ ◆  
**Texas Higher Education Coordinating Board**

**Notice of Intent to Engage in Negotiated Rulemaking - Behavioral Health Innovation Grant Program**

The Texas Higher Education Coordinating Board (THECB) intends to engage in negotiated rulemaking to amend Chapter 10, Subchapter F, rules relating to Behavioral Health Innovation Grant Program. The THECB is required to engage in negotiated rulemaking under Texas Education Code (TEC), §61.9991 and §67.0331(2), to implement the revisions required by House Bill 400, 88th Texas Legislature, to TEC, Chapter 61, Subchapter RR, which were funded pursuant to Senate Bill

1, General Appropriations Act, Article III, Strategy D.1.13, Behavioral Health Innovation and Section 66, 89th Texas Legislature.

The subject of the negotiated rulemaking is the Behavioral Health Innovation Grant Program. The known issues surrounding this negotiated rulemaking include: the mental health workforce and the recruitment and retention of behavioral health personnel.

The following is a list of the stakeholders who are significantly affected by this rule and will be represented on the negotiated rulemaking committee for the Behavioral Health Innovation Grant Program:

1. Public Universities/Health-Related Institutions;
2. Public Community Colleges;
3. Public Technical Colleges;
4. Mental Health Stakeholder at Institutions and Foundations; and
5. Texas Higher Education Coordinating Board.

The THECB proposes to appoint the following nine (9) individuals to the negotiated rulemaking committee for the Behavioral Health Innovation Grant Program to represent affected parties and the agency:

**Public Universities/Health-Related Institutions**

Matthew R. Sorenson, Ph.D., APRN, ANP-C, FAAN, Associate Dean for Graduate and Professional Nursing Education, College of Nursing, Texas A&M University College of Nursing (Texas A&M University System)

Cameron C. Brown, Associate Professor, Couple, Marriage, and Family Therapy, Texas Tech University (Texas Tech University System)

Jair Soares, M.D., Ph.D., Vice President, Behavioral Sciences, UTHHealth Houston, Dean, UTHHealth Houston School of Behavioral Health Sciences, and Executive Director, UTHHealth Houston Behavioral Sciences Campus, The University of Texas Health Science Center at Houston (The University of Texas System)

**Public Community Colleges**

Mohamad Tlass, Vice President, Coleman College of Health Sciences, Houston Community College

Dereka Hall, Licensed Clinical Social Worker, Director, Social Work Academy (Social Work, Substance Abuse Counseling, Gerontology), Dallas College

Romney Landis, MS Psychology Behavioral Sciences, Department Chair- Behavioral Sciences, Weatherford College

**Mental Health Stakeholders at Institutions and Foundations**

Tegan Henke, Senior Vice President for Education and Workforce Development, Meadows Mental Health Policy Institute

Lauanne Southern, MSW, Chief Behavioral Health Strategist, Office of Behavioral Health Strategy, Texas Department of Family and Protective Services

**Texas Higher Education Coordinating Board**

Elizabeth Mayer, Assistant Commissioner, Academic and Health Affairs

If there are persons who are significantly affected by these proposed rules and are not represented by the persons named above, those persons may apply to the agency for membership on the negotiated rulemaking committee or nominate another person to represent their interests. Application for membership must be made in writing and include the following information:

1. Name and contact information of the person submitting the application;
2. Description of how the person is significantly affected by the rule and how their interests are different than those represented by the persons named above;
3. Name and contact information of the person being nominated for membership; and
4. Description of the qualifications of the nominee to represent the person's interests.

The THECB requests comments on the Notice of Intent to Engage in Negotiated Rulemaking and on the membership of the negotiated rulemaking committee for the Behavioral Health Innovation Grant Program. Comments and applications for membership on the committee must be submitted by October 5, 2025, to Carrisa Stiles, Convener, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711, or via email at [Convener@highered.texas.gov](mailto:Convener@highered.texas.gov).

TRD-202503266

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: September 15, 2025



**Notice of Intent to Engage in Negotiated Rulemaking-Recommended Course Sequencing and Degree Plan Transparency**

The Texas Higher Education Coordinating Board (THECB) intends to engage in negotiated rulemaking to amend rules in Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter U, relating to Recommended Course Sequencing and Degree Plan Transparency. The THECB is required to engage in negotiated rulemaking under Texas Education Code, §51.96852, and intends to integrate requirements of §61.07771, as approved by the 89th Texas Legislature.

The subject of the negotiated rulemaking is for Recommended Course Sequencing and Degree Plan Transparency. The known issues surrounding this negotiated rulemaking include: minimizing the burden on institutions related to implementation of Texas Education Code §§51.96852 and 61.07771.

The following is a list of the stakeholders who are significantly affected by this rule and will be represented on the negotiated rulemaking committee for Recommended Course Sequencing and Degree Plan Transparency:

1. Public Universities/Health-Related Institutions;
2. Public Community Colleges;
3. Public State Colleges;
4. Public Technical Colleges; and
5. Texas Higher Education Coordinating Board.

The THECB proposes to appoint the following nine (9) individuals to the negotiated rulemaking committee for Recommended Course Sequencing and Degree Plan Transparency to represent affected parties and the agency:

**Public Universities/Health-Related Institutions**

Erin Cowart, Assistant Director, Institutional Reporting, Research Information and Surveys, The University of Texas at Austin (The University of Texas System)

Heidi Kennedy, Ph.D., Assistant Dean, Undergraduate Academic Affairs, University of Houston (University of Houston System)

Ashley Wheelis, Deputy Registrar, University of North Texas (University of North Texas System)

Isaiah Vance, Assistant Vice Chancellor for Advising and Transfer Initiatives, Texas A&M University System

**Public Community Colleges**

Carey Rose, Ed.D, Dean, Institutional Accountability, Curriculum Support and Grants, Central Texas College

Wendy Gunderson, Dean of Academic Services, Collin College

Christina Cavazos, Associate Dean/THECB Liaison Office of Curriculum, Planning and Compliance, South Texas College

Belinda A. Prihoda, Ed.D, Director for Institutional Compliance, Curriculum and Effectiveness, SACSCOC Institutional Liaison, Tyler Junior College

Texas Higher Education Coordinating Board

Emma Gelsinger, Senior Director, Academic and Health Affairs

If there are persons who are significantly affected by these proposed rules and are not represented by the persons named above, those persons may apply to the agency for membership on the negotiated rule-making committee or nominate another person to represent their interests. Application for membership must be made in writing and include the following information:

1. Name and contact information of the person submitting the application;
2. Description of how the person is significantly affected by the rule and how their interests are different than those represented by the persons named above;
3. Name and contact information of the person being nominated for membership; and
4. Description of the qualifications of the nominee to represent the person's interests.

The THECB requests comments on the Notice of Intent to Engage in Negotiated Rulemaking and on the membership of the negotiated rulemaking committee for Recommended Course Sequencing and Degree Plan Transparency. Comments and applications for membership on the committee must be submitted by October 5, 2025, to Carrisa Stiles, Convener, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas, 78711, or via email at [Convener@highered.texas.gov](mailto:Convener@highered.texas.gov).

TRD-202503267

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: September 15, 2025



Notice of Intent to Engage in Negotiated Rulemaking -  
Statewide Preceptorship Grant Program

The Texas Higher Education Coordinating Board (THECB) intends to engage in negotiated rulemaking to amend rules in Texas Administrative Code, Title 19, Part 1, Chapter 10, Subchapter C, relating to Statewide Preceptorship Grant Program. The THECB is required to engage in negotiated rulemaking under Texas Education Code (TEC), §58.011 and §61.0331(2), to implement the revisions required by Senate Bill 1998 to TEC, Chapter 58, Subchapter A, and Senate Bill 1, Texas General Appropriations Act, Article III, Strategy D.1.2: Preceptorship Program, and Rider 37, 89th Texas Legislature, Regular Session.

The subject of the negotiated rulemaking is the Statewide Preceptorship Grant Program. The known issues surrounding this negotiated rulemaking include: adding the allocation methodology and award criteria for the pediatric subspecialty to the existing program.

The following is a list of the stakeholders who are significantly affected by this rule and will be represented on the negotiated rulemaking committee for the Statewide Preceptorship Grant Program:

1. Public Universities/Health-Related Institutions;
2. Texas Non-Profit Hospital Systems and Other Grantees/Organizations
3. Texas Higher Education Coordinating Board.

The THECB proposes to appoint the following five (5) individuals to the negotiated rulemaking committee for the Statewide Preceptorship Grant Program to represent affected parties and the agency:

Public Universities/Health-Related Institutions

Elisabeth Conser, M.D., Assistant Dean, Student Wellness and Advancement, Texas Tech University Health Sciences Center (Texas Tech University System)

Mark Hormann, M.D., Vice Dean for Educational Programs and Professor of Pediatrics at McGovern Medical School at UTHealth Houston, The University of Texas Health Science Center at Houston (The University of Texas System)

Texas Non-Profit Hospital Systems and Other Grantees/Organizations

Tom Banning, Chief Executive Officer and Executive Vice President, Texas Academy of Family Physicians

Stacey Mather, Executive Director, Texas Pediatric Society

Texas Higher Education Coordinating Board

Elizabeth Mayer, Assistant Commissioner, Academic and Health Affairs

If there are persons who are significantly affected by these proposed rules and are not represented by the persons named above, those persons may apply to the agency for membership on the negotiated rule-making committee or nominate another person to represent their interests. Application for membership must be made in writing and include the following information:

1. Name and contact information of the person submitting the application;
2. Description of how the person is significantly affected by the rule and how their interests are different than those represented by the persons named above;
3. Name and contact information of the person being nominated for membership; and
4. Description of the qualifications of the nominee to represent the person's interests.

The THECB requests comments on the Notice of Intent to Engage in Negotiated Rulemaking and on the membership of the negotiated rulemaking committee for the Statewide Preceptorship Grant Program. Comments and applications for membership on the committee must be submitted by October 5, 2025, to Carrisa Stiles, Convener, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas, 78711, or via email at [Convener@highered.texas.gov](mailto:Convener@highered.texas.gov).

TRD-202503268

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: September 15, 2025



Notice of Intent to Engage in Negotiated Rulemaking - Toward  
EXcellence, Access, and Success (TEXAS) Grant Program

The Texas Higher Education Coordinating Board (THECB) intends to engage in negotiated rulemaking to amend rules in Texas Administrative Code, Title 19, Part 1, Chapter 22, Subchapter L, relating to the TEXAS Grant Program. The THECB is required to engage in negotiated rulemaking under Texas Education Code (TEC), §61.0331(2), to implement revisions required by House Bill 3041 to TEC, Chapter 56, Subchapter M, and Senate Bill 1, Texas General Appropriations Act,



Article III, Strategy B.1.1 TEXAS Grant Program, and Riders 24 and 60, 89th Texas Legislature, Regular Session.

The subject of the negotiated rulemaking is (1) amendments to program allocations to meet obligations under the General Appropriations Act, and (2) amendments to program criteria to incorporate eligible students who received nontraditional secondary education. The known issues surrounding this negotiated rulemaking include: allocation methodology, eligibility/prioritization of top 25 percent students, and fit of non-traditional secondary education students within the TEXAS Grant priority model.

The following is a list of the stakeholders who are significantly affected by this rule and will be represented on the negotiated rulemaking committee for the TEXAS Grant Program:

1. Public Universities/Health-Related Institutions; and
2. Texas Higher Education Coordinating Board.

The THECB proposes to appoint the following ten (10) individuals to the negotiated rulemaking committee for the TEXAS Grant Program to represent affected parties and the agency:

Public Universities/Health-Related Institutions

Bridgette Ingram, Executive Director, Scholarships and Financial Aid, Texas A&M University (Texas A&M University System)

Fred Peña, Director of Financial Aid, Midwestern State University (Texas Tech University System)

Mary Booker, Assistant Vice President of Financial Aid and Scholarship Office, Texas Tech University (Texas Tech University System)

Andrew Hamilton, Ph.D., Vice Provost for Academic Success, Texas State University (Texas State University System)

Ben Montecillo, Executive Director Scholarships and Financial Aid, University of Houston (University of Houston System)

Beth Novak Tolan, Associate Vice President, Financial Aid and Scholarships, University of North Texas (University of North Texas System)

Karla Flores, Executive Director Financial Aid, The University of Texas Rio Grande Valley (The University of Texas System)

Yvonne Campbell, Associate Director Office of Financial Aid, The University of Texas at Arlington (The University of Texas System)

Vernecia O. Henry, Director of Systems and Scholarships, Texas Southern University

Texas Higher Education Coordinating Board

Charles Contéro-Puls, Assistant Commissioner, Student Financial Aid Programs

If there are persons who are significantly affected by these proposed rules and are not represented by the persons named above, those persons may apply to the agency for membership on the negotiated rulemaking committee or nominate another person to represent their interests. Application for membership must be made in writing and include the following information:

1. Name and contact information of the person submitting the application;
2. Description of how the person is significantly affected by the rule and how their interests are different than those represented by the persons named above;
3. Name and contact information of the person being nominated for membership; and

4. Description of the qualifications of the nominee to represent the person's interests.

The THECB requests comments on the Notice of Intent to Engage in Negotiated Rulemaking and on the membership of the negotiated rulemaking committee for the TEXAS Grant Program. Comments and applications for membership on the committee must be submitted by October 5, 2025, to Carrisa Stiles, Convener, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711, or via email at [Convener@highered.texas.gov](mailto:Convener@highered.texas.gov).

TRD-202503269

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Filed: September 15, 2025

## Texas Department of Insurance

### Notice of Hearing

#### Notice of Public Hearing - Discussion and Consideration of a Proposed New Section to Be Added to the Texas Title Insurance Statistical Plan

##### Docket No. 2857

The commissioner of insurance will hold a public hearing to consider the proposed new section, 28 TAC §9.402, to be added to the Texas Title Insurance Statistical Plan. The proposal was published in the August 15, 2025, issue of the *Texas Register* (50 TexReg 5308). The hearing will begin at 2:00 p.m., central time, October 7, 2025, in Room 2.034 of the Barbara Jordan State Office Building, 1601 Congress Avenue, Austin, Texas 78701.

The commissioner has jurisdiction over this hearing under Insurance Code §2701.206.

You may submit written comments or make oral comments on this rulemaking at the hearing, or you may submit your written comments to TDI on or before 5:00 p.m., central time, on October 7, 2025. Send your comments to [ChiefClerk@tdi.texas.gov](mailto:ChiefClerk@tdi.texas.gov) or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030. Please include the docket number on any written or emailed comments.

TRD-202503294

Jessica Barta

General Counsel

Texas Department of Insurance

Filed: September 17, 2025

## Texas Department of Licensing and Regulation

### Scratch Ticket Game Number 2697 "HOLIDAY WORD BLAST"

#### 1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2697 is "HOLIDAY WORD BLAST". The play style is "crossword".

#### 1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2697 shall be \$3.00 per Scratch Ticket.

#### 1.2 Definitions in Scratch Ticket Game No. 2697.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, \$3.00, \$5.00, \$10.00, \$20.00, \$50.00, \$100, \$500, \$5,000 and \$50,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. Crossword and Bingo style games do not typically have Play Symbol captions. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2697 - 1.2D

| PLAY SYMBOL | CAPTION |
|-------------|---------|
| A           |         |
| B           |         |
| C           |         |
| D           |         |
| E           |         |
| F           |         |
| G           |         |
| H           |         |
| I           |         |
| J           |         |
| K           |         |
| L           |         |
| M           |         |
| N           |         |
| O           |         |
| P           |         |
| Q           |         |
| R           |         |
| S           |         |
| T           |         |
| U           |         |
| V           |         |
| W           |         |
| X           |         |
| Y           |         |
| Z           |         |
| \$3.00      | THR\$   |

|          |        |
|----------|--------|
| \$5.00   | FIV\$  |
| \$10.00  | TEN\$  |
| \$20.00  | TWY\$  |
| \$50.00  | FFTY\$ |
| \$100    | ONHN   |
| \$500    | FVHN   |
| \$5,000  | FVTH   |
| \$50,000 | 50TH   |

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2697), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 125 within each Pack. The format will be: 2697-0000001-001.

H. Pack - A Pack of the "HOLIDAY WORD BLAST" Scratch Ticket Game contains 125 Tickets, packed in plastic shrink-wrapping and fan-folded in pages of one (1). Ticket 001 will be shown on the front of the Pack; the back of Ticket 125 will be revealed on the back of the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack. Every other Pack will reverse i.e., reverse order will be: the back of Ticket 001 will be shown on the front of the Pack and the front of Ticket 125 will be shown on the back of the Pack.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "HOLIDAY WORD BLAST" Scratch Ticket Game No. 2697.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "HOLIDAY WORD BLAST" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose the Play Symbols as indicated per the game instructions from the total of eighty (80) Play Symbols. GAMES 1-10 PLAY INSTRUCTIONS: 1. A player scratches all the YOUR 18 LETTERS play area. 2. The player then scratches all the letters found in GAMES 1-10 that exactly match the YOUR 18 LETTERS Play Sym-

bols. 3. If the player matches all the letters in the same GAME with the YOUR 18 LETTERS Play Symbols, the player wins the PRIZE for that GAME. BONUS PLAY INSTRUCTIONS: If the player reveals 2 matching prize amounts in the BONUS play area, the player wins that amount. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

#### 2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly eighty (80) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption. Crossword and Bingo style games do not typically have Play Symbol captions;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;
12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;
13. The Scratch Ticket must be complete and not miscut, and have exactly eighty (80) Play Symbols under the Latex Overprint on the front

portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the eighty (80) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the eighty (80) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

## 2.2 Programmed Game Parameters.

A. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

B. GENERAL: A Ticket can win as indicated by the prize structure.

C. GENERAL: A Ticket can win up to three (3) times.

D. GENERAL: Each Ticket consists of a YOUR 18 LETTERS play area, a BONUS play area and GAMES 1-10 play area.

E. GENERAL: There will be no correlation between any exposed data on a Ticket and its status as a winning or Non-Winning Ticket.

F. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

G. HOLIDAY WORD BLAST: Each letter will only appear one (1) time per Ticket in the YOUR 18 LETTERS play area.

H. HOLIDAY WORD BLAST: Each word will appear only one (1) time per Ticket in GAMES 1-10.

I. HOLIDAY WORD BLAST: There will be a minimum of three (3) vowels in the YOUR 18 LETTERS play area. Vowels are A, E, I, O and U.

J. HOLIDAY WORD BLAST: The length of words found in GAMES 1-10 will range from three (3) to seven (7) letters, as shown on the artwork.

K. HOLIDAY WORD BLAST: Completed three (3) and four (4) letter words win prizes between \$3 and \$20. Completed five (5) and six (6) letter words win prizes between \$10 and \$500. Completed seven (7) letter words win prizes between \$100 and \$50,000.

L. HOLIDAY WORD BLAST: All words used will be from TX\_Winter\_Approved\_Vers.2.042321.docx.

M. HOLIDAY WORD BLAST: Words from the TX\_Prohibited\_Words\_Vers.2.042321.docx will not appear vertically (in either direction) or diagonally (in either direction) in GAMES 1-10.

N. HOLIDAY WORD BLAST: Words from the TX\_Prohibited\_Words\_Vers.2.042321.docx will not appear horizontally (in either direction), vertically (in either direction) or diagonally (in either direction) in the YOUR 18 LETTERS play area.

O. HOLIDAY WORD BLAST: A player will never find a word horizontally (in any direction), vertically (in any direction) or diagonally (in any direction) in the YOUR 18 LETTERS play area that matches a word in GAMES 1-10.

P. HOLIDAY WORD BLAST: At least fourteen (14) of the YOUR 18 LETTERS Play Symbols will open at least one (1) letter in GAMES 1-10.

Q. HOLIDAY WORD BLAST: On winning and Non-Winning Tickets, each GAME in GAMES 1-6 will contain at least one (1) letter that is not duplicated in any of those GAMES.

R. HOLIDAY WORD BLAST: The presence or absence of any letter in the YOUR 18 LETTERS play area will not be indicative of a winning or Non-Winning Ticket.

S. HOLIDAY WORD BLAST: The words "VD" and "ED" will not be presented in a row horizontally or diagonally in the YOUR 18 LETTERS play area.

T. BONUS: A Ticket can win up to one (1) time in the BONUS play area.

U. BONUS: A winning BONUS play area will have two (2) matching Prize Symbols.

V. BONUS: A non-winning BONUS play area will have two (2) different Prize Symbols.

## 2.3 Procedure for Claiming Prizes.

A. To claim a "HOLIDAY WORD BLAST" Scratch Ticket Game prize of \$3.00, \$5.00, \$10.00, \$20.00, \$50.00, \$100 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00, \$100 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "HOLIDAY WORD BLAST" Scratch Ticket Game prize of \$5,000 or \$50,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "HOLIDAY WORD BLAST" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;
2. in default on a loan made under Chapter 52, Education Code;
3. in default on a loan guaranteed under Chapter 57, Education Code; or
4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "HOLIDAY WORD BLAST" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "HOLIDAY WORD BLAST" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 6,000,000 Scratch Tickets in Scratch Ticket Game No. 2697. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2697 - 4.0

| Prize Amount | Approximate Number of Winners* | Approximate Odds are 1 in ** |
|--------------|--------------------------------|------------------------------|
| \$3.00       | 576,000                        | 10.42                        |
| \$5.00       | 537,600                        | 11.16                        |
| \$10.00      | 240,000                        | 25.00                        |
| \$20.00      | 57,600                         | 104.17                       |
| \$50.00      | 20,400                         | 294.12                       |
| \$100        | 10,750                         | 558.14                       |
| \$500        | 2,500                          | 2,400.00                     |
| \$5,000      | 65                             | 92,307.69                    |
| \$50,000     | 5                              | 1,200,000.00                 |

\*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

\*\*The overall odds of winning a prize are 1 in 4.15. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2697 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2697, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

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Deanne Rienstra

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Texas Department of Licensing and Regulation

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Scratch Ticket Game Number 2698 "WINTER WINNINGS"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2698 is "WINTER WINNINGS". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2698 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2698.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, WREATH SYMBOL, STOCKING SYMBOL, SLEIGH SYMBOL, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200, \$500, \$1,000 and \$100,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2698 - 1.2D

| PLAY SYMBOL | CAPTION |
|-------------|---------|
| 01          | ONE     |
| 02          | TWO     |
| 03          | THR     |
| 04          | FOR     |
| 05          | FIV     |
| 06          | SIX     |
| 07          | SVN     |
| 08          | EGT     |
| 09          | NIN     |
| 10          | TEN     |
| 11          | ELV     |
| 12          | TLV     |
| 13          | TRN     |
| 14          | FTN     |
| 15          | FFN     |
| 16          | SXN     |
| 17          | SVT     |
| 18          | ETN     |
| 19          | NTN     |
| 20          | TWY     |
| 21          | TWON    |
| 22          | TWTO    |
| 23          | TWTH    |
| 24          | TWFR    |
| 25          | TWV     |
| 26          | TWSX    |
| 27          | TWSV    |



|                 |        |
|-----------------|--------|
| 28              | TWET   |
| 29              | TWNI   |
| 30              | TRTY   |
| 31              | TRON   |
| 32              | TRTO   |
| 33              | TRTH   |
| 34              | TRFR   |
| 35              | TRFV   |
| 36              | TRSX   |
| 37              | TRSV   |
| 38              | TRET   |
| 39              | TRNI   |
| 40              | FRTY   |
| WREATH SYMBOL   | DBL    |
| STOCKING SYMBOL | WINX5  |
| SLEIGH SYMBOL   | WINALL |
| \$5.00          | FIV\$  |
| \$10.00         | TEN\$  |
| \$20.00         | TWY\$  |
| \$25.00         | TWV\$  |
| \$50.00         | FFTY\$ |
| \$100           | ONHN   |
| \$200           | TOHN   |
| \$500           | FVHN   |
| \$1,000         | ONTH   |
| \$100,000       | 100TH  |

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2698), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 075 within each Pack. The format will be: 2698-0000001-001.

H. Pack - A Pack of the "WINTER WINNINGS" Scratch Ticket Game contains 075 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 075 while the other fold will show the back of Ticket 001 and front of 075.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "WINTER WINNINGS" Scratch Ticket Game No. 2698.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "WINTER WINNINGS" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose forty-five (45) Play Symbols. A player scratches the entire play area to reveal 5 WINNING NUMBERS Play Symbols and 20 YOUR NUMBERS Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "WREATH" Play Symbol, the player wins DOUBLE the prize for that symbol. If the player reveals a "STOCKING" Play Symbol, the player wins 5 TIMES the prize for that symbol. If the player reveals a "SLEIGH" Play Symbol, the player WINS ALL 20 PRIZES INSTANTLY! No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

#### 2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly forty-five (45) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly forty-five (45) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the forty-five (45) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the forty-five (45) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

#### 2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. KEY NUMBER MATCH: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 20 and \$20).

D. KEY NUMBER MATCH: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

E. KEY NUMBER MATCH: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

F. KEY NUMBER MATCH: A non-winning Prize Symbol will never match a winning Prize Symbol.

G. KEY NUMBER MATCH: A Ticket may have up to three (3) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. KEY NUMBER MATCH: The "WREATH" (DBL) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

I. KEY NUMBER MATCH: The "STOCKING" (WINX5) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

J. KEY NUMBER MATCH: The "SLEIGH" (WINALL) Play Symbol will only appear once on winning Tickets as dictated by the prize structure.

### 2.3 Procedure for Claiming Prizes.

A. To claim a "WINTER WINNINGS" Scratch Ticket Game prize of \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$25.00, \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "WINTER WINNINGS" Scratch Ticket Game prize of \$1,000 or \$100,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "WINTER WINNINGS" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "WINTER WINNINGS" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "WINTER WINNINGS" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

### 3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the

Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 6,000,000 Scratch Tickets in Scratch Ticket Game No. 2698. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2698 - 4.0

| Prize Amount | Approximate Number of Winners* | Approximate Odds are 1 in ** |
|--------------|--------------------------------|------------------------------|
| \$5.00       | 720,000                        | 8.33                         |
| \$10.00      | 480,000                        | 12.50                        |
| \$20.00      | 120,000                        | 50.00                        |
| \$25.00      | 120,000                        | 50.00                        |
| \$50.00      | 74,750                         | 80.27                        |
| \$100        | 16,000                         | 375.00                       |
| \$200        | 1,500                          | 4,000.00                     |
| \$500        | 900                            | 6,666.67                     |
| \$1,000      | 61                             | 98,360.66                    |
| \$100,000    | 5                              | 1,200,000.00                 |

\*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

\*\*The overall odds of winning a prize are 1 in 3.91. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2698 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2698, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202503286

Deanne Rienstra  
Interim General Counsel Lottery and Charitable Bingo  
Texas Department of Licensing and Regulation  
Filed: September 17, 2025



## Scratch Ticket Game Number 2699 "REINDEER RICHES"

### 1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2699 is "REINDEER RICHES". The play style is "find symbol".

### 1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2699 shall be \$10.00 per Scratch Ticket.

### 1.2 Definitions in Scratch Ticket Game No. 2699.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: SNOWFLAKE SYMBOL, HOLLY SYMBOL, ROCKING HORSE SYMBOL, BOOT SYMBOL, SWEATER SYMBOL, CANDLE SYMBOL, SLED SYMBOL, HORN SYMBOL, MITTEN SYMBOL, LIST SYMBOL, SCARF SYMBOL, POINSETTIA SYMBOL, LIGHT SYMBOL, FIREPLACE SYMBOL, LOG SYMBOL, POLAR BEAR SYMBOL, SNOWGLOBE SYMBOL, STAR SYMBOL, IGLOO SYMBOL, DRUM SYMBOL, TURKEY SYMBOL, PIE SYMBOL, PENGUIN SYMBOL, BOW SYMBOL, TRAIN SYMBOL, SHOVEL SYMBOL, NORTH POLE SYMBOL, HOUSE

SYMBOL, HOT CHOCOLATE SYMBOL, PAJAMAS SYMBOL, SKIS SYMBOL, WREATH SYMBOL, TREE SYMBOL, STOCKING SYMBOL, SNOWMAN SYMBOL, ICE SKATE SYMBOL, NUTCRACKER SYMBOL, COOKIE SYMBOL, CANDY CANE SYMBOL, GIFT SYMBOL, SLEIGH BELL SYMBOL, 2X SYMBOL, 5X SYMBOL, 10X SYMBOL, \$10.00, \$15.00, \$20.00, \$25.00, \$50.00, \$100, \$200, \$500, \$1,000, \$5,000 and \$250,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2699 - 1.2D

| PLAY SYMBOL          | CAPTION |
|----------------------|---------|
| SNOWFLAKE SYMBOL     | SNWFLK  |
| HOLLY SYMBOL         | HOLLY   |
| ROCKING HORSE SYMBOL | HORSE   |
| BOOT SYMBOL          | BOOT    |
| SWEATER SYMBOL       | SWEATR  |
| CANDLE SYMBOL        | CANDLE  |
| SLED SYMBOL          | SLED    |
| HORN SYMBOL          | HORN    |
| MITTEN SYMBOL        | MITT    |
| LIST SYMBOL          | LIST    |
| SCARF SYMBOL         | SCARF   |
| POINSETTIA SYMBOL    | PNTSTA  |
| LIGHT SYMBOL         | LIGHT   |
| FIREPLACE SYMBOL     | FRPLACE |
| LOG SYMBOL           | LOG     |
| POLAR BEAR SYMBOL    | PLRBR   |
| SNOWGLOBE SYMBOL     | SNWGLB  |
| STAR SYMBOL          | STAR    |
| IGLOO SYMBOL         | IGLOO   |
| DRUM SYMBOL          | DRUM    |
| TURKEY SYMBOL        | TURKEY  |
| PIE SYMBOL           | PIE     |
| PENGUIN SYMBOL       | PNGUIN  |
| BOW SYMBOL           | BOW     |
| TRAIN SYMBOL         | TRAIN   |
| SHOVEL SYMBOL        | SHOVEL  |
| NORTH POLE SYMBOL    | NPOLE   |

|                      |         |
|----------------------|---------|
| HOUSE SYMBOL         | HOUSE   |
| HOT CHOCOLATE SYMBOL | HOTCHOC |
| PAJAMAS SYMBOL       | PAJAMAS |
| SKIS SYMBOL          | SKIS    |
| WREATH SYMBOL        | WREATH  |
| TREE SYMBOL          | TREE    |
| STOCKING SYMBOL      | STCKING |
| SNOWMAN SYMBOL       | SNWMN   |
| ICE SKATE SYMBOL     | ICESKT  |
| NUTCRACKER SYMBOL    | NUTCRK  |
| COOKIE SYMBOL        | COOKIE  |
| CANDY CANE SYMBOL    | CDYCANE |
| GIFT SYMBOL          | GIFT    |
| SLEIGH BELL SYMBOL   | WIN\$   |
| 2X SYMBOL            | DBL     |
| 5X SYMBOL            | WINX5   |
| 10X SYMBOL           | WINX10  |
| \$10.00              | TEN\$   |
| \$15.00              | FFN\$   |
| \$20.00              | TWY\$   |
| \$25.00              | TWV\$   |
| \$50.00              | FFTY\$  |
| \$100                | ONHN    |
| \$200                | TOHN    |
| \$500                | FVHN    |
| \$1,000              | ONTH    |
| \$5,000              | FVTH    |
| \$250,000            | 250TH   |

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2699), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 050 within each Pack. The format will be: 2699-0000001-001.

H. Pack - A Pack of the "REINDEER RICHES" Scratch Ticket Game contains 050 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The back of Ticket 001 will be shown on the front of the Pack; the back of Ticket 050 will be revealed on the back of the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "REINDEER RICHES" Scratch Ticket Game No. 2699.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "REINDEER RICHES" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose fifty (50) Play Symbols. PLAY INSTRUCTIONS: If a player reveals a "SLEIGH BELL" Play Symbol, the player wins the prize for that symbol instantly. If the player reveals a "2X" Play Symbol, the player wins DOUBLE the prize for that symbol. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the prize for that symbol. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

#### 2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly fifty (50) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;

6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;

7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly fifty (50) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the fifty (50) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the fifty (50) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

#### 2.2 Programmed Game Parameters.



A. Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

B. A Ticket can win as indicated by the prize structure.

C. A Ticket can win up to twenty-five (25) times.

D. On winning and Non-Winning Tickets, the top cash prizes of \$1,000, \$5,000 and \$250,000 will each appear at least one (1) time, except on Tickets winning twenty-four (24) times or more and with respect to other parameters, play action or prize structure.

E. No matching non-winning Play Symbols will appear on a Ticket.

F. Non-winning Prize Symbols will not match a winning Prize Symbol on a Ticket.

G. On all Tickets, a Prize Symbol will not appear more than three (3) times, except as required by the prize structure to create multiple wins.

H. The "SLEIGH BELL" (WIN\$) Play Symbol will win the prize for that symbol.

I. The "2X" (DBL) Play Symbol will win DOUBLE the prize for that Play Symbol and will win as per the prize structure.

J. The "2X" (DBL) Play Symbol will never appear more than one (1) time on a Ticket.

K. The "5X" (WINX5) Play Symbol will win 5 TIMES the prize for that Play Symbol and will win as per the prize structure.

L. The "5X" (WINX5) Play Symbol will never appear more than one (1) time on a Ticket.

M. The "10X" (WINX10) Play Symbol will win 10 TIMES the prize for that Play Symbol and will win as per the prize structure.

N. The "10X" (WINX10) Play Symbol will never appear more than one (1) time on a Ticket.

O. The "SLEIGH BELL" (WIN\$) Play Symbol, "2X" (DBL) Play Symbol, "5X" (WINX5) Play Symbol and "10X" (WINX10) Play Symbol will never appear on Non-Winning Tickets.

P. The "SLEIGH BELL" (WIN\$) and "2X" (DBL) Play Symbols can appear on the same Ticket.

Q. The "SLEIGH BELL" (WIN\$) and "5X" (WINX5) Play Symbols can appear on the same Ticket.

### 2.3 Procedure for Claiming Prizes.

A. To claim a "REINDEER RICHES" Scratch Ticket Game prize of \$10.00, \$15.00, \$20.00, \$25.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$25.00, \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "REINDEER RICHES" Scratch Ticket Game prize of \$1,000, \$5,000 or \$250,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "REINDEER RICHES" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

- B. if there is any question regarding the identity of the claimant;

- C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "REINDEER RICHES" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "REINDEER RICHES" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

### 3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is

placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 6,000,000 Scratch Tickets in Scratch Ticket Game No. 2699. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2699 - 4.0

| Prize Amount | Approximate Number of Winners* | Approximate Odds are 1 in ** |
|--------------|--------------------------------|------------------------------|
| \$10.00      | 552,000                        | 10.87                        |
| \$15.00      | 264,000                        | 22.73                        |
| \$20.00      | 360,000                        | 16.67                        |
| \$25.00      | 240,000                        | 25.00                        |
| \$50.00      | 90,000                         | 66.67                        |
| \$100        | 63,250                         | 94.86                        |
| \$200        | 26,250                         | 228.57                       |
| \$500        | 2,400                          | 2,500.00                     |
| \$1,000      | 600                            | 10,000.00                    |
| \$5,000      | 40                             | 150,000.00                   |
| \$250,000    | 5                              | 1,200,000.00                 |

\*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

\*\*The overall odds of winning a prize are 1 in 3.75. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket

Game No. 2699 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the

Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2699, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-202503288

Deanne Rienstra

Interim General Counsel Lottery and Charitable Bingo

Texas Department of Licensing and Regulation

Filed: September 17, 2025



## North Central Texas Council of Governments

Notice of Contract Award for North Texas Providers to UAM (PSUS) and Uncrewed Traffic Management (UTM) Service Providers Regional Integration Pilot Program Phase Two

Pursuant to the provisions of Government Code, Chapter 2254, the North Central Texas Council of Governments publishes this notice of contract award. The request appeared in the May 9, 2025 issue of the *Texas Register* (50 TexReg 2872). The selected entities will perform technical and professional work for North Texas Providers to UAM (PSUS) and Uncrewed Traffic Management (UTM) Service Providers Regional Integration Pilot Program Phase Two.

The entities selected for this project are AirDEX Inc., (dba ATAA Aviation), 95 Aviation Way, Fredericksburg, Virginia 22406 and Airspace Link, Inc. 2050 15th Street, Suite 3-100, Detroit, Michigan 48216 each for a contract amount not to exceed \$150,000 over two years (total not to exceed \$300,000).

Issued in Arlington, Texas on September 15, 2025.

TRD-202503262

Todd Little

Executive Director

North Central Texas Council of Governments

Filed: September 15, 2025



## Texas Parks and Wildlife Department

## Notice of a Public Comment Hearing on an Application for a Sand and Gravel Permit

1PointFive Sequestration, LLC, a subsidiary of Oxy Low Carbon Ventures, LLC, has applied to the Texas Parks and Wildlife Department (TPWD) for a General Permit pursuant to Texas Parks and Wildlife Code, Chapter 86, to remove or disturb 13.694 cubic yards of sedimentary material within the Cayo de Hinosa in Kleberg County, Texas. The purpose of the disturbance is for the drilling of source holes as part of a seismic survey designed to image subsurface geological features. The location of proposed disturbance is within the Cayo de Hinosa, just north of Alazan Bay, latitude 27.4171, longitude -97.4831. This notice is being published and mailed pursuant to 31 TAC §69.105(d).

TPWD will hold a public comment hearing regarding the application at 10:00 a.m. on October 24, 2025, at TPWD headquarters, located at 4200 Smith School Road, Austin, Texas 78744. A remote participation option will be available upon request. Potential attendees should contact Alaya Keane at (512) 389-4583 or at [Alaya.Keane@tpwd.texas.gov](mailto:Alaya.Keane@tpwd.texas.gov) for information on how to participate in the hearing remotely. The hearing is not a contested case hearing under the Texas Administrative Procedure Act. Oral and written public comment will be accepted during the hearing.

Written comments may be submitted directly to TPWD and must be received no later than 30 days after the date of publication of this notice in the *Texas Register*. A written request for a contested case hearing from an applicant or a person with a justiciable interest may also be submitted and must be received by TPWD prior to the close of the public comment period. Timely hearing requests shall be referred to the State Office of Administrative Hearings. Submit written comments, questions, requests to review the application, or requests for a contested case hearing to: TPWD Sand and Gravel Program by mail: Attn: Alaya Keane, Texas Parks and Wildlife Department, Inland Fisheries Division, 4200 Smith School Road, Austin, Texas 78744; or via e-mail: [sand.gravel@tpwd.texas.gov](mailto:sand.gravel@tpwd.texas.gov).

TRD-202503264

James Murphy

General Counsel

Texas Parks and Wildlife Department

Filed: September 15, 2025



## How to Use the Texas Register

**Information Available:** The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

**Governor** - Appointments, executive orders, and proclamations.

**Attorney General** - summaries of requests for opinions, opinions, and open records decisions.

**Texas Ethics Commission** - summaries of requests for opinions and opinions.

**Emergency Rules** - sections adopted by state agencies on an emergency basis.

**Proposed Rules** - sections proposed for adoption.

**Withdrawn Rules** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

**Adopted Rules** - sections adopted following public comment period.

**Texas Department of Insurance Exempt Filings** - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

**Review of Agency Rules** - notices of state agency rules review.

**Tables and Graphics** - graphic material from the proposed, emergency and adopted sections.

**Transferred Rules** - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

**In Addition** - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

**How to Cite:** Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 50 (2025) is cited as follows: 50 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written “50 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 50 TexReg 3.”

**How to Research:** The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <https://www.sos.texas.gov>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

## Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the TAC.

The TAC volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete TAC is available through the Secretary of State’s website at <http://www.sos.state.tx.us/tac>.

The Titles of the TAC, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

**How to Cite:** Under the TAC scheme, each section is designated by a TAC number. For example in the citation 1 TAC §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; TAC stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 represents the individual section within the chapter).

**How to Update:** To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s TAC number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

### TITLE 1. ADMINISTRATION

#### Part 4. Office of the Secretary of State

#### Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

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